HE DID GET PAID

Strangely enough, Kollman did get paid on his contract.

"I had the fantastic experience that some of my students and one former student who, was then a member of the "SS" went to the new Nazi director of the school and said:

" 'Kollman has to get his money.' "

So they gave it to him.

"One day, the black limousine of the "SS" stopped at the house. My wife thought I was going to be arrested. That former student of mine came and brought me the money they owed me for three months.

"When I was arrested, three months later, my wife went in desperation to the same student. He said he could do absolutely nothing."

Kollman and several other Jews were dragged to a synagogue, which had already been half-exploded, and were forced to clean it out.

He didn't go to a concentration camp, although he temporarily was imprisoned at a riding school with thousands of other Jews.

"I was lucky to get out, by chance, by mistake."

On the second day, the Gestapo came and ordered all people with identification cards from the Palestine office in Vienna to come forward. Kollman used his Jewish high school I. D. card and was released with the others.

"When I came out of this prison there was a six-foot-tall storm trooper who said:

" 'How come they let you out, you swine?'

"I thought maybe now it starts all over again. But they let me go."

YEAR OF RED TAPE

It took Kollman and his wife, Gusti, nearly a year to get through the bureaucratic red tape and out of the country, despite the fact that he was sponsored by a famous American educator, John Dewey, then head of progressive education and professor emeritus at Columbia university.

American consuls were suddenly swamped with applications and at the same time were fighting the immigration quotas.

While the Jews waited their turn to get out of Austria, the Nazis had ingenious ways of making life miserable for them.

Everyone in Vienna, except the Jews, was required to wear a Nazi swastika in his buttonhole. The Jews were not allowed to and were easily recognized by storm troopers.

"If you walked on the street and had no sign, the Gestapo would say 'Come with me,' and you better did."

Gestapo arrested Kollman on the street one day while he was shopping for groceries. They took him to a barracks. He was forced to help other Jews clean the place. Then they offered them a way out.

"They said they would let me go if I brought them 1,000 schillings, which was $40 at the time, plenty of money. What else? What did you do? I went home and got the thousand schillings.

"Some other niceties. There was a Jewish passport office. The storm troopers, to have fun, would chase you through the district."

Kollman explained that the office would open every day at a different time. The Kollmans, since they could not ride the street cars, had to walk several miles from their home.

"You came to the office at 7. The office had opened at 6. Hopeless to get in today because of the long line. One day you came at 6 and the storm troopers were there and chased you all over the district and beat you up, so to get the passport was a major achievement."

The Nazis were more "lenient" at that time than later, when they tried to starve the Jews.

"You could still buy food at that time, but you couldn't sit on a park bench or go into a coffee house."

UNFORGETABLE EXPERIENCE

Kollman compares their reaching America March 8, 1939, as like "coming from Hell to Heaven."

"The beautiful thing was the passing of the Statue of Liberty, an experience I shall never forget."

Another experience he cherishes occurred when an immigration officer returned their passports. They said "Thank you" and the officer replied "You're welcome." It was the first time they heard this expression and they took it literally.

"It was quite an experience after being kicked around, beaten up and persecuted that an official of the government would say:

" 'You're welcome!' "

The Kollmans stayed in New York for three months, Mrs. Kollman working as a domestic and Kollman spending what little money they had on subway fares and telephone calls while trying in vain to find a job.

That summer they both worked at a camp for underprivileged, in Michigan.

"The children had a ball, because we didn't understand Detroit slang and they could use very bad language in our presence. But, in behavior pattern, the children behaved just like Vienna slum children—except that Vienna slum children would not throw food around."

Dr. and Mrs. Kollman came to Iowa in the fall of 1939. He taught at Parsons college for four years and in 1943–44 was on the staff of the army specialized training program in foreign area and language at the University of Iowa.

RETURNS TO EUROPE

He spent the 1944–45 school year at Cornell, teaching future navy officers contemporary world history, and then joined the Cornell faculty as professor of history.

Since then he has returned to Europe nine times to teach, do research or attend international conferences.

In Germany he has spoken to "different layers of people," from peasants to ex-army officers, young and old.

"I knew, understood better, what the Germans had trouble understanding about the United States," he said.

Yes, Hitler did Kollman a favor, indirectly.

"Following the dialectics of history, some very bad things turn out the opposite, I cannot forget the price."

We asked Dr. Kollman whether he believes he would have been as successful had Hitler's armies left Austria—and him—alone.

He said he probably would have been principal of the boarding school in which he was teaching at the time of the invasion, or director of a gymnasium.

Dr. Kollman was offered a gymnasium directorship after the war. He turned it down.

"I didn't want to do that. Because, what history has done, or what Hitler has done to me, is in the terms of a historian a unique opportunity to start all over again. It forced me into comparative history."

One of his first lectures in Germany was "European History, Seen from the Outside".

The Kollmans' three children are all "Iowa born and corn fed." Gerda, her husband and two children live in Syracuse, N.Y. Peter is an assistant professor in the University of California in San Francisco, and Miriam and her husband are in Tonga, west of Samoa, with the Peace Corps.

HAPPY YEARS

Kollman refers a lot to his "luck," in contrast to the millions of other Jews who were not so fortunate, who never got out of the clutches of the Nazis terrorists.

He says Cornell has been "extremely good to me. These have been very happy years . . . the students and the relationship with the faculty.

"In English you say you have an experience. In German you say you make an experience."

He talked about the impact of the refugees from Europe on the U.S. and of the contribution he had made himself.

"I would put it in my case as being permitted to pay part of the debt to the country which saved the world.

"And though there have been times when I have been unhappy about America—very much so about what we were doing, or not doing—my criticism has always been criticism with love, rather than hate."

ANOTHER DISRUPTIVE GRAIN DEAL LOOMS ON THE HORIZON

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 1973

Mr. PICKLE. Mr. Speaker, it is that time of the year again—when the administration's fancy turns to thoughts of another grain deal with Russia.

We are just now beginning to see our way clear of the mess created by incompetent handling of the last one. It was just a month ago that the House Foreign and Interstate Commerce Committee's Special Subcommittee on Investigations began examining the causes of the nationwide freight car shortage and traced the problem to the administration's inept management of the grain deal.

When the administration demanded that wheat bound for Russia be moved at any costs, there were serious repercussions in many segments of the economy. Many commodities were stranded far from their markets, raising prices. And of course, the traffic jams at our ports, grain elevators, and railroad terminals compounded transportation problems all over the country.

There has been no action from the administration to alleviate the problems caused by their own lack of foresight, and yet the administration is now contemplating a deal with Russia to sell almost half as much wheat as was sold last year. I understand that current estimates place this year's transaction at 10 million tons, compared with the 19-million-ton "big deal" of last spring.

So, when the administration considers its next wheat sale to Russia, it should also consider the rest of the economy, and how to properly handle the shipment. Man does not live by bread alone, and neither does our economy.

SENATE—*Wednesday, April 18, 1973*

The Senate met at 10 a.m. and was called to order by Hon. WILLIAM D. HATHAWAY, a Senator from the State of Maine.

PRAYER

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

Almighty God, guide us through this day by Thy higher wisdom. At the end dismiss us with Thy blessing. Watch over all who travel. Help us to walk the way of

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the cross in penitence and self-surrender until the Easter truth breaks upon the world, clear and radiant. Then put the resurrection reality in our hearts and the Easter song on our lips.

In the glow of the Easter reality may faith replace fear, truth arise over falsehood, justice triumph over greed, love prevail over hate, and peace abide with all men.

We pray in the name of Him who is the resurrection and the life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 18, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. WILLIAM D. HATHAWAY, a Senator from the State of Maine, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

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

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, April 17, 1973, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

MESSAGES FROM THE PRESIDENT—APPROVAL OF JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on April 16, 1973, the President had approved and signed the joint resolution (S.J. Res. 73) to authorize the President to proclaim April 16, 1973, as "Jim Thorpe Day."

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore (Mr. HATHAWAY) laid before the Senate a message from the President of the United States submitting the nomination of Richard F. Schubert, of Pennsylvania, to be Under Secretary of Labor, which was referred to the Committee on Labor and Public Welfare.

AUTHORIZATION FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE PRESIDENT OF THE UNITED STATES DURING ADJOURNMENT OF THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, during the adjournment of the Senate over until 12 o'clock noon on Monday, April 30, 1973, the Secretary of the Senate be authorized to receive messages from the President of the United States.

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the distinguished acting minority leader wish to be recognized at this time?

Mr. TAFT. No, Mr. President, I have nothing this morning, thank you.

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from South Dakota (Mr. ABOUREZK) is now recognized for not to exceed 15 minutes.

VIOLENCE IN THE MIDDLE EAST

Mr. ABOUREZK. Mr. President, the degenerating cycle of violence in the Middle East reminds one of nothing so much as a picture of two high-speed freight trains plunging toward each other, a head-on collision inevitable, with those looking on immobilized by the horror of the spectacle.

Mr. President, something must be done to avoid the Middle East collision. No matter how difficult the job, or how seemingly hopeless the prospects for peace, the United States must do everything in its power to stop the bloodshed and to break the cycle of violence.

How many more Munichs, civilian airliners, invasions of Lebanon, killings of diplomats, and retaliatory destruction of American property do we need before that point is driven home?

Will we continue to watch as mindless terrorism threatens American lives in the Middle East?

Will we continue to stand by until one day we find ourselves listening to an American President explaining to the Nation on TV that he has ordered American troops and air support into the Middle East to save American lives?

The bloodshed we now witness would be nothing compared to what would occur if that condition became reality.

And if there are those who doubt the possibility of the United States being pulled, step by step, into a war in the Middle East, I would remind them only that we became entrapped in the war in Southeast Asia by a commitment that amounted to nothing as compared to our commitments and interests in the Middle East.

Mr. President, the paramount interest of the United States in the Middle East must be peace. If the policies of this Nation are to accurately reflect those interests, then these policies must be reexamined and asserted far more vigorously than they have been in the past.

By taking a basically passive role in which we respond to requests for more and more arms, and periodically issue expressions of outrage over terrorist attacks, we do less than nothing to avert the impending disaster.

I do not pretend to have an exclusive blueprint. But I do believe that there are two vital steps we must take if we are to even get within hailing distance of a peaceful settlement.

First, we must be scrupulously evenhanded in our reactions to the misguided terrorism that is sure to occur again in the region. Whether it is at Munich or at Khartoum, over Sinai or in Beirut, violence is the enemy of peace. There is no "best" or "worst" kind of violence, as one American newspaper has claimed. There is only one kind of violence, the "worst" kind, the kind that kills and maims. The United States must demonstrate an understanding that violence is certain to continue so long as the refugee and border problems continue. And we must express our outrage over all violent acts by both sides.

And if our policy continues to be that of simply responding to demands for more and more arms and increasingly militant statements and declarations, then we only contribute to the impending disaster. We should instead take the lead in reducing both tensions and arms shipments to insure that the Middle East focus is on the conference table rather than on the battlefield.

As a compassionate people we can no more tolerate the inhumanity and the continuation of the Palestinian refugee camps than we could the mistreatment and genocide practiced against the Jews by Hitler. Until the refugee matter is dealt with, we must realistically face the fact that even the most brilliantly drawn border agreements will fail in the face of continued terrorism.

We cannot stop by showing compassion only for homeless Jews. Our compassion must extend to the Palestinians who have found themselves without a homeland.

Mr. President, the job of this body and of this Nation is to do everything within our power to bring peace to the Middle East. Let us forgo the easy posturing for our constituents. Let us put aside partisan divisions that have nothing to do with the Middle East. Let us demonstrate in our actions the kind of evenhanded restraint which is the only way to change the course of disaster.

Mr. HATFIELD. Mr. President, I commend the distinguished Senator from South Dakota (Mr. ABOUREZK) on the very fine statement he has just rendered on the floor of the Senate. I hope that Senators who are not present today will avail themselves of the RECORD to read the comments made by the Senator from South Dakota.

The Senator has put his finger on one of the most important and timely subjects concerning world peace. The present cycle of tragedy in the Middle East underscores the necessity for immediate political solution—one act of violence follows another.

It is very easy to place blame on one side or the other; but the important point is that the cycle continues, and we have the highest responsibility as a peace-

maker to see to it that tensions are eased on both sides.

I agree with the Senator from South Dakota that it is certainly in the best interests of the United States, it is in the best interests of Israel, and it is in the best interests of the Arab States to avoid the continued escalation of this tension. Certainly things are out of hand now, when governments will officially assign people to assassinate, and when terrorist organizations are able to function in any part of the world. These are crimes; these are contributions to escalating the tensions.

I think the United States has a commitment to gain a peaceful settlement now. But whatever settlement is reached—I think the Senator from South Dakota brings up this point that is almost forgotten—it must involve the Palestinian refugee camps. The words "Palestine" and "Palestinian" have been almost forgotten in our vocabulary; yet this point is terribly important when we consider the large number of refugees in Palestinian refugee camps.

So I feel that the Senator has made a great contribution this morning to a better understanding of this very complex issue, which should not put us into a position of being pro-Arab or pro-Israel but, rather, pro-peace and pro-humanitarian. We want to help to settle something that is affecting our national interests, for we face fuel shortages related to our economic requirements that can be met out of Middle Eastern oil; but more important is the humanitarian responsibility we have to exercise this peacemaker role.

I commend the Senator from South Dakota for his forthrightness, for his evenhandedness, for his objectivity, and for his fairness in handling this complex issue, which is more often characterized by emotion than by fact or logic or reason. It has been a great contribution this morning.

Mr. ABOUREZK. I thank the Senator from Oregon. I especially appreciate his remarks because everyone in Congress and in the country knows the dedication of the Senator from Oregon to the cause of nonviolence and peace, whether it is in Southeast Asia, the Middle East, or any other part of the world.

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

ORDER OF BUSINESS

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may have reserved to my control the time that was yielded back by the distinguished Senator from South Dakota (Mr. ABOUREZK).

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

Mr. ROBERT C. BYRD. How much time was that, Mr. President?

The ACTING PRESIDENT pro tempore. The time is 8 minutes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, without prejudice to the distinguished senior Senator from West Virginia (Mr. RANDOLPH). I ask that the time consumed by the quorum call be charged against the time allotted to me.

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

ADJOURNMENT OF THE SENATE FROM APRIL 18 TO APRIL 30, 1973

Mr. ROBERT C. BYRD. Mr. President, I send to the desk a concurrent resolution and ask that it be stated.

The ACTING PRESIDENT pro tempore. The concurrent resolution will be stated.

The resolution was read, as follows:

S. CON. RES. 22

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on Wednesday, April 18, 1973, it stand adjourned until 12 o'clock meridian, Monday, April 30, 1973.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the concurrent resolution.

There being no objection, the concurrent resolution (S. Con. Res. 22) was considered and agreed to.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, under the same conditions attached to the previous quorum call.

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

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, how much time remains to me?

The ACTING PRESIDENT pro tempore. The Senator's time has expired under the time remaining to him under the order for the recognition of the Senator from South Dakota.

Mr. ROBERT C. BYRD. I thank the Chair. But I still have 15 minutes under my order. Is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time allotted to the Senator from Michigan (Mr. GRIFFIN) under the order entered yesterday may be allotted to me for my control.

Mr. TAFT. Mr. President, reserving the right to object, I would be glad to yield on behalf of the Senator from Michigan (Mr. GRIFFIN) such time as the distinguished acting majority leader desires, but I have been advisd that there might be others who wish to be recognized.

Mr. ROBERT C. BYRD. I cleared this with the Senator from Michigan (Mr. GRIFFIN) yesterday. He indicated I could use the time to yield to Senators on either side of the aisle. But I withdraw my request. Mr. President, I ask unanimous consent that the time allotted to the Senator from Michigan (Mr. GRIFFIN) be under the control of the distinguished Senator from Ohio (Mr. TAFT).

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

PEACE IN THE MIDDLE EAST

Mr. CASE. Mr. President, I ask unanimous consent to have printed in the RECORD, an article entitled "Israel In Search of Lasting Peace" by Mrs. Golda Meir, published in the April 1973 issue of Foreign Affairs.

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

ISRAEL IN SEARCH OF LASTING PEACE

(By Golda Meir)

Twenty-five years ago the Jewish state proclaimed its independence in a part of Palestine. Six months earlier, the General Assembly of the United Nations had recommended its establishment. This act of historic justice strove to fulfill the earlier pledge of the Belfour Declaration and the League of Nations Mandate which gave recognition not only to an immediate Jewish need but also to the principle of a Jewish right to national self-expression. Zionism, as an aspiration, is as old as the Exile. As a political movement it goes back a hundred years. The vision of a Jewish return to the original homeland is far older than the solemn international commitments of 25 and 55 years ago. An independent Jewish state arose as the culmination of a long process of national liberation, which eventually won formal sanction through the moral sense of the community of nations.

In the twenty-fifth year of independence, Israel has ample cause for satisfaction: she has developed from a community of 600,000 at the close of the British Mandate into a technologically advanced, democratic state of three million. She has fulfilled her mission of homeland and refuge by absorbing over a million Jews from every sector of the globe, including half a million refugees from Arab lands as well as hundreds of thousands of survivors of the Nazi holocaust; and while engaged in her enormous constructive tasks she has managed, though vastly outnumbered, to repel concerted assaults by the Arab states on her very life. She has translated a remote dream into solid reality. In all this Israel has brought to fruition the labor of Jewish pioneers who, since the turn of the century, gave their lives to transform a barren and denuded land into fertile fields, flourishing settlements and new patterns of society. In surveying the burgeoning towns of modern Israel, it is easy to forget that the land to which the young settlers came was rich only in historic memories and religious associations. It had neither oil nor abundant natural resources. Its wastes offered no temptation except to Zionist pioneers animated by the twin ideals of a new Jewish society and a reconstructed land.

The renewal of Jewish national independence after centuries of dispersion and persecution is one of the great ethical affirmations of our time. An age-old inequity was at last redressed, not at the expense of another people, but with full regard for the rights of others. For we were not alone in securing independence. In a parallel devel-

opment, many Arab states were established in the same period and in the same region but in a far more generous expanse. In the huge area liberated by the Allies from Turkish domination we had been accorded a "small notch" which we sought to develop in peace and cooperation with our neighbors. The failure of that hope has been costly to both Arab and Jew, and I shall not pretend that the persistent conflict with the Arabs does not weigh heavily upon us.

Decades of struggle have brought much bloodshed to both. Nothing can be more horrifying than parents burying their children, and I know of families who have lost three generations of their sons in this tragic conflict. We would be happier if we could use all our energy in the more rewarding tasks of reclaiming the deserts and bare hills which still constitute so much of Israel. In Israel, as elsewhere, there are problems of economic deprivation and social maladjustment whose solution would be hastened by peace. But peace still remains elusive. Though the Arab peoples suffer grave ills of poverty and disease, their governments concentrate mainly on the sterile goal of destroying Israel's independence. This fixation torments the Middle East and obstructs its creative destiny.

II

Yet this grim course was not inevitable. The heart of the Zionist faith was the conviction that Jewish independence could be achieved in harmony with Arab national aspirations.

From its inception, Zionism, as a political movement, strove to establish an Arab-Jewish understanding. A great number of attempts had been made before the famous Weizmann-Faisal agreement of January 1919 which welcomed the Jews to Palestine. These were followed by attempts in the 1930s and 1940s. All had one aim in view: to reach an agreement with our Arab neighbors. As late as 1947–48, we tried, in vain, to avert the course of events. In November 1947, shortly before the Partition Resolution was adopted at the United Nations, King Abdullah of Jordan promised me that he would never join the Arab states in a war against us and that after the U.N. Resolution was adopted we would meet to work out ways and means of peace and cooperation between our states. As late as May 10, 1948, just five days before the British were to leave Palestine, I crossed into what was already enemy territory—Jordan—and met the King in Amman. As I drove on the road leading to Amman, I could see the Mafraq camp and the Iraqi troops and guns massing there. At that meeting, King Abdullah did not deny the promise given me in November, but he stated that if we declared ourselves a state and insisted on unlimited Jewish immigration, he would have no choice but to join in a war against us. His alternative was to bring the whole area under his domination and curtail Jewish immigration. That was 25 years ago. Since the achievement of our independence and the conclusion of the Armistice Agreements of 1949, we have left no stone unturned in an endless effort to find avenues of dialogue which might lead to agreement.

Nothing could be more false than the Arab script in which Zionist "aggressors" appeared on the scene to dispossess local Palestinians. Since this accusation still constitutes the burden of the Arab case and provides the rationale for Arab enmity, it cannot be ignored even though the answers, like the charges, are familiar. We cannot assume a guilt we do not feel for sufferings of which we were not the cause.

Let me put it in the simplest terms. When I came to Palestine in 1921 my pioneer generation was neither morally obtuse nor uninformed. We knew there were Arabs in Palestine, just as we knew from our own experience that our labor in malaria-ridden kibbutzim transformed uninhabitable swamps into habitable soil. Far from ignoring the local population, we were sustained by the sincere conviction that our toil created more and better living space for both Arab and Jew. In this belief we were proven right. Between 1922 and 1947, the Arab population of Palestine grew from 670,000 to 1,200,000—a spectacular increase paralleled in no neighboring Arab territory. Thanks to the agricultural and industrial development of the country, Palestine changed from a land of Arab emigration to one of Arab immigration attracted by the higher standards of living and greater opportunities. The supposed Zionist dispossession of Arabs is a myth disproven by every official census.

We were also fully aware of Arab national aspirations in the Middle East. We assumed that these aspirations would find ample satisfaction in the various Arab states set up by the Allies in the vast areas freed from Ottoman domination. By the end of the British Mandate, 99 percent of that area had been allotted to the Arabs, one percent to the Jewish homeland. If there was any inequity in this distribution, surely the Arabs were not its victims. Hence we hoped, sincerely if perhaps naively, that Jewish and Arab independence would flourish peacefully side by side to the advantage of the entire Middle East.

Something else should be made clear, Palestinian Arab nationalism was not a visible factor at the time. Until recently, Arab nationalism constantly opposed the designation of one sector of the Middle East as Palestine. It regarded this "particularism" as a violation of the concept of a unitary Arab state. The territory that Jews cherished as historic Palestine the Arabs viewed merely as Southern Syria. As late as 1956, Ahmed Shukairy, at that time Syrian representative to the United Nations and later head of the Palestine Liberation Organization, declared in the Security Council that "it is common knowledge that Palestine is nothing but Southern Syria."

At the time of the rebirth of the Jewish state, the argument was between the Jewish people and the Arab people. Though the nationalist demands of the latter had been richly fulfilled, they refused to honor the equivalent legitimacy of Jewish rights. Their position was that Arabs should be sovereign everywhere, the Jews nowhere.

Thus it was Arab intransigence that led to the compromise of the U.N. Partition Resolution by which the area encompassed by the Balfour Declaration was further cut so that Israel arose in one-fifth of the territory originally allotted for a Jewish homeland. (The first truncation had taken place in 1922 when three-fourths of the original Palestine area was severed for the establishment of Transjordan.) Nevertheless, for the sake of independence, peace and the possibility of freely bringing Jewish survivors to Israel's shores, the Jews accepted this compromise and created Israel in a spirit of joy and hope. Instead of the Arabs doing likewise and establishing their state in the area assigned to them by the U.N. Resolution, seven Arab states attacked new-born Israel. They refused to accept the existence of the Jewish state and sought to throttle it at birth.

III

This chronology is essential for an understanding of the present impasse. There can be no greater mistake in assessing the current situation in the Middle East than to assume that the conflict continues because of a specific political Arab grievance: the plight of the Arab refugees; the Israeli presence on the West Bank, or in the Sinai; the reunification of Jerusalem. The record bears out the error of this view. In 1947–48, when seven Arab states launched the invasion which resulted in the exodus of 600,000 Arabs, mainly to other parts of Palestine—to the West Bank, Gaza and Jordan—there had been no dispossessed Arabs and no Arab refugees. The Arab refugee problem was the result, not the cause, of the 1948 war. In June 1967, Sinai, Gaza, the West Bank, the Golan Heights and East Jerusalem were all in Arab possession. Nevertheless, the Arabs concentrated their troops in Sinai, established a blockade and announced, in Nasser's words on May 27, 1967, that the object of the war was "the destruction of Israel." It is therefore absurd to contend that the present territorial configuration is the cause of the Middle East tension.

The heart of the problem is what caused the Six Day War, not the territories administered by Israel after the war. Simply put, the root issue is the Arab attitude to Israel's very existence and security. Once the Arab countries accept the legitimacy of Israel as we have always accepted theirs, there is no reason for their intransigence against negotiating the differences between us. In this connection, let me state as firmly as I can that Israel's insistence on negotiations, direct or indirect, is not a maneuver devised to bait our Arab enemies. The vehement refusal of the Arab leaders to discuss with us the terms of a peace settlement must raise the question as to whether they are really prepared to live in peace with us. This is the crux of the conflict.

Israel is sometimes accused of "rigidity" in her stated positions and is exhorted to be more "flexible." These charges deserve careful examination. Since 1967, we have shifted from our original demand for direct bilateral negotiations—which we consider the most effective and promising method—to a procedure similar to that employed at Rhodes in 1948–49, when talks, both direct and indirect, took place. In 1970, in order to meet Arab intransigence, we agreed to the procedure of indirect negotiation in the first stage, hoping that this would pave the road to a peace agreement. An even more fundamental indication of Israel's readiness for compromise may be found in our policy statements. We have said that whereas Israel would not return to the tragically vulnerable pre-June 1967 armistice lines, we do not insist that the present ceasefire lines be final. We thus leave open a very broad area for meaningful negotiation and compromise. The Arab states, on the other hand, continue to reiterate their demand for Israel's "total withdrawal" to the June 4, 1967 lines. By this demand they distort Security Council Resolution 242 which never called for total withdrawal, or withdrawal from all the territories. The language of the Resolution is withdrawal "from territories," acknowledging Israel's right to live within "secure and recognized boundaries." All attempts made to insert in the Resolution the demand for total withdrawal or withdrawal from "the" territories were rejected by the Security Council.

We know that the phrase "secure and recognized boundaries" is not a magic incantation. It is a theme for negotiation. In our insistence on this point, we are motivated by two realistic considerations based on our experience since 1948. We want boundaries whose very character will make aggression less inviting to any would-be invader, and which could be defended with fewer casualties if such aggression nevertheless took place. The enormous advantages in size of population and topography which our adversaries have always enjoyed have tempted them periodically to make assaults upon us. We want to weaken such temptation to the greatest possible degree.

After three wars for survival in the last 25 years, we cannot reasonably be expected to disregard our bitter experience. In 1948, 1956 and 1967, we learned how swiftly Egypt could move her tanks and regiments into Sinai from the south, and how readily our southern maritime approach could be blockaded from Sharm-el-Sheikh. To the south

stretched the Gaza Strip, pointing as an aggressive finger into the heart of our territory. From there, fedayeen regularly infiltrated and carried out sabotage and murder, reaching all the way to the outskirts of Tel Aviv. On the eastern border Jordanian guns, pointing at our dwellings, could be seen by our children playing in the streets of Jerusalem. The city could be bombarded from our very doorstep. Israel herself could be readily cut at her 12-mile waist between the old line with Jordan and the sea near Nethanya. In the north, from the fortified ridge of the Golan Heights, the Syrians shelled our kibbutzim in the valley at will. To the west lay the Mediterranean into which the Arabs regularly promised to drive us. Having escaped from such tight encirclement, we feel justified in our determination not to reenter again a trap composed of vulnerable geography. Even in an age of rockets and missiles, we cannot renounce the added security inherent in more rational boundaries which would keep the potential adversary at a greater distance from our homes. When the new European security system was established after the Second World War, no one in his right mind proposed the precise reconstruction of the map which had spelled vulnerability and disaster for so many nations.

The border changes Israel seeks do not involve loss of territory vital to Arab interests. The Sinai desert has in the past served no Egyptian purpose save to provide a ready staging-ground for attacks on Israel and for the maintenance of blockade. No Egyptians live in Sinai and only a few Bedouin tribes (not Egyptian citizens) roam its sands. Sharm-el-Sheikh, a desolate, uninhabited outpost, was used by the Egyptians only to blockade the Gulf of Aqaba. In any case, Israel, under a peace settlement, would not seek to retain all or most of Sinai. As for the Golan Heights, it constituted primarily a military fortress directed at our agricultural settlements in the valley below. The West Bank presents a more complex problem. I have made it clear several times that in negotiations with the Kingdom of Jordan we will naturally present proposals for a territorial agreement.

My general comment holds good; the border changes sought by Israel will, by reducing the strategic advantage enjoyed by a would-be aggressor, help to deter war. Conversely, reconstructing these advantages would facilitate hostile designs against Israel and renew the prospects of war.

This is not the first time in our history that Israel has been urged to withdraw from Sinai, Sharm-el-Sheikh and Gaza at the close of hostilities: In 1956, in response to the massing of Egyptian armor in Sinai, the blockade of the Straits of Tiran, and the terrorist incursions from Egyptian-held Gaza, Israel acted in the Sinai. We repelled the Egyptian army, freed the Gaza Strip occupied by Egypt in 1948, removed Egyptian gun-emplacements that for six years had blockaded the Gulf of Aqaba, and restored free access for the movement of ships through a waterway which has the character of a lifeline for Israel.

In response to solemn assurances that the blockade would not be renewed, terrorist infiltration would not be restored, and the Egyptian forces would not reenter Gaza, Israel agreed to withdraw from Sinai, Sharm-el-Sheikh and Gaza. As Foreign Minister, it was my office in March 1957 to announce to the General Assembly Israel's compliance with the U.N. Resolution calling for such withdrawal. Previously (January 1957), I had warned the General Assembly of the consequences of any action that might result "in the restoration of the blockade, and the consequent renewal of regional conflict, and international tension." And I asked, in words painfully relevant today: "Shall Egypt be allowed once more to organize murder and sabotage in this strip [Gaza]? Shall Egypt be allowed to condemn the local population to permanent impoverishment and to block any solution of the refugee problem?"

The world knows what happened. Despite the "assurances" and the "hopes and expectations" on the strength of which Israel withdrew, Egyptian troops promptly reoccupied Gaza. Learning of this betrayal of our good faith as soon as I got back to Israel, I at once returned to the United States to voice my indignation to Secretary of State Dulles and U.N. Secretary-General Hammarskjöld. I shall never forget Secretary Hammarskjöld's blunt question: "It's not worth going to war for again, is it?" In 1967, the remaining elements of the 1957 arrangements were unilaterally violated by Egypt.

The repeated failure of international arrangements to safeguard our country's vital interests has taught us a lesson we do not easily forget. International decisions proved meaningless in each crisis that we faced: in 1948 when the Arab states violated the Partition Resolution; in the long years of lawless blockade and terrorist incursion; and in 1967 when the international community, which had "assured" our territorial integrity and freedom from blockade, proved powerless to stand by its commitments. Hence, we inevitably reflect on this history when urged to take action which could result in diminishing our capacity for self-defense and make us dependent on international guarantees.

History repeats itself in the Middle East. After every war staged by the Arab states against us, they demand the restoration of the very borders they set out to destroy. When Egypt insists now upon total withdrawal of Israeli forces to the pre-June 4, 1967 lines, the simple question arises: If those borders were so sanctified for Egypt after the war, why were they not honored by Egypt before the war and why launch war to destroy them in the first place? The bitter truth is that the Arab leaders have not changed their attitudes about our very presence in this area. Arab statesmen, from Nasser to Sadat, have made no secret of their proposed strategy. Mohamed Hassanein Heikal, the influential editor of the Egyptian daily, *Al-Ahram*, formulated a notorious "Theory of Two Stages" in an article on February 25, 1971:

"There are only two specific Arab goals at present: elimination of the consequences of the 1967 aggression through Isarel's withdrawal from all the lands it occupied that year, and elimination of the consequences of the 1948 aggression through the eradication of Israel.

"The second goal is not, in fact, specific but abstract, and some of us make the mistake of starting with the second step instead of the first. On the basis of the conditions I have mentioned, it is possible to believe in the possibility of attaining the first goal. As for the second goal, we should learn from the enemy how to move step by step." [1]

We find this strategy all too concrete and decline to facilitate its implementation. Israel is a democracy in which various views, minimalist and maximalist, are freely advocated. We have our doves and hawks. Most Israelis are neither, but we do refuse the role of clay pigeon. More than once I have made it clear that we are ready for negotiations on the issue of borders and that we have never said that the ceasefire lines have to be the peace boundaries on all sectors. The borders must be defensible and for that purpose significant changes in the previous lines are necessary, but we are ready for a territorial compromise.

IV

Jerusalem, mourned in Jewish prayers since the fall of the Temple, was never without a community of pious Jews. Furthermore, Jews constituted a majority of the ancient city from the mid-nineteenth century until 1948, when the Jordanian Army seized the eastern half of Jerusalem, including the walled Old City with its religious shrines sacred to Jews, Muslims and Christians, and drove out the Jewish inhabitants.

According to the 1949 Armistice Agreements signed by Jordan and Israel, free access to the Jewish Holy Places, to the Mount of Olives and to the university and hospital on Mount Scopus was agreed to. But instead of honoring this commitment, Jordan divided the city with walls, barbed wire and gun emplacements. For the first time since the Roman conquest, Jews were prevented from praying at their holiest shrine, the Western Wall. During the 19 years of Jordanian occupation, Jews were barred from their religious sites in total violation of the Armistice Agreements. Israel's repeated appeals to the Security Council brought no redress.

In June 1967, Jordan again began shelling Jerusalem despite Israel's message to King Hussein, sent through General Odd Bull, the U.N. representative, that Israel would not attack if Jordan kept out of the conflict. Hussein joined the Egyptian assault with the result that Jordan lost her hold on eastern Jerusalem. Israel reunited the artificially rent city. Our joy in the liberation of Jerusalem was marred by the sight of the sacred ancient Jewish Quarter and the venerable synagogues destroyed by Jordan. The Jewish cemetery on the Mount of Olives had been desecrated and thousands of its tombstones used as paving stones for Jordanian roads. Since 1967, Jews, Christians and Muslims have moved freely in and out of all its sectors.

Perhaps this record will explain why we view fears that are sometimes expressed for the sanctity of Jerusalem under Israeli rule as disingenuous. In 1948 and in 1967 the Arabs shelled Jerusalem with no regard for the safety of churches and holy places, without rousing the vocal apprehension of the world. In 1967, Israeli soldiers, to spare Jerusalem, risked their lives in hand-to-hand fighting, street by narrow street, rather than resort to heavy armor. Jordanian troops, on the other hand, used church roofs and even the minarets of their own mosques for gun emplacements. Journalists covering the Six Day War commented on the reverence with which Israeli soldiers approached Jerusalem.

Since that time, satisfaction has been expressed by Christian dignitaries at the care which Israel has bestowed on the Holy Places of Christendom. We have also shown strict regard for Muslim sanctuaries, though, while rebuilding our ruined synagogues and devastated Jewish Quarter, we have had cause to regret that the Arabs failed to display an equivalent respect for what we hold dear.

Israel has publicly announced her policy that Christian and Muslim Holy Places be administered by the respective heads of these religions. To this end, Israel wishes to enter into special agreements with the heads of the various denominations for the detailed implementation of this policy. Jerusalem shall remain united and the capital of Israel. Its Arab inhabitants will, of course, continue to enjoy full freedom and equality.

I don't find it necessary to refute Arab propaganda about Israel's alleged ill-treatment of the local population of the West Bank and the Gaza Strip. Such charges are readily disproven by the daily life of the areas, the success of the "open bridges" policy, and the testimony of impartial observers. The manifest material advantages of the Arab inhabitants of the West Bank and Gaza are undisputed. I know that a marked rise in the standard of living, free opportunities for work at the Israeli wage-rate (which is twice as Jordan's), and the introduction of modern health and technological services are welcome benefits, but

[1] Cairo Radio, February 26, 1971, quoted from BBC Monitoring Service.

they do not in themselves solve sensitive political and national issues.

Let me therefore return to the overriding question of peace. In his recent article in *Foreign Affairs*,[2] President Sadat, among other accusations, several times charges that Israel seeks to "dominate" the Middle East. It is hard for me to believe that an Arab statesman seriously believes this evil phantasy. But Voltaire's epigram—as long as men believe absurdities they will commit atrocities—reminds us of the bloody persecutions and wars that have stained the course of human history because men believed absurdities about others. The carnage of the Nazi epoch is only the most terrifying example of the depth to which people sink through the acceptance of imbecilic myths. For this reason I stress the obvious.

We are a small people of some three million among a hundred million Arabs, as our adversaries never tire of reminding us. A glance at the map shows Israel as a mere pinpoint amid huge Arab territories. To suggest that Israel, no matter how able or energetic, seeks to "dominate" this vast expanse is of the stuff of the "Elders of Zion" forgery, according to which the tiny persecuted Jewish minority conspired to rule the world.

Let me review our record in the Middle East. Though the Balfour Declaration promised a Jewish homeland in the area of historic Palestine—an area extending from the Mediterranean to the borders of present-day Iraq—we accepted the severance of three-fourths of that territory for the establishment of the Hashemite Kingdom east of the Jordan. We later accepted the further shrinkage of the original pledge through the U.N. Partition Resolution. Still later, in the tense last week of May 1967, when the Arab onslaught was imminent, Prime Minister Eshkol turned to the Arab states with a final plea for peace: "I would like to say again to the Arab countries, particularly Egypt and Syria, that we harbor no aggresive designs. We have no possible interest in violating either their security, their territory or their legitimate rights." The Arabs responded by proclaiming that the hour of Israel's annihilation had struck.

We did not seek to "expand" but neither did we dismiss Arab threats of a holocaust as "rhetoric." We are too aware of the disparity of forces and resources available to Arab states for us to discount promises the Arabs twice before tried to fulfill. Having been driven to defend ourselves, we secured the bridgeheads from which our enemies sought to destroy us, but successful self-defense is hardly evidence of a desire for "domination." Survival is not aggression.

In his article, President Sadat dwells on the impropriety of keeping "the fruits of victory." I do not care to speculate on what would have been the fate of Israel had the Arabs enjoyed those fruits. Nor am I aware of any modern country that waged a successful war of self-defense whose peace treaty failed to correct the vulnerable and dangerous positions which had made it an inviting target for aggression. The adjustment of the border between Poland and East Germany provides a contemporary instance of significant border changes involving large areas of populated territory with the aim of offering increased security.

Israel is convinced that Poland was justified in insisting upon this territorial adjustment, and Chancellor Brandt deserves credit for the courage he displayed in carrying out the change. The presentation of the Nobel Prize to Willy Brandt is evidence that this is the sentiment of world opinion generally. Anyone familiar with our region cannot reasonably suggest that our right to insist upon border changes is less than that of Poland.

[2] Anwar el-Sadat, "Where Egypt Stands," *Foreign Affairs*, October 1972.

v

Total peace would be a more constructive slogan than total withdrawal. Since it may not be possible to reach total peace in a single step, Israel is willing to negotiate the immediate settlement of specific issues, notably that affecting the reopening of the Suez Canal. We have made the following proposal in regard to the Suez Canal: "With a view to facilitating the attainment of durable peace between Israel and the U.A.R., Israel is prepared to consider entering into a Special Agreement with the U.A.R. for the opening of the Suez Canal to international navigation, the observance of a ceasefire without limitation of time and nonresumption of fighting, and the stationing of Israel Defense Forces [IDF] at some distance east of the Suez Canal."

Among particulars spelled out in this proposal, the suggested agreement calls for the release of all prisoners of war within 15 days of its signing. It also states that the line to which the IDF would withdraw east of the Canal would not be considered final; subsequently the IDF would withdraw to the boundary determined by a peace settlement.

In offering, before a final peace, to forgo the strategic advantage of the water barrier provided by the Suez Canal, Israel took a calculated risk as a step toward the relaxation of tension. Such a decisive concession is hardly evidence of an intractable disposition. Of the countries involved, Israel has the least to gain from the Canal; Egypt the most. Yet Egypt rejected the proposal. Egypt demands an Israeli commitment to withdraw to the June 4, 1967, lines, prior to any process of negotiation. The precondition is related not only to negotiating an overall settlement, but to a partial Suez Canal agreement. Egypt wishes to end the negotiations even before they begin. Thus, the rigidity of this position precludes progress toward peace.

Finally, there is the issue of the Arab refugees. I do not propose to reargue in detail the origins of this problem. That the exodus was instigated by the Arab leadership is readily demonstrated through Arab sources. To cite just one: "The Arab governments told us, 'Go out so that we can get in.' So we got out, but they did not get in."[3] That the numbers of the authentic refugees have been grossly inflated through duplicate registrations and the accretion of Arabs from Syria, Jordan and Lebanon to the relief rolls has been revealed by every check of the UNRWA records. Nor do I seek to minimize the wretchedness and abnormality of unproductive existence in the camps. But who bears the responsibility for this situation?

The deliberate exploitation of the refugees for politcial ends began in 1948 and continues unabated to this day. The Arab governments have repeatedly rejected numerous lavish proposals for the solution of the Arab refugee problem. They make no secret of their motivation. One quotation will suffice: "Any discussion aimed at a solution of the Palestine problem which will not be based on ensuring the refugees' right to annihilate Israel will be regarded as a desecration of Arab people and an act of treason."[4] A policy of calculated incitement in the camps, whose dissolution the Arab leadership refuse to permit, has kept the pot boiling. As the role of second-generation refugees begins to wear thin, there has appeared the image of the Palestinian terrorist sworn to "dismantle" Israel.

Israel has an indigenous minority of nearly half a million Arabs, constituting approximately 15 percent of the population. Israeli Arabs are equal citizens whose welfare and integration are our natural concern. But we cannot accept the repatriation of those who originally joined our enemies and in the intervening years have become a hostile army proposing to submerge Israel. And obviously we have no common language with Palestinian irredentists, whose cry is the "liquidation" of Israel, or assassins who pretend to the name of "revolutionaries."

During the few years since the Six Day War, the position of the refugees in the areas administered by Israel has undergone substantial improvement—in employment, in education, in health and in living standards. This human progress indicates what might have been achieved during the 20 years prior to 1967 had Arab governments behaved humanely toward the refugees—their own kith and kin—rather than exploit them as a political weapon against Israel.

So long as the ceasefire remains intact, we shall continue to do all we can to relieve the refugees of the misery of the camps and restore to them their human dignity. A complete solution of the refugee problem, however, will come about only when the Arab states assume their full responsibility within the vast geography that is at their disposal.

Is the conflict then irreconcilable? Let me answer plainly: I do not consider Israel's right to existence a theme for discussion. As long as all Arab designs are predicated on the immediate or eventual destruction of Israel, no progress toward peace is possible. At the same time, we believe that the differences between us and the Arabs are soluble, and that because of the genuine needs of the peoples of the Middle East reason will finally prevail. International funds, toward which Israel is prepared to contribute her share (we have offered compensation for Arab property in Israel), are available for the resettlement of Arab refugees still living in camps. Between the Mediterranean and Iraq—the original area of Mandatory Palestine—there is room for both a Jewish and an Arab state. The name of the Arab state and its internal constitution and order are its responsibility and concern.

I still hope that, in a world that has just seen the close of the Vietnamese conflict through negotiation and a movement toward coexistence among the great powers, the many sovereign Arab states will come to terms with the idea of Jewish national independence and with the reality of Israel, the one small land in which that independence can flourish. Genuine peace requires more than a signature to an agreement. That signature is a beginning; it is the passage to a bridge of understanding and of cooperation between nations across which will move people, ideas and goods. My vision of peace is regional exchange and cooperation. And who can deny that there is much to be done for the good of this area? We do not make this a condition for signing a peace agreement. We register it as an expression of the quality of relations we would wish to see develop between ourselves and our neighbors in peace.

[3] Statement of an Arab refugee, quoted in *Al-Difaa* (Amman), September 6, 1954.

[4] Resolution adopted at Refugee Conference, Syria, July 1957.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from West Virginia (Mr. RANDOLPH) is recognized for not to exceed 15 minutes.

SENATOR RANDOLPH EXPLAINS SEVERE DAMAGE OF MISSISSIPPI RIVER VALLEY FLOODS—PROJECTS ARE NOT "PORK BARREL"

Mr. RANDOLPH. Mr. President, we read in the Bible, in the Book of Genesis, of the flood. These words are quoted from that Scripture:

And the flood was forty days upon the earth;

And the waters prevailed, and were increased greatly upon the earth;

And the waters prevailed exceedingly upon the earth; and all the high mountains, that

were under the whole heaven, were covered.

And every living substance was destroyed which was upon the face of the ground.

And the waters prevailed upon the earth an hundred and fifty days.

Mr. President, we have had from time to time in this country and throughout many, many parts of the world devastating floods which have brought devastation and destruction like that from the flood referred to in the Scripture that I have quoted. It is important for the RECORD of the Senate to include at this time a report from me as chairman of the Committee on Public Works, which has jurisdiction over water resources programs, on the current status of the recent and continuing floods in parts of this country to see what we have done, to take a look at what we have not done, and to think in terms of what we should do.

Mr. President, the people who live in the lower Mississippi Valley are accustomed to heavy rains and the high waters which occur regularly in the springtime. The spring of 1973, however, has been unusually wet; drenching, devastating destructive rains have flooded the area. There have been floodwaters of record proportions during the past few weeks.

As early as last December ominous patterns began to take shape in the valley. The water buildup, even at that period of the year, was greater than that which preceded the great floods of 1927 and 1937. The situation, Mr. President, reached crisis proportions when the Mississippi River itself began to overflow its banks, and water began backing up in tributary streams.

One area alone, the Yazoo Basin in Mississippi, was drenched with 6 months of above-average rainfall. It rained intermittently for that long period of time. This rainfall was topped by a 10-inch storm. This brought about flooding of 2.3 million acres in the Yazoo Basin, land used in the production of agricultural products, land where small businesses flourish, land where people live.

In the area of the Mississippi Valley between the Missouri and Ohio Rivers, the water this year has reached its highest level since 1844. Throughout the seven States affected by the flooding—Louisiana, Mississippi, Arkansas, Tennessee, Alabama, Missouri, and Illinois—7.3 million acres were at one time inundated by the floods which I have mentioned. Early estimates placed the damage at more than $150 million, but I am informed, as of yesterday, that the final toll will be many, many millions of dollars above that figure.

Mr. President, this is severe damage. It has caused great hardship to literally tens and tens of thousands of Americans.

Even though the flooding has now endured for several weeks, I regret that all indications point, as I talk today, to continued high water for perhaps many weeks to come.

Just a few days ago, Mr. President, the city of Jackson, Miss., received an additional 4½ inches of rain, 3 inches of that rain falling within just 1 hour. Rivers that had started to recede slowly from the crests of last week are now being called upon to accommodate even more water.

The impact of such flooding as inflicted on the lower Mississippi Valley can be of an enduring nature. A key feature of the economy of the State of Mississippi is its agriculture. We are now entering the prime planting time, but Mississippi farmers obviously cannot plant seeds in fields that are under water. If not planted within the next few weeks, there could be no soybean crop in Mississippi—a crop that would provide $250 million to the economy of that one State. The outlook is similarly gloomy for the cotton and rice crops in Mississippi.

Even without this week's additional rain which I have mentioned, much of the Mississippi farmland would not be drained in time for the period of planting. With more rain, this becomes almost a certainty.

As extensive as the flooding has been—and this is the point that partially causes me to stand in the Senate and speak today—I want to discuss what would have happened had we not taken measures and provided projects to help contain and control the floodwaters.

We know that the damage would have been much in excess of that which has taken place. An extensive series of flood protection projects has been undertaken in the lower Mississippi River under the direction of the Congress. Nearly 50 years ago work began on the development of what is known as the Mississippi River and tributaries project. That project is designed to control conditions which, theoretically, could result from a combination of the most severe storms that have ever occurred in the valley.

The importance of such a project is emphasized when we realize that the lower Mississippi is the funnel which drains 41 percent of the contiguous 48 States and parts of two Canadian provinces. This is an area of 1.25 million square miles, from which water flows into the Gulf of Mexico by way of the Mississippi River.

The Mississippi River and tributaries project is, as I have said, the key to this protection program, and is a vast undertaking not yet completed. To date, $1.7 billion in public funds have been spent in the lower Mississippi Valley to provide flood protection.

This includes nearly 2,200 miles of levees and flood walls to protect communities from rising waters. The "Mississippi River and Tributaries Project" is now approximately 50 percent completed. The major work remaining is improvement to the main channel of the Mississippi River, estimated to cost a total of $1.8 billion.

Mr. President, I call attention to the President's budget proposal for fiscal year 1974, which recommends $75 million for the continuation of this program. This is a significant amount of money, but it is relatively small when compared to the task that remains to be done. In terms of the total project, it is not even enough to keep up with inflationary price increases. The combination of small appropriations and rapidly increasing prices is leading to the incredible situation of a project that is 50 percent completed today, becoming 47 percent completed in a couple of years.

I come to tell this story today, because of its importance not only to the Mississippi Valley but to the people of the United States as a whole. It is timely to observe that without the protection provided by this project, the recent flooding would have inundated another 17 million acres and resulted in an additional $2.5 billion in damages.

This is a story which needs to be understood by the Members of the Congress and the people of the United States.

Thus, from this one flood, the cost of the protection has been more than recovered. Since 1928 a total of $3.8 billion in damages has been avoided by this project.

These statistics, I think, form a compelling argument for the validity of the flood control projects which are opposed by Members of the Senate and the House from time to time. I know that I speak rather vigorously on this point. However, there are those who back projects where the cost-benefit ratio is greatly in favor of doing the job, because of the protection and the safety they afford the people. These projects sometimes are referred to as pork barrel activity.

Mr. President, I submit that there is absolutely no "pork" concerned when benefits of the magnitude we have just witnessed are received by the American people.

The people of the Mississippi Valley would, I am sure, take strong exception to the terminology of pork barrel in connection with the Mississippi Valley and the tributaries project. Those who have benefited from the facilities completed have firsthand and intimate knowledge of their value.

Those who continue to suffer from the flooding can only look forward to see what we are doing now and what hopefully we will do in the future to not only preserve but also to strengthen this vast area.

It is a matter not only of the protection of land, but a matter of life and death in many cases, and everywhere certainly it is a matter of maintaining the economic base on which people and communities depend in this vast area for their livelihood.

Mr. TAFT. Mr. President, will the distinguished Senator from West Virginia yield to me for a moment

Mr. RANDOLPH. Mr. President, I am gratified to yield to the distinguished Senator from Ohio.

Mr. TAFT. Mr. President, I thank the Senator for yielding. I commend the Senator from West Virginia for the statement he is making. Living as I do on one of the tributaries of the Ohio, I have long been familiar with the problems the Senator has been discussing.

I would like to note and commend likewise the outlook the Corps of Engineers has taken toward this problem, particularly in recent months and in recent years in examining all possible approaches to the problem.

For instance, in particular, I think of the new and increased use of flood plains, where those flood plains are available and can properly be used, and weighing the benefits and balance of the various different approaches rather than merely approaching the use of dams

which are, of course, necessary in navigational areas. However, in other areas, I know that new and imaginative approaches are being used by the Corps of Engineers.

I would like to take note of that and commend them for this. I also commend the Senator from West Virginia for his outlook on this tremendous problem and trying to set right the public opinions that are sometimes bothersome and misunderstood by those who have not understood the problem and are not informed of them.

Mr. RANDOLPH. Mr. President, the observations of the Senator from Ohio are appreciated. The Corps of Engineers is resourceful and creative in an attempt to make these programs more meaningful and to do a better job.

Mr. President, the Subcommittee on Water Resources of the Committee on Public Works, chaired by the distinguished Senator from Alaska (Mr. GRAVEL), has been working on this problem. I requested that Senator BURDICK, the chairman of our Subcommittee on Disaster Relief, and Senator DOMENICI, the ranking minority member of the subcommittee, go into the Mississippi Valley and survey the damage there. They were accompanied by the Senator from Mississippi (Mr. EASTLAND). They reported on the severity of the situation they witnessed.

Mr. President, the Subcommittee on Water Resources, chaired by the able Senator from Alaska (Mr. GRAVEL), will begin hearings on a variety of water resources proposals. These hearings are scheduled for April 30, May 1, May 2, and May 3. We will review in detail the projects that have been recommended to the committee.

During these hearings and the subsequent development of new water resources legislation, we must keep in mind the devastation and destruction caused by the recent floods in the Mississippi Valley.

We must realize—and I want to stress this—that the damages would have been much greater, far greater, and the devastation would have been more extensive had we not had the flood protection projects already completed in this section of the United States.

Mr. President, I began today by quoting from the Book of Genesis on the *flood*. It reads:

> And the flood was forty days upon the earth;
>
> And the waters prevailed, and were increased greatly upon the earth;
>
> And the waters prevailed exceedingly upon the earth; and all the high mountains, that were under the whole heaven, were covered.
>
> And every living substance was destroyed which was upon the face of the ground.
>
> And the waters prevailed upon the earth an hundred and fifty days.

Mr. President, we can do more than we have done in this area of realistic governmental activity in helping the people through not just an expenditure of money for pork-barrel projects, but by the investment of money, as I have outlined, which returns great benefits and which is truly an investment in building a better America.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Michigan is recognized for not to exceed 15 minutes.

Mr. TAFT. Mr. President, I thank the distinguished acting majority leader for having agreed to transfer this time to my control. I have been advised that the Senator from South Carolina expects to come to the floor and make a statement in a very short while. Meanwhile, I suggest the absence of a quorum, to be charged against the time allotted to me.

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

The second assistant legislative clerk proceeded to call the roll.

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

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the joint resolution (H.J. Res. 496) making supplemental appropriations for the fiscal year ending June 30, 1973, for the Civil Aeronautics Board and the Veterans' Administration, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MAHON, Mr. BOLAND, Mr. NATCHER, Mr. FLOOD, Mr. SMITH of Iowa, Mr. PATTEN, Mr. CASEY of Texas, Mr. OBEY, Mrs. GREEN of Oregon, Mr. CEDERBERG, Mr. MICHEL, Mr. CONTE, Mr. SHRIVER, Mr. MCDADE, and Mr. ROBINSON of Virginia were appointed managers on the part of the House at the conference.

THE MIDDLE EAST

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

I listened with some interest earlier this morning to the statements of the Senator from South Dakota (Mr. ABOUREZK) and the Senator from Oregon (Mr. HATFIELD) with regard to the situation in the Middle East.

While I share with them the view that the position of the United States must be a very careful one, designed to try to quench the fires that appear to be building up there, I do have some reservations with regard to some possible implications that I do not think were intended but which might be drawn from the remarks that were made.

I refer particularly to the matter of the supplying of arms in the Middle East. I believe the United States has been exercising great restraint in connection with the delivery of arms, and I think we should continue to do so, and certainly work with the other major nations which have been supplying arms, particularly to the Arab countries, and specifically jets to Libya, which are now reported being transferred to Egypt, to try to accomplish a scale-down of the likelihood of major fighting breaking out.

However, I think anyone who feels that the United States is not concerned with this problem simply does not know what the facts are. I would commend to any of the Senators concerned with this problem that they meet with former Ambassador and now Assistant Secretary of State Joseph Sisco, and get briefed on some of the developments which are occurring in the Middle East situtation, which do give some hope for at least some progress being made toward trying to accomplish a more permanent and lasting situation there, particularly insofar as Egypt and Israel are concerned.

I also commend to the Members of the Senate who are concerned with this problem an article published in the spring issue of Foreign Affairs Quarterly, written by Prime Minister Golda Meir, which goes into the entire historic background of the problems of Israel, its boundaries, and its security, and particularly goes into the question raised this morning by both of the distinguished Senators as to the origin and status of the refugee camps.

It certainly is clear, and I think all admit, as does the author of the article, the distinguished Prime Minister of Israel, and a solution of the refugee problem must be a part of any long-range, meaningful solution of the problems of the Middle East. But to merely speak of the camps, and describe the very difficult conditions of those who live in them, and the history of the camps, and to appear to lay the blame solely on Israel for the existence of these camps, is certainly not an accurate historical portrayal. I have been to the camps myself and examined them, some years ago it is true, but there has been very little change in the situation since then, unfortunately—not, I think, wholly because of the fact that Israel does not desire to change the situation. I believe it does; and I believe there are implications in a satisfactory territorial settlement of the problems of the Middle East that the setting up of a Palestinian state still remains a distinct possibility.

I do not think we should ignore the bright spots in looking at the very desperate spots and trying to force our Government to take a side in the situation which I do not believe it should.

So I feel strongly that those who speak on the subject of the Middle East at this time, and advocate, apparently, a change or a hands off policy insofar as the United States is concerned, are perhaps not entirely well advised, and ought to take a look at the realities of the situation as they exist, and the real necessity for positive leadership on the part of the United States and other major powers in bringing about a meaningful and lasting settlement in the Middle East.

Mr. President, I am prepared to yield back the remainder of my time, if the distinguished acting majority leader wishes to proceed with the business of the day, or to request a quorum call.

Mr. ROBERT C. BYRD. The distinguished Senator may do as he wishes.

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from West Virginia (Mr. ROBERT C.

BYRD) is recognized for not to exceed 7 minutes.

AUTHORITY FOR THE SUBCOMMITTEE ON PENSIONS TO MEET DURING THE SESSION OF THE SENATE ON MAY 21

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Pensions of the Committee on Finance be authorized to hold hearings on pension legislation at 1 o'clock p.m. on May 21, 1973.

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

QUORUM CALL

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 my order.

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

The legislative clerk proceeded to call the roll.

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

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

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

VOTER REGISTRATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume the consideration of the unfinished business, S. 352, which the clerk will state.

The legislative clerk read as follows:

S. 352, to amend title 13, United States Code, to establish within the Bureau of the Census a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service.

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

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

The legislative clerk proceeded to call the roll.

Mr. GURNEY. 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. GURNEY. Mr. President, the pending business, as I understand it, is the amendment which I offered last night, No. 90, to the voter registration bill. This amendment, which is an amendment to page 6 on line 14 of the bill says the following:

Return delivery of registration forms shall be at the applicant's expense.

I do not suppose an amendment could be simpler than that.

What it says is that when the 40 million-plus potential voters who are not registered to vote return their post cards, they shall bear the cost of returning them at the huge sum of 6 cents per postcard.

That is not much to each individual voter, but it certainly would represent a tidy sum so far as the U.S. Government is concerned. It would seem that is the least we could expect from those who want to register to vote and become a part of the political process of the United States. They should have enough interest in the matter to return a post card at their own expense, the huge sum, as I say, of 6 cents.

That is what the amendment is all about. Hopefully, the opponents of the bill might take a favorable view of this particular amendment.

The debate on S. 352 provides the Senate with one of those rare moments of history. It is seldom indeed that we have the opportunity to discuss legislative proposals as ill-conceived and unconstitutional as S. 352. If this bill becomes law, we will have the opportunity to witness the creation of a new kind of "silent majority," which might be termed the "fictional majority," composed of the tombstone and aliases of the John Doe registrants who will crowd the voting booths to cast their ballots, at least once. This is not just a bad bill. It is a terrible bill.

I have had the opportunity to read the minority views of Report No. 93–91 submitted by our distinguished colleague from Hawaii, Senator FONG. Senator FONG meticulously lists a few of the effects that S. 352 would have on our Federal and State registration laws and procedures. Let me call a few of these to the attention of my colleagues.

First, the bill would have the effect of drastically revising voter registration throughout the country. Also, it would remove the function of separating voter registration from its historical State responsibility to a Federal responsibility. This gratuitous extension of Federal powers is nowhere authorized by the Constitution.

A third effect would be mandatory change in the methods of selecting delegates to political party presidential nominating conventions. This effect is by no means minor, and it leads to the fourth effect: A decline and possibly the demise of our two-party political system.

A further effect the bill would have, would be to legislatively "amend" the Constitution by changing the status of Presidential electors, who have always been considered State officers, to make them Federal officials. Not only is this effect not authorized by the Constitution, it would seem pretty clearly to be prohibited by it.

But one of the greatest effects the bill would have is to promote the opportunities for election of frauds on a national scale. This would permit what happened, for example, in Chicago in 1960 in the Nixon-Kennedy election, to be duplicated in every vale and hamlet across the Nation. By loosening the controls on election fraud and voter registration we would be, in effect, doing exactly what the bill is allegedly designed to prevent. Rather than enhancing voter participation and augmenting the right to vote, we would be diluting the efficacy of the vote by filling our electoral rolls with John Does, Richard Roes, and every Tom, Dick, and Harry whose name appears on a tombstone or who may reside on an empty lot, or who may have some other profile in the inventive mind of schemers and frauds.

Another terrible effect of the bill would be the politicization of the Bureau of the Census which has always been one of our most respected and most nonpartisan institutions. This is hardly desirable.

As a matter of fact, the Bureau of the Census is supposed to count the noses of the people in the country and to tell us how many people are living at any particular time when we take the census, as well as some of the other information about job classifications and things like that. The Bureau never was designed to participate in the political process of the United States, and I do not think we should cast that burden upon it now.

A further effect would be the creation of a master voter registration list which has obvious political implications for the party in power which is the party controlling that list. Regardless of which party is in power this kind of name-gathering and compilation bodes ill for competitive politics.

In fact, this could well mean the death knell of the two-party political system in this Nation. It might also kill any meaningful competition within a single party structure, if we got down to that. If one ideological group got in power in the White House, it could use this tool and weapon to purge its own ranks of its own undesirables.

The reason why I make that point is this. Let us take the example of a congressional district. It would be very easy for the Bureau of the Census to compile statistics and figures on a congressional district to find out in a certain area where the voting patterns were, whether they were Democratic, Republican, Liberal, or Conservative.

It could extract that information and the names and addresses, because the names and addresses, of course, would be filed with the Bureau of the Census, and turn that information over to a prospective political candidate, be he an incumbent or somebody attacking an incumbent, for his use.

As I say, it could mean eventually a one-party system rather than the two-party system. It could mean a one-party monolithic system pretty much of the same political stripe. That is the danger this bill has within it.

One effect which has hardly been calculated, and only casually estimated is, the cost that creation of this new Federal monster agency is going to mean to the American taxpaying public. The estimates range from some $20 million to more than $100 million. There has not been any significant effort systematically to arrive at a realistic and reliable estimate of these costs. So the new ogre has the additional drawback of fomenting untold, uncalculated, and unnecessary costs.

So this new bureaucratic monster has the additional drawback of fomenting untold, uncalculated, and unnecessary cost. I do mean unnecessary cost, because we already have in every one of the 50 United States elaborate election machinery.

In my home State of Florida, we have 67 supervisors of registration whose job it is to register people to vote, to keep the names up to date, to enforce the election laws, and to supervise the elections every time we have one. What we propose to do here, of course, is to set up brand new machinery fully on top of what we already have in Florida and the the other 49 States. With the Federal Government running a deficit of $25 billion before the President had the courage to cut it in half, so that it is now somewhere between $12 and $13 billion deficit this year, who could possibly propose spending another $20 to $100 million to set up machinery which already exists in the 50 States? And why would we be doing this? Simply to take care of a few people who apparently are too lazy and unmotivated to go down to the country courthouse and register to vote.

I do not think that it is worth the expenditure of millions of taxpayers' dollars to make it so that they could just send in a postcard and register in that way.

Surely, the effects of this bill would be adverse to the interests of our entire system of elective government. It seems incredible to me that this deliberative body would wish to foist a post card registration system on an American public which is so fed up with Federal bureaucracy, Federal controls, and big government, for which it is paying the price through inflation, high taxes, and insufficiency.

It is particularly unbelievable that the vehicle chosen for the new registration system should be the Postal Service, which is so badly bungled and mismanaged that it has achieved universal disgust. The post office cannot even deliver a letter across town in a week's time, if at all. Yet the proponents of S. 352 want us to begin to rely on the Postal Service for something as important as voter registration. That is hard to fathom. Believe me, the lack of service in the Postal Service is no figment of my imagination.

I receive letters every day—of course, they do not come in until 2 weeks after they are mailed—pleading for a better Postal Service. I think that one of the most dramatic examples of what is happening to the Postal Service is what occurred the other day, when a letter carrier, a union leader from Florida, came to my office and practically got down on his hands and knees, begging me and my people to help him to do something about the Postal Service. I was amazed to get that input from the head of a union of letter carriers. The reason why he came was that two of the union members, within the past 2 weeks, when they were asked to deliver letters to householders in the part of Florida where the union leader came from, were punched in the nose by the householders, because the letters had been so long overdue in being delivered by the carriers. Of course, the carriers were not to blame at all. They picked up the mail at the post office as soon as it came in. The unfortunate part of the case was that there had been such delays in getting the mail from one post office to another.

With that kind of postal service it is rather incredible to me that the Committee on Post Office and Civil Service, from which the bill was reported, really is not getting at the postal problems first, before bringing out a bill which would add to the postal problems even more by proposing to send tens of millions of postcards to people around the United States, and then to get tens of millions of postcards back again, just adding another totally unnecessary burden to the already overworked, inadequate, dilapidated mail service.

Let us take a further look at what S. 352 is supposed to do. The bill would set up a national registration system by mail, to be operated by a vast registration administration located in the Bureau of the Census of the Department of Commerce. The Voter Registration Administration would use the postal service to distribute the voter registration postcards to every postal address in the United States of America—in all 50 States. The postcards would be distributed at least 30 to 45 days before the closing of registration prior to Federal biennial elections. The registrants are then supposed to return the voter mail registration cards to the appropriate State or local government vote registration office.

The registration offices then process the cards, registering the applicants as voters for the next Federal biennial election, charging the Federal Government for the processing of the cards.

This registration is required prior to a "Federal election" which is defined in the bill to mean any primary, any special or any general election held for the purpose of nominating or electing candidates for any Federal office." Registration is thus required prior to political party elections, in district and State political party caucuses or conventions or meetings held for the purpose of selecting delegates to national political party Presidential nominating conventions.

Using this general format, the Voter Registration Administration is empowered to establish and to administer a mail voter registration program for all "Federal elections"; to assist State officials in administering the voter registration by mail program and election problems generally: to collect, analyze, and arrange for Federal publication of information on U.S. elections: to report to the Congress after each biennial general Federal election regarding the administration's activities and voter registration in elections across the United States generally: to prepare and deliver, utilizing cooperation of the U.S. Postal Service, voter mail registration cards to all addresses and residences in the United States in numbers sufficient to cover all eligible voters at each resident or address: to accept recommendations from State officials or on its own initiative investigate fraudulent registration charges and, where necessary, request the Attorney General of the United States to bring action on any charges found to be substantiated: to make payments to each State for processing voter mail registration cards by use of the State registration offices: and to make additional payments to each State of 30 percent of the payments received by each State for processing its registration cards, if the State adopts a registration program for its own State elections. These are pretty broad sweeping powers, and I do not believe they have been sufficiently debated and considered.

One thing about this bill particularly bothers me. It is just another instance of the Federal Government trying to move in and tell the States what to do. In this case the effort is being made with scant constitutional basis, no factual basis, and no reasonable basis for doing so.

Mr. President, that is an interesting thought, too: The fact that we are moving into the voter registration field which has always been the province of the States, ever since the beginning of this country some 200 years ago, and we had elections even prior to that time, during colonial days. Beginning in the last Congress we have been trying to reverse the trend of the Federal Government poking into the affairs of State and local governments. One of the main reasons for passing the General Revenue Sharing Act last year, which marked a new milestone in Federal legislation, was to give more responsibility back to State and local governments. Of course, it was designed to help State and local governments in their revenue problems, giving them some of the Federal income tax take to supplement their own moneys. But one of the main thrusts of the bill, and one of the reasons I supported it last year and even when I served in the other body, was so that we could stop this stampede to Washington by State and local governments seeking solutions to all their problems, to reverse that trend to say to them, "Handle more of your own problems, and if you do, we, in turn, will help you with some of your revenue problems."

Of course, we have pending before Congress now a special revenue-sharing bill which has not been acted upon in this Congress, to supplement the bill we passed last year. The bill would earmark money in broad areas such as education, housing, or other similar categories, but let State and local governments within those broad areas use the money from revenue sharing in any way they wanted to, in any area of broad interest, such as education.

Well, these are brandnew concepts in Washington in Government and, as I say, a worthwhile attempt on our part to keep the problems at home rather than to transfer them to Washington. This bill is a total rejection of that idea. Instead of trying to keep the problems at home this bill would duplicate the problems at home as far as voter registration is concerned. We would still have registration systems within each State and in each voting area, whether it be county, city, or precinct, depending on the State, and we would place on top of that a new and entirely different voter registration system at an astronomical cost. If this is not an archaic return to something we have been trying to do away with, I do not know what it is.

Proponents of the bill proudly point to North Dakota which has no preregistration requirement for its voters. In North Dakota the voters register at the same time they vote, on election day. But the existence of this system in North Dakota is itself evidence of the power and prerogatives of the State to adopt procedures they like. The States have the

power, and in fact under the Constitution they have full power where no Federal rights are violated, to establish the election laws and procedures they wish. There is no need for the Federal Government to come marching in trying to call the tune for all the States to step to.

I think that system adopted by the States is far more flexible than the postcard system. As far as our State of Florida is concerned, we have very elaborate election boards that work well and we also use the mail device in those instances where voters cannot come in and register for some particular reason. For instance, servicemen may be stationed outside the State or overseas, and they can be registered by mail. That is also true of people who are sick and disabled and unable to come to the place of registration. But that is a flexible system and it takes care of people who are unable to come in to register to vote. That is how we should do this, and not by some wholesale mailing, sending postcards to everybody in the United States.

Besides, what can work in North Dakota, which is a sparsely populated agricultural State, may not work in New York or Florida or California. These States are in the best position to determine what kind of voter registration system they need to combat fraud. The Constitution indicates they ought to make that determination by themselves.

I have consistently opposed the creation of new Federal bureaucracies to try and tell the States what to do, how to do it, when to do it, and where to do it. These bureaucracies just cost money and cause trouble. When the States are doing an adequate job on a State matter on their own initiative using their own constitutional powers there is simply no justification and law or logic for the Federal Government to try and take over.

Here the proponents of S. 352 say they are acting in order to increase voter registration and to enhance voter participation. There is simply no evidence that their bill will do what they want. The reason why only 60 percent or so of all Americans of voting age vote in elections, or obversely why 40 to 45 percent or so do not vote, is that the nonvoters do not like politics and politicians who create Federal bureaucracies just like the one S. 352 is trying to create.

I think one of the interesting facts of the last election is that in the State of Florida last year we had two not only hotly contested primaries, but, of course, primaries that had attention focused upon them from all over the United States. Those were the Presidential primaries that we had in our State, shortly after the New Hampshire primary. Many people participated in the election. They were all over the State of Florida, exhorting people to come out and vote for them, and yet only 22 percent of the people turned out in the first primary to vote, and in the second runoff primary only 18 percent.

So voter registration by post cards, going out to several more million people, probably is not going to encourage any more participation in the voting process and, if anything, probably will discourage them, because if people do not have enough incentive or interest to register now by taking whatever effort it takes to go to the courthouse and register, how are they going to interest them in the political process, even if they take the time to return the post card and register in that manner?

Good evidence of what I have just stated is found in the national survey taken by the Census Bureau to determine the extent of voter participation and nonparticipation in the 1968 Presidential election. That official survey of 50,000 households was concerned with finding out why 26,942 of the 50,000 households reported they had not registered to vote. More than half of the people who did not register, 53.5 percent, said the reason they did not register was because they were not interested, never got around to registering or disliked politics. Out of the remaining 46.7 percent, 11.2 percent said they did not meet the residence requirements of the State in which they wish to register, 13.5 percent said the reason they failed to register was because they were ill or had no transportation or were unable to leave work, 10.6 percent did not register because they were not citizens, 9.5 percent had miscellaneous reason and 2.2 percent did not even know.

By discounting the 10.6 percent who were not citizens and therefore were legally prohibited from registering to vote, the number of households with people who failed to vote, because they were "not interested, never got around to registering or disliked politics" edges up to around the 60 percent mark.

Using post card registration is not going to make one whit of difference to this 60 percent. They are not going to be any more likely to register and certainly not more likely to vote than they would be otherwise. They just do not care.

Another point needs to be made. It is likely that this postcard registration scheme will increase voter disillusionment, thereby decreasing voter participation, contrary to the aims and expectations of the proponents. As these postcard registrations facilitate and stimulate fraud, voter confidence in the structures and procedures of their electoral system will be weakened, with a reluctant lessening of public desire to register and participate in voting. Thus, the bill might well have the opposite effect that it is intended to have. It may decrease participation in Government by increasing voter distrust of Government.

These criticisms of S. 352 are, of course, enough in themselves to commend defeat of S. 352, because of its national implications. I would like, however, to bring to the attention of my colleagues the odoriferous aspects of the bill as it applies to my home State of Florida. Florida has an outstanding electoral registration system, ably administered by the Secretary of State and county supervisors of elections. The president of the Florida State Association of Supervisors of Elections, Mrs. Blanche M. Work, of Bartow, Fla., wrote a letter to the distinguished Senator from Wyoming, Senator McGEE, chairman of the Committee on Post Office and Civil Service. This letter points out one practical aspect of S. 352 which deserves consideration here. That is the problem of illegibility and incompleteness of registration forms. This has to be a terrible problem as 352 is presently drafted. This will lead to incalcuable administrative difficulties under S. 352, particularly regarding registration notification forms under section 405 of S. 352.

Under section 405 a registration notification form advising an applicant for registration of the acceptance or rejection of his registration is supposed to be completed and promptly mailed by the State official to the applicant. If any registration notification form is undeliverable as addressed, it is not supposed to be forwarded to another address, but rather is to be returned to the State official mailing the form. The section goes on, however, to state that the possession of a registration notification form indicating that the individual is entitled to vote is to be prima facie evidence that the individual is qualfied and a registered elector entitled to vote, and presentation of the registration notification form is not to be required in order for the individual to cast his ballot. This has to lead to horrible administrative results.

First of all, with illegible and incomplete forms it is highly likely that registration notification forms will not be correctly addressed back to the registrant. If this happens, and a registrant does not receive his registration notification form, how is he to find out what happened? If he calls up the supervisor of registrations trying to find out where his registration notification form is, he may not have an address which corresponds to that listed in the records of the supervisor of registration. If his name happens to be a common one, like Joe Smith or something, and the address is not ascertainable, how will anyone be able to find out what happened?

Then again, if the individual scrawled out his name illegibly so the supervisor of registration put it down incorrectly, again how will anyone be able to check and see what happened? The only way to eliminate this type of problem is to have the applicant personally present when he applies for his registration. This problem does not occur where personal registration is required. That is one of the major reasons why personal registration is required, not merely to prevent actual fraud but to prevent the type of mistakes and oversights which a post card registration system inevitably will result in.

There is one problem which has not been discussed at all yet, and to my knowledge has not even been considered so far. That is the problem of the absentee ballot system. Many States permit people to vote by the use of mailed absentee ballots. This type of voting is permitted for a variety of reasons, such as those of my State of Florida.

In Florida, a person can vote by use of an absentee ballot if he is physically disabled and unable to attend the polls without the assistance of another; or if he is to be absent from the county during the entire period the polls are open on the day of the election and cannot without manifest inconvenience and hardship vote in person; or he may be unable to attend the polls on election day, because of the tenets of his religion;

or he may be a supervisor of elections or an inspector or a voting machine deputy or a deputy sheriff who is assigned to a different precinct than that in which he is registered to vote; or he may have changed his residence to another county in the State within the period prior to becoming eligible to vote in his new county. In these instances in Florida and, of course, in other instances such as where the prospective voter is in the armed services outside the State and cannot vote, a Floridian can still vote absentee. I am sure this is also true in other States.

How is this absentee balloting affected by the postcard registration procedures that S. 352 would have us enact? Where a person desires to vote absentee, and he has registered by postcard, no one in the elections office will ever see this individual to verify the information he has given, or even to verify whether he exists. Think of the fertile ground this presents for a harvest of fraud. We would be opening up opportunity after opportunity for people to register and vote without any effective controls by responsible Government officials.

What are the alternatives to this? Obviously, about the only thing that can be done is to clamp tight controls on absentee balloting, or more likely, simply to eliminate absentee balloting, in order to prevent fraud. Look where that leaves us. In order to promote political participation by this post card registration scheme, we would be precluding participation by those unable to vote on election day who can vote under present procedures through an absentee ballot. We would be penalizing those who really want to participate, even by going to the trouble and expense of voting by absentee ballot, in order to possibly—and it is only "possibly" since there is no empirical evidence and only hypothetical theories—to possibly register a few people who are too lazy or disinterested to register themselves.

There is still another factor to consider with regard to this post card registration gimmick. If the only people who will be affected by this bill are those who do not care enough about their Government's direction to go down and register by themselves, what even glimmer of a hope is there that these people, once they are registered, will make the effort to go down and vote?

We are dealing here with the postcard patriots and the sunshine stalwarts. These people are the ones who, once they are signed up, are not going to bother to exercise their franchise by making the effort to cast a ballot. It is ironic, that in the effort to increase the percentage of Americans who are registered to vote, we will be increasing the percentage of people who are registered but do not vote.

The list of defects in S. 352, as it is technically drafted now, are very numerous. The bill is a masterwork of bad draftsmanship. But even if it were perfectly drafted, it is a bad idea. It is difficult to conceive how a bad idea can be improved except by being forgotten. I intend to closely follow the debate on this bill to see just how we should best proceed on it. It seems clear to me that the bill needs a great deal of consideration by other committees. I would hope that my colleagues would see fit to refer this to the Judiciary Committee, which has considerable expertise in this matter, in order to deal with it appropriately.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has less than 2 minutes.

Mr. GURNEY. Mr. President, I reserve the remainder of my time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. McGEE. Mr. President, I apologize for not having been here for the discourse of my friend, the distinguished Senator from Florida, in explaining his amendment. I was the only Member running a hearing, a hearing on the Western Hemisphere policy of the United States. And I felt somewhat obligated to hear the witnesses out inasmuch as some of them had traveled long distances in order to be here at this particular hour. So, it was not because of any lack of interest in the Senator's amendment, but rather because of the doubling up of the responsibility at this particular time of the day.

I appreciate the interest of my friend, the Senator from North Dakota (Mr. BURDICK), who filled in at that time. It was very helpful.

Mr. President, I want to say one or two things about the pending amendment. It is an understandable amendment that has a reasonable explanation and is a very fair one. However, it does pose some complications in respect to the bill. The proposal would require that the person receiving a post card would pay the return postage on the card when that card is mailed to the appropriate State election officials.

That is an understandable suggestion. I think probably it would be an unfair change in this particular bill, for a reason: most businesses, most people developing constituent response, automatically pay the return postage, and I think that that in itself should say something to us; namely, that we are trying to encourage citizen participation in the legislation process in order that they might ultimately vote, and 6 cents postage, if we were to take the first-class rate for post cards, is not going to put most people out of business, but 6 cents postage means a great deal more to some people than many of us in this body realize, and it would more than likely serve as a deterrent, at this uneven moment when we are trying to make it as easy as possible and as responsibility permits to acquire a larger citizen participation in the process.

The cost of the measure is very small indeed if you assume it works; if you assume that everyone who received a postcard mailed it back, we are talking about 40 million post cards, coming in from potential registered voters. At 6 cents each, the cost would be less than $2.5 million. In the State of Florida, where there are about 2.5 million people not registered, although they are old enough to vote, it would be about $150,000.

All I am trying to say is that I think the effort would be impeded, without a commensurate return economically, that would move in any serious way toward redressing the problems of balancing the budget.

I therefore have to oppose the pending amendment, and I think the Members of this body ought to consider it very carefully before voting for it. When we remember that the Senate alone, in fiscal year 1973, had its own mailing costs in excess of $24 million, what kind of a position will it leave us in unless we wipe out Senate mailing legislation? I am not talking about the franking privilege now, because the Senate pays whatever its costs are as we go along, but rather of what the response would be to us when our costs are that high, for the Senate to then require collection from possible registrants of the cost of returning a post card. It seems to me it is not worth the candle, and that once more, as our experience with the new voters goes along, it suggests that that is a reasonable step in the future. After some tests and some experience it would be another matter, but I would be reluctant to lanuch it in that fashion. I think we have to establish a minimum of deterrent in order to involve the voters who, for one reason or another, are not at this time involved.

I am also advised, Mr. President, that the question came up about the prospects of some master voter lists ending up in the Census Bureau or the new Voter Registration Agency, and the question came up yesterday about dual voter lists. I would like to speak to both of those points on this matter.

First of all, the bill as it is now drawn specifically forbids any agency of the Government of the United States related to this process in any way from assembling and publishing information that would identify individual voters anywhere, at any time, in any respect. The Bureau of the Census will remain precisely what it is. It collects statistics; it does not collect the names of people. And that same restriction is there. There would be no list.

For those Senators who concern themselves with the problem of a dual voting list, I would have to note that we already have the dual voting list now, under the Voting Rights Act of 1970, for the office of President of the United States, which in effect produces a dual voting list. All this bill would do would be apply that same principle to the offices of U.S. Senator and Member of the House of Representatives.

So nothing new is injected in this proposed legislation. As a matter of fact, as some of the State registration officials have told us in our conversations with them, there is nothing to prevent any State, in its voter registration process, to use the same list, and provide that the

name of a voter who is qualified to vote in a Federal election as well as a State election with one kind of a sign or mark in front of his name to indicate that fact, and a different kind of marking, an asterisk or an X or something else, would make it possible to deal with one who is not.

But that is not withir the perview of our concern here, it seems to me. Those are details that would have to be worked out under the responsibility of the National Voter Registration Administration.

So, with those suggestions, Mr. President, I would conclude my remarks by saying that I reluctantly have to oppose the amendment of the distinguished Senator from Florida, inasmuch as it would appear to make it a bit more difficult, or at least it would be less persuasive for a potential registrant, than if we bore that very small cost under the procedures as now outlined in the bill in connection with the postcard exchange.

Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Wyoming has two and one-half minutes remaining. The Senator from Florida has approximately 1 minute remaining.

Mr. McGEE. I am glad to yield my time back, Mr. President, although we do have to wait until 12 o'clock, I am advised, before the rollcall can begin.

The PRESIDING OFFICER. That is correct. That is the order.

Mr. McGEE. I will reserve my time for the moment, if the Senator from Florida would like to use up his time, or if he wishes to yield back I will yield back.

Mr. GURNEY. Mr. President, let me just conclude the argument for the amendment on this side by saying that I think everyone who is interested enough to participate in the very important political process of the United States by registering to vote, and later, of course, by voting, certainly ought not to object to affixing a 6-cent stamp to a postal card that gets him registered to vote. If he does not have that much interest in wanting to vote, then I do not think the U.S. Senate or Congress should be concerned in whether he votes or not.

Certainly it makes all kinds of sense to help relieve the burden of the cost of registering millions and millions of voters, by this post card method, by asking them to affix a 6-cent stamp.

I hope the Senate will agree to the amendment. I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time? There is 1 minute remaining to the Senator from Wyoming.

Mr. McGEE. Mr. President, I yield back the remainder of my time and 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. McGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

All time on this amendment has now expired.

The question is on agreeing to amendment No. 90 of the Senator from Florida (Mr. GURNEY).

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

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Florida (Mr. CHILES), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from New Hampshire (Mr. McINTYRE), the Senator from New Mexico (Mr. MONTOYA), and the Senator from South Carolina (Mr. HOLLINGS) are necessarily absent.

I further announce that the Senator from Alabama (Mr. ALLEN), the Senator from Indiana (Mr. HARTKE), the Senator from Utah (Mr. MOSS), and the Senator from Nevada (Mr. CANNON) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

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

Mr. SCOTT of Pennsylvania. I announce that the Senators from Oklahoma (Mr. BARTLETT and Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Tennessee (Mr. BROCK), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Ohio (Mr. SAXBE), the Senator from Virginia (Mr. SCOTT), and the Senator from Vermont (Mr. STAFFORD) are necessarily absent.

The Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. BEALL), the Senator from Nebraska (Mr. CURTIS), the Senator from Michigan (Mr. GRIFFIN), the Senator from Idaho (Mr. McCLURE), and the Senator from Kansas (Mr. PEARSON) are absent on official business.

The Senator from New Mexico (Mr. DOMENICI) and the Senator from Connecticut (Mr. WEICKER) are detained on official business.

If present and voting, the Senator from Nebraska (Mr. CURTIS), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), and the Senator from Idaho (Mr. McCLURE) would each vote "yea."

The result was announced—yeas 21, nays 46, as follows:

[No. 106 Leg.]

YEAS—21

Aiken	Hansen	Scott, Pa.
Buckley	Helms	Stevens
Byrd, Robert C.	Hruska	Taft
Cook	McClellan	Talmadge
Cotton	Nunn	Thurmond
Fannin	Percy	Tower
Gurney	Roth	Young

NAYS—46

Abourezk	Church	Hatfield
Bayh	Clark	Hathaway
Bentsen	Cranston	Huddleston
Bible	Dole	Hughes
Biden	Eagleton	Humphrey
Brooke	Fulbright	Jackson
Burdick	Hart	Javits
Case	Haskell	Johnston
Kennedy	Muskie	Schweiker
Magnuson	Nelson	Sparkman
Mansfield	Packwood	Stevenson
Mathias	Pastore	Symington
McGee	Pell	Tunney
McGovern	Proxmire	Williams
Metcalf	Randolph	
Mondale	Ribicoff	

NOT VOTING—33

Allen	Domenici	McClure
Baker	Dominick	McIntyre
Bartlett	Eastland	Montoya
Beall	Ervin	Moss
Bellmon	Fong	Pearson
Bennett	Goldwater	Saxbe
Brock	Gravel	Scott, Va.
Byrd, Harry F., Jr.	Griffin	Stafford
Cannon	Hartke	Stennis
Chiles	Hollings	Weicker
Curtis	Inouye	
	Long	

So Mr. GURNEY's amendment No. 90 was rejected.

Mr. McGEE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. SPARKMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, the basic issue before us today is that of the Government's responsibility in providing its citizens with the opportunity to vote. Some have claimed that the opportunity to vote is a privilege. Others state that it is a right possessed by every citizen in a democratic society. Right or privilege, one does not have that opportunity unless he is registered to vote.

Prior to the adoption of many of the present State registration laws, Americans cast their ballots in greater numbers, percentagewise, than they do today. Between 1864 and 1900 the average turnout was 76.8 percent of the voting age population. Around the turn of the century, most States adopted measures to curb the power of the urban political machines. These registration laws reduced the average Presidential turnout to 59.2 percent for the period 1904 to 1968.

The purpose of registration was and is to prevent fraudulent voting by establishing an accurate list of those eligible in advance of election day. As American society grew, the need for a check against fraudulent voting grew. A largely rural American society where each voter was recognized and known changed to a largely urban society in which voters were unknown to local officials. Some procedure seemed necessary to prevent the manipulation of votes by corrupt politicians.

Yet politicians came to control the registration process. The time, place, and frequency of registration was left in the hands of local officials. It was a fairly simple matter for these officials to arrange to register groups and individuals favorable to their causes or parties. At the same time these officials could ignore or impede attempts to register by citizens who might hold differing views.

Mr. President, these abuses are not as flagrant as they once were but they are still with us. Recent attempts to register by the newly enfranchised 18- to 21-year-old voters provide a case in point. After ratification of the 26th amendment, many students attempted to register in the college towns in which they resided for the majority of the year. Election officials viewed the new student voters as

a threat to the established powers. In some cases these officials subjected the youths to excessive interrogations, demanded unusual proof of residency, and initially turned many away. A Washington Post article reported that at the University of Illinois at Champaign-Urbana, many students were actually asked where they planned to be buried before they could register to vote. At the University of Maryland at College Park, some officials falsely implied that students who signed up to vote there might have their auto insurance rates raised. In New York, with over 800,000 college students, campus registration is still not permitted.

Mr. President, I cite these cases as evidence of the real opposition to universal voter registration. Some officials at the local level are reluctant to give up their control over the registration process. They continue their opposition in spite of the fact that many of the newly enfranchised have supported the so-called establishment candidates.

Opponents of universal registration have claimed that such a procedure would invite fraudulent registrations. Yet the president of the New York City Board of Elections, David Dinkens, has stated that the mail form actually tightens security on registration rather than weakens it. This improved security is possible because the permanent staff of the board could check signatures "from publicly available governmental and business records much easier than a volunteer or paid registrar or inspector whose knowledge of the existing citizens is most often derived from no more than a 2-minute personal exposure."

Since the 92d Congress, when several voter registration bills were introduced, the Supreme Court in Dunn against Blumstein, held that the unreasonable residency requirement in Tennessee was illegal. Since then, Tennessee has established a 30-day residency requirement similar to that used for Presidential elections. However, certain States are circumventing the Dunn decision by closing down registration 40 to 50 days prior to election day.

In March of this year the Supreme Court in Rosario et al. against Rockefeller, Governor of New York, et al. upheld a New York State election law which in effect requires a voter to enroll in the party of his choice at least 30 days before the general election in November in order to vote in the next subsequent party primary. If a voter fails to meet this deadline, he cannot participate in a party primary until after the following general election. This results in a deadline for enrollment 8 or 11 months prior to the primary. In effect, this results in a residency requirement.

Mr. President, the Members of Congress have the power to eliminate these unreasonable requirements. We must finish what we began in 1965 with the passage of the Voting Rights Act. It is increasingly evident that the Government should take steps to see that all of our citizens have the opportunity to participate in the electoral arena.

We have just finished an election in which only about 55 percent of the voting age population cast their ballot for the President of the United States. This was the lowest turnout in a Presidential year since 1948 when 52 percent of those of voting age went to the polls. It is not hard to imagine a situation in which a minority of the potential electorate will choose the person to occupy the highest office in the land. In fact, this is what happened in many States during the last election. Thirty-nine percent of the voting age population in South Carolina chose the President for all of the citizens living in South Carolina.

When we look at the percentage of registered voters turning out for the Presidential election the level of voting is significantly higher. Seventy-six percent of the 100 million Americans who are registered nationally participated in the last election.

In no State for which figures are available did the percent of registered voters turning out fall below 60 percent. In South Carolina, 65 percent of the registered voters cast their ballots.

It has been estimated that 62 million Americans of voting age did not vote this last election. Compare this to other democracies. European and American political scientists point out that in Germany in 1969, 86.7 percent of those eligible voted; in Canada, in 1968, 75.7 percent of those eligible voted; in Great Britain in 1970, 72 percent of those eligible voted; and in Norway in 1969, 82.5 percent of those eligible voted. Why do not Americans turn out in these numbers?

Part of the reason for low turnout in this country can be traced to the obstacles local election officials might impose on potential voters which I have mentioned. Such obstacles are intentional and unfair. We are able to correct some situations through our courts.

Yet there are also unintentional obstacles to registration and voting. These obstacles are not so easily overcome by court action. The legislation we are considering today would provide great assistance in eliminating these unintentional obstacles. What are these unintentional obstacles?

Prof. Penn Kimball of Columbia University provides us with two good examples of unintentional obstacles occurring in the registration process. In studying Newark, N.J., Professor Kimball has found that people on the first floor may tend to be registered while people on the third and fourth floors and above in the same tenement house are not registered. As any of us who have been involved in campaigns know, canvassers often tire out by the time they reach upper floors and hence skip the potential voters on these floors.

Another example also relates to people living in the same housing conditions and with the same family background. Professor Kimball found cases in which the mother had a teenage daughter who can babysit with the smaller children while the mother takes time off to go down and register. Yet a mother of the same socioeconomic background but without a teenage daughter or son who can babysit would find it difficult to register under the present system.

Mr. President, I think it is incumbent upon those of us with some experience in the electoral arena to eliminate these obstacles—be they intentional or unintentional. We know what the problems are and how to correct them. We cannot assure 100 percent registration, but we can bring about a significant increase in those who have the right to cast a ballot. And registered voters cast ballots at a significantly higher rate than nonregistered voters.

I believe it is time we take the final step and establish a system of universal registration. In 1971, I introduced a bill, S. 2445, providing for the nationwide registration of voters for Federal elections. At this point I would like to quote a statement I made before the Post Office and Civil Service Committee at the hearings conducted on voter registration in October, 1971.

Mr. Chairman, I consider this legislation as one alternative—one mechanism—among the several before your Committee. It was first drafted for introduction as a Senate floor amendment. I do not consider it to be a comprehensive piece of legislation that touches upon all the questions with which your Committee must deal. It was intended to be a first step in what must be a thorough exploration of the voter registration issue.

I have cosponsored your bill, Senator McGee, because I believe that it forms a strong foundation on which an effective system of national voter registration could be built.

It is my hope that the Post Office and Civil Service Committee would report out a bill that would be a synthesis of my bill and the legislation introduced by yourself, Senator Kennedy, and Senator Inouye.

All of our proposals have the same important objective and each is worthy of partial inclusion in a final piece of legislation.

The responsibility now lies with the Congress to enact legislation which will offer the greatest number of people a way to vote.

I know that I express the sentiments of all the members of Congress present here today that this is a non-partisan issue.

Neither political party and no member of Congress can be in a position to tell 25 million new voters and millions of other Americans who regularly participate in the electoral process that the Federal Government should not face the problems of registration, residency and absentee ballots, at least as they apply to the federal elections.

Mr. President, I still believe this is a nonpartisan issue. It is an issue of representative government. It is an issue which we have thoroughly discussed and debated for at least 2 years. We must take that final step and pass S. 352.

VOTER REGISTRATION PROCEDURES

Mr. BIDEN. Mr. President, before the last election, there was a strong effort made to improve voter registration in Delaware. Through the continued, strenuous efforts of many dedicated volunteers, we succeeded in registering about 30,000 additional voters. During 1 day alone, when election officials were available in each election district on a Saturday, we were able to register 17,000 voters. This was not an easy task and required a statewide volunteer effort on 1 day to canvass house to house and urge people to go out to a neighborhood location to register. As a result of all of this work we have figures that show that voter registration in Delaware, after eliminating the "dead-wood" on the rolls probably exceeds 70 percent. Although Delaware's registration figures are better than many States, there are still too many

people unregistered. The effort of trying to reach this 20 to 30 percent under Delaware's present system would be staggering. In addition it is unfortunately true that too large a proportion of those unregistered are poor people or members of minority groups. Because we so often urge these groups to resolve their concerns through the ballot box, it is doubly unfortunate that they are not registered and that we make it so hard for them to register.

So, while I come from a State that has a relatively high proportion of registered voters, I still support the need for a better registration technique such as that offered by S. 352. I do not consider Delaware's relatively good registration experience to be satisfactory and I am frankly appalled that experience is so much worse in other States.

In fact it seems that the evidence that has been presented on the floor of the Senate during this debate speaks for itself. The United States is the only country in the world that puts the burden of registering to vote on the individual citizen. It cannot be mere coincidence that the United States also have the lowest voter turnout in the world. Statistics show that once voters are registered they usually can get out to vote. In fact, 9 out of 10 registered voters go to the polls. So the place where we lag behind the rest of the world is in getting people registered.

Going back a ways in our history, before there was voter registration in the United States, 80 percent of our citizens voted. In later years, after voter registration became common, less than 50 percent voted. In a fairly recent example, in 1951 the State of North Dakota dropped the requirement for prior registration. After this action, voter participation in elections increased by 15 percent—and I cannot believe this was coincidence.

The proposed bill—S. 352—provides a good approach to improving this country's shameful record of citizen participation in elections. The League of Women Voters has made a characteristically careful study of voter registration problems and has concluded that the fact that people "are able to register and vote at all is a tribute to the sheer determination of the American people." This determination is indicated by the fact that the league found that 77 percent of the communities it studied has no Saturday registration in nonelection months and that 75 percent had no evening registration in nonelection months.

S. 352 is a logical answer to the very evident problem. It provides an easy means of registration without interfering with State and local controls over registration. Local officials will continue to make all the decisions about the qualifications to vote and whether registrants meet those qualifications. In addition, this bill would make funds available to assist the States in improving and modernizing their procedures and to even better verify the qualifications of potential voters.

It also provides an additional mechanism to investigate and prosecute registration frauds. It is certainly time that this country's registration procedures were brought into the 20th century. I believe the proposed Voter Registration Act will do just that.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 22) providing for adjournment of the Senate from Wednesday, April 18, 1973, to Monday, April 30, 1973, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 496) making supplemental appropriations for the fiscal year ending June 30, 1973, for the Civil Aeronautics Board and the Veterans Administration, and for other purposes; that the House receded from its disagreement to the amendment of the Senate numbered 2 to the joint resolution, and concurred therein.

The message further announced that the House had passed a bill (H.R. 6883) to amend the Agricultural Adjustment Act of 1938 with respect to rice, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (S. 1315) to extend diplomatic privileges and immunities to the Liaison Office of the People's Republic of China and to members thereof, and for other purposes.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. HATHAWAY).

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Wyoming is recognized.

Mr. McGEE. Mr. President——

Mr. ROBERT C. BYRD. Mr. President, we simply have to have order in the Senate. May we have order in the Senate so that the Senator may be heard?

The PRESIDING OFFICER. The Senate will come to order, please. Senators will take their seats.

The Senator from Wyoming is recognized.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Wyoming is recognized.

Mr. McGEE. Mr. President, I have had a conversation with the Senator from Alabama, and I will yield 5 minutes for the purpose of making a statement without losing my rights to the floor.

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

THE ECONOMIC STABILIZATION ACT

Mr. SPARKMAN. Mr. President, on yesterday the conference between the House and the Senate reached an uneasy agreement on S. 398. The conference report on the part of the Senate is at the desk. I said an "uneasy" agreement, and it was. It means that all of the information we could get from the House side is that the House will not accept it. It is my purpose to call up the conference report at this time and to move to have it recommitted to the conference.

May I say in that connection that it is my hope that the conferees—and I have talked with Representative PATMAN, the chairman of the House group—will meet at 3 o'clock in an effort to work it out, but whatever we agree upon will not be called up for action in the Senate until April 30.

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

Mr. SPARKMAN. I yield.

Mr. PROXMIRE. Mr. President, I was a member of the conference. As the Senator from Alabama knows, I feel there is no way that the Senate can retain its dignity and agree to let the House take the position that they will not pass this conference report. Here is what we did. I shall be brief.

The administration has been concerned all week that we might put in a freeze. We did not do that in the Senate; we missed by a couple of votes, and they did not do it in the House. The substantive part of this measure that passed the Senate, it seems to me, was the rent control provision and that was knocked out in the conference report. The White House, the Republicans won. There was another provision in the bill which I think the Senate must not give in on and that was the amendment to require disclosure by large companies under certain circumstances. The protections, in the eyes of certain Members of the House, were not sufficient so they said that trade secrets would not be disclosed.

What is left is meager. One, we provide that this measure will not be used by the President as a reason for the impoundment of funds; and, two, we provide that the wages to people who make less than $3.50 an hour shall not be subject to control because all the experience is that it has not been inflationary; under the guidelines it has been below 5.5 percent; and it was in the House bill last year. The only other provision I recall is that we gave the President authority, discretionary, premissive, if he wished to use it, to ration petroleum. We all know we might have a situation this summer to control that.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. PROXMIRE. Mr. President, under these circumstances I must say that I do hope that in the event that the chairman of the committee persists and says that we should send this back, that we have a rollcall vote in the Senate. I think we should have a discussion of this conference report.

I hope the Senate will sustain the position of the conferees, because it was a compromise in which the Senate did give the administration, in effect, a substantial amount of their position. It was a very fair compromise. Thus, to do even more, it seems to me, would really be agreeing to something that is unnecessary.

Furthermore, we should keep one thing in mind. If the House chooses to kill this conference report, we will have only 1 more day in which to act—April 30. Then we are out from under price controls completely. That might be a disaster. It means there would be no controls over meat, no controls over construction. The entire structure would be gone forever. Under those circumstances, prices would go up very much. Maybe there could be a rollback, but rollbacks are very hard to accomplish, especially in the House. It would be very difficult.

I do hope that because we have been put in the nature of a blackmail position on the part of the other body in this case, we will not give in. After all, if the U.S. Senate is going to have any dignity, any authority, it seems to me that on this kind of domestic legislation we should certainly insist that the moderate position of the kind we have taken should be accepted by the administration.

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

Mr. SPARKMAN. Mr. President, I should like to respond to the Senator from Wisconsin.

Mr. McGEE. How much time does the Senator desire?

Mr. SPARKMAN. I shall be brief.

Mr. McGEE. I yield 5 minutes to the chairman of the committee.

Mr. SPARKMAN. The Senator knows that I supported the Senate amendments in the conference. I went right along with the Senate committee amendments. I said it was an uneasy settlement, and it was. I support the conference report. But that is not the question. The question is, Are we going to get favorable action? The only word we can get from the House, on both sides, is that they will not accept it. If we have to wait, we cannot have any conference until April 30. I think it is a matter of practical legislation to have the conference this afternoon, to try to work it out.

Mr. TOWER. Mr. President, I subscribe to everything the distinguished Senator from Alabama has said. Actually, the House conferees, in the majority, were not in support of the position of the House. That position was sustained by about a 3-to-1 vote in the House.

By the way, the House yielded to virtually every important position except rent control, and the Senator from Wisconsin says they agreed to most of what he wants, because there are four other points in the bill that the administration wants, and I do not think we have to concede on all of them.

I think it would not be responsible for us not to look at the practical situation. After all, legislation is the art of the possible, and we have to try to get a bill that both Houses can live with.

Mr. SPARKMAN. I hope the Senator from Texas and the Senator from Wisconsin will listen. I have just been handed a telephone message from the House. Chairman WRIGHT PATMAN said they will have to oppose recommitting the economic stabilization bill. He has just called in. I wanted Senators to have that information, because it may be that we cannot go to conference again.

Mr. TOWER. I think that if a majority of the House wanted to, they could recommit it over the objection of the chairman.

Mr. SPARKMAN. I am only trying to get the legislation through; that is all. Otherwise, the act will die. No action that we have taken under phase III, phase II, or any other phase will be in force after midnight April 30 if we do not get some action.

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

Mr. SPARKMAN. If I have the floor.

Mr. PROXMIRE. May I ask the Senator a question with reference to what he just read about the position of the chairman of the House Banking and Currency Committee? As I understand Representative PATMAN, he has said he is opposed to recommitting the conference report.

Mr. SPARKMAN. Yes. I read it.

Mr. PROXMIRE. I understand the Senate will act first.

Mr. SPARKMAN. That is right.

Mr. PROXMIRE. If the House acted first, our problem would be solved, or at least it would be greatly eased. We would then understand what they intended. We do not know whether the House will accept the conference report. Apparently the position of the chairman of the committee is that they are going to have the House accept the conference report, and not recommit.

Mr. SPARKMAN. I shall be very glad to ask to have the House act first, but it is up to the Senate; it is not up to me. I was about to say it is immaterial to me——

Mr. TOWER. Mr. President, if the Senator will yield, under the rules we are required to act first.

Mr. SPARKMAN. Well, not required. I think it is right that the House could act first.

The PRESIDING OFFICER. Whichever House has the papers may act first.

Mr. PROXMIRE. It is my understanding that the House could act first and we could see what happens, and if the House rejects it, we will understand the situation, and we could have a rollcall.

Mr. TOWER. It is my understanding that the rule is that the House that acts first can recommit to conference, but the House that acts second cannot recommit; it has to accept or reject the conference report as it stands. If we act first and adopt it today, then we can be sure that economic controls are going to be out midnight, April 30. That is the way it is going to be.

Mr. PROXMIRE. We cannot be sure.

Mr. TOWER. I think we can be sure.

Mr. PROXMIRE. It is very reasonable to expect——

Mr. McGEE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McGEE. Who is in charge of the floor?

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. McGEE. And what is the time situation? I yielded 5 minutes.

The PRESIDING OFFICER. The 5 minutes yielded to the Senator from Alabama have just expired. The Senator from Wyoming has the floor.

Mr. SPARKMAN. Mr. President, then, if the Senator will yield to me for the purpose of making a motion——

Mr. McGEE. Mr. President, I will yield to the Senator to explain what his motion is going to say.

Mr. SPARKMAN. Well, it is simply this: I move that the conference report on S. 398 be recommitted.

Mr. McGEE. Mr. President, I will agree to acting on this motion under the provision that I do not lose my right to the floor and that immediately upon completion of this particular item, the floor revert to the Senator from Wyoming.

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

The conference report cannot be recommitted because it has not yet been called up.

Mr. SPARKMAN. Mr. President, I stand corrected. As a matter of privilege, I will call up the conference report at this time.

EXTENSION OF ECONOMIC STABILIZATION ACT OF 1970—CONFERENCE REPORT

Mr. SPARKMAN. Mr. President, I submit a report of the committee of conference on S. 398, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 398) to extend and amend the Economic Stabilization Act of 1970, having met, after full and free conference, having agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report, which reads as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 398) to extend and amend the Economic Stabilization Act of 1970, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Economic Stabilization Act Amendments of 1973".

AUTHORITY TO ALLOCATE PETROLEUM PRODUCTS

SEC. 2. (a) The first sentence of section

202 of the Economic Stabilization Act of 1970 is amended by striking out the period at the end thereof and inserting in lieu thereof the following: ", and that in order to maintain and promote competition in the petroleum industry and assure sufficient supplies of petroleum products to meet the essential needs of various sections of the Nation, it is necessary to provide for the rational and equitable distribution of those products."

(b) The first sentence of section 203(a) of such Act is amended—

(1) by striking out "and" at the end of clause (1);

(2) by striking out the period at the end of clause (2) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof a new clause as follows:

"(3) provide after public hearing, conducted with such notice, under such regulations and subject to such review as the exigencies of the case may, in his judgment, make appropriate for the establishment of priorities of use and for systematic allocation of supplies of petroleum products including crude oil in order to meet the essential needs of various sections of the Nation and to prevent anticompetitive effects resulting from shortages of such products."

DEFINITION OF SUBSTANDARD EARNINGS

SEC. 2. Section 203(d) of the Economic Stabilization Act of 1970 is amended by adding at the end thereof the following new sentence: "The President shall prescribe regulations defining for the purposes of this subsection the term 'substandard earnings', but in no case shall such term be defined to mean earnings less than those resulting from a wage or salary rate which yields $3.50 per hour or less."

CLARIFICATION OF AUTHORITY CONFERRED BY ACT

SEC. 4. Section 203 of the Economic Stabilization Act of 1970 is amended by adding at the end thereof the following new subsection:

"(j) Nothing in this title may be construed to authorize or require the withholding or reservation of any obligational authority provided by law or of any funds appropriated under such authority."

DEFINITION OF WAGES AND SALARIES

SEC. 5. Section 203(g) of the Economic Stabilization Act of 1970 is amended to read as follows:

"(g) For the purposes of this title, the term 'wages' and 'salaries' do not include reasonable contributions by any employer pursuant to a compensation adjustment for—

"(1) any pension, profit sharing, or annuity and savings plan which meets the requirements of section 401(a), 404(a)(2), or 403(b) of the Internal Revenue Code of 1954;

"(2) any group insurance plan; or

"(3) any disability and health plan;

unless the President determines that the contributions for such purposes made by any such employer are unreasonably inconsistent with the standards for wage, salary, and price increases issued under subsection (b) or under any other provision of this title. Employees in all industries subject to controls under this title shall be treated equally for purposes of this title."

PUBLIC DISCLOSURE

SEC. 6. Section 205 of the Economic Stabilization Act of 1970 is amended—

(1) by striking "All" and inserting in lieu thereof "(a) Except as provided in subsection (b), all"; and

(2) by adding at the end thereof the following new subsection:

"(b)(1) Any business enterprise subject to the reporting requirements under section 130.21(b) of the regulations of the Cost of Living Council in effect on January 11, 1973, shall make public any report (except for matter excluded in accordance with paragraph (2)) so required which covers a period during which that business enterprise charges a price for a substantial product which exceeds by more than 1.5 per centum the price lawfully in effect for such product on January 10, 1973, or on the date twelve months preceding the end of such period, whichever is later. As used in this subsection, the term 'substantial product' means any single product or service which accounted for 5 per centum or more of the gross sales or revenues of a business enterprise in its most recent full fiscal year.

"(2) A business enterprise may exclude from any report made public pursuant to paragraph 1 any information or data reported to the Cost of Living Council, proprietary in nature, which concerns or relates to the amount or sources of its income, profits, losses, costs, or expenditures but may not exclude from such report, data, or information, so reported, which concerns or relates to its prices for goods and services.

"(3) Immediately upon enactment of this subsection, the President or his delegate shall issue regulations defining for the purpose of this subsection what information or data are proprietary in nature and therefore excludable under paragraph (2), except that such regulations may not define as excludable any information or data which cannot currently be excluded from public annual reports to the Securities and Exchange Commission pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934 by a business enterprise exclusively engaged in the manufacture or sale of a substantial product as defined in paragraph (1). Such regulations shall define as excludable any information or data which concerns or relates to the trade secrets, processes, operations, style of work, or apparatus of the business enterprise."

AGENCY HEARINGS

SEC. 7. Section 207(b) of the Economic Stabilization Act of 1970 is amended by striking out the period at the end thereof and inserting the following in lieu thereof: ": *Provided*, That such agency shall issue no order which has the effect of reducing wages, or salaries in effect, or proposed to be put into effect, in an appropriate employee unit unless such order is made on the record after opportunity for a hearing. Not less than thirty days after issuance of such an order a statement of explanation shall be directed to the affected parties and made available to the public. Such statement shall include a full explanation of the reasons why the existing wage or salary, or proposed wage or salary adjustment, does not meet the requirements of or the standards established by the regulations prescribed by the agency."

EXTENSION OF ACT

SEC. 8. Section 218 of the Economic Stabilization Act of 1970 is amended by striking out "April 30, 1973" and "May 1, 1973" and inserting in lieu thereof "April 30, 1974" and "May 1, 1974", respectively.

And the House agree to the same.

JOHN SPARKMAN,
WILLIAM PROXMIRE,
HARRISON WILLIAMS, Jr.,
THOMAS J. MCINTYRE,
BOB PACKWOOD,
Managers on the Part of the Senate.

WRIGHT PATMAN,
LEONOR K. SULLIVAN,
HENRY S. REUSS,
FERNAND J. ST GERMAIN,
FRANK ANNUNZIO,
THOMAS M. REES,
WILLIAM R. COTTER,
PARREN J. MITCHELL,
Managers on the Part of the House.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 398) to extend and amend the Economic Stabilization Act of 1970, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House struck out all of the Senate bill after the enacting clause and inserted a substitute amendment.

The committee of conference has agreed to a substitute for both the Senate bill and the House amendment. Except for clarifying, clerical, and conforming changes, the differences are noted below:

The House amendment did not contain a short title. The Senate bill contained a short title and the conferees agreed to accept the Senate short title.

The Senate bill authorized the President to set priorities of use and systematic allocation of petroleum products. There was no comparable provision in the House amendment. The conferees accepted the Senate provision.

The Senate bill contained a provision establishing an unemployment goal of 4 percent by April 30, 1974, and declared it the sense of the Congress that the Congress and the President should pursue policies to attain this result. There was no comparable provision in the House amendment. The Senate receded to the House.

The Senate bill defined "substandard earnings", for purposes of the title, as earnings of $3.50 an hour or less. There was no comparable provision in the House bill. The House receded to the Senate.

The Senate bill contained a provision stating that nothing in this title authorizes or requires the withholding or reservation of any obligational authority provided by law or of any funds appropriated under such authority. No comparable provision was included in the House amendment. The conferees accepted the Senate provision.

The Senate bill imposed rent control on residential units in standard metropolitan statistical areas where vacancy rates are less than 5.5 percent among low and moderately-priced rental units. The House amendment contained no comparable provision. The Senate conferees receded to the House.

The Senate bill required businesses making periodic reports to the Cost of Living Council to make such reports public if the price of a substantial product increased by more than 1.5 percent over the price lawfully in effect for such product on January 10, 1973. It also provided for the exclusion from disclosure for certain information proprietary in nature. No comparable provision was included in the House amendment. The House agreed to accept the Senate provision with an amendment which would prohibit the disclosure of trade secrets.

The Senate bill directed the President to transmit quarterly reports to Congress on food prices. The House amendment contained no comparable provision. The Senate receded to the House.

The Senate bill directed the President to transmit quarterly reports to Congress on health insurance prices. The House bill contained no such provision. The Senate receded to the House.

The House amendment required the opportunity for a hearing before any agency issued an order reducing wages in effect or proposed to be put into effect with respect to an employee unit. The Senate bill contained no comparable provision. The conferees agreed to the House provision.

The House amendment amended the definition of "wages and salaries" to insure that reasonable employer contributions to legitimate fringe benefits plans were not considered wages or salaries under the title. The Senate bill contained no such provision. The

Senate agreed to accept the House provision with a clarifying amendment.

JOHN SPARKMAN,
WILLIAM PROXMIRE,
HARRISON WILLIAMS, Jr.,
THOMAS J. MCINTYRE,
BOB PACKWOOD,
Managers on the Part of the House.

WRIGHT PATMAN,
LEONOR K. SULLIVAN,
HENRY S. REUSS,
FERNAND J. ST GERMAIN,
FRANK ANNUNZIO,
THOMAS M. REES,
WILLIAM R. COTTER,
PARREN J. MITCHELL,
Managers on the Part of the Senate.

Mr. SPARKMAN. Mr. President, I move that the conference report be recommitted.

The PRESIDING OFFICER. The question is on the motion to recommit the conference report.

Mr. PROXMIRE. Mr. President, is the motion debatable?

The PRESIDING OFFICER. The motion is debatable.

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays on the conference report.

The PRESIDING OFFICER. There appears to be a sufficient second and the yeas and nays are ordered.

The clerk will call the roll——

Mr. MANSFIELD. Mr. President, does the Senator from Wyoming still have the floor?

Mr. McGEE. Yes.

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Mr. McGEE. Mr. President, I yield to the majority leader for the purpose of a request he is about to propound.

Mr. MANSFIELD. Mr. President, if I may have the attention of the distinguished Senator from Wisconsin, would he consider a time limitation for the debate on the motion?

Mr. PROXMIRE. Mr. President, I will consider it, and probably will a little later. I would prefer to talk to one or two Senators to see what they have in mind.

Mr. MANSFIELD. May I point out that many Senators have left, and are leaving. This motion merely means it will go to conference, and something could be done on a 5- or 10-minute basis. The issues have been made clear in the course of the 10- or 15-minute discussion already.

Mr. PROXMIRE. Mr. President, if any other Senator on the floor wants to give an indication that he wants to talk and for how long, I will not speak until such a Senator does. I will agree to 10 minutes.

Mr. MANSFIELD. I see no sign of any Senator wishing to do so.

Mr. President, I ask unanimous consent that, after I have been given some recognition, there be a 20-minute time limitation on this motion, the time to be equally divided between the Senator from Wisconsin and the proposer of the motion, the Senator from Alabama.

Mr. JAVITS. Mr. President, reserving the right to object, some of us are interested in rent controls. If the Senator wants 20 minutes on this issue, some Senators think this other issue should be raised, and I think another 5 minutes should be allowed for us to have anything to say about it that we think should be said.

Mr. MANSFIELD. Mr. President, I make the request for an additional 5 minutes on that basis.

Mr. PROXMIRE. Fifteen minutes on a side.

Mr. MANSFIELD. Fifteen and ten.

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

Mr. McGEE. Mr. President, I yield to the majority leader, without losing my right to the floor.

COMMITTEE ASSIGNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent, notwithstanding the provisions of Public Law 91–510, as amended, placing restrictions on the number of committees a Senator may serve on, that the Senator from Nevada (Mr. CANNON) be permitted to serve on the Select Committee on Standards and Conduct, created by Senate Resolution 338 of the 88th Congress, second session.

Mr. METCALF. Mr. President, the majority leader is making an exception to the Legislative Reorganization Act, which provides that Senators may be permitted to serve only on a certain number of committees.

Our previous experience with the Legislative Reorganization Act has shown that continued exceptions act as an erosion of the act, so that finally the act was completely destroyed.

The ethics committee is a certain, special, unique committee. The ethics committee is composed of, and should be composed of, the most respected and honored Members of this body. The ethics committee should have on it members who have absolute integrity, and they are most likely to be some of the busiest Members of the Senate. So I think there is a unique situation in this category of naming a man to the ethics committee.

While normally I would object to any erosion of the Legislative Reorganization Act through the proliferation of Senators serving on more committees than allowed by that act, I think this is a unique situation—unique in the finest category of that word. I hope that no precedent is being established for putting a Senator on the Ethics Committee so he can serve as the majority leader would like him to serve. Therefore, I withdraw my objection.

Mr. MANSFIELD. Mr. President, may I say I agree completely with my distinguished colleague, the Senator from Montana, who has just spoken. I would not make this proposal unless it was an unusual situation, and I want the Senator to know I appreciate his understanding, and to reiterate, as much as I can, that it is not to be considered a precedent for future action.

The PRESIDING OFFICER. Without objection, the unanimous-consent request is agreed to.

The Chair, on behalf of the Vice President, pursuant to Senate Resolution 338 of the 88th Congress, second session, appoints the Senator from Nevada (Mr. CANNON) to the Select Committee on Standards and Conduct.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I feel I have the floor, subject to the will of the Senate, and I would like, before the time begins to run, to ask 5 minutes for myself.

THE DETERIORATING SITUATION IN CAMBODIA

Mr. MANSFIELD. Mr. President, on April 12, I addressed myself briefly to the deteriorating situation in Cambodia. While I do not approve of the 42d consecutive day bombing runs over Cambodia I recognize and accept the fact, in my opinion, that the administration is endeavoring to find a way out of what is to them, and this country, a difficult, embarrassing, and dangerous situation. There is also talk that the President is considering sending Dr. Kissinger to Paris, again, to meet with the North Vietnamese to try and build a firmer base for a cease-fire in Vietnam and Laos and, hopefully, to lay the base for a Cambodian cease-fire. I hope this is true. In my judgment, the problem of Cambodia is not military but diplomatic and the important factor is to find someone who can pull the country together again. I hope the resignation of the Cambodian Cabinet, just announced, is a prelude to serious negotiations between all the participants in the civil war now raging in that unhappy nation. But a continuing concern over the direction of events leads me to return to the subject again today. By putting our bombers, an airlift and a river convoy all at the service of the Phnom Penh government, we are already on a course of deepening involvement in the internal affairs of Cambodia and what may well be a collapsing government. Moreover, we may well be also inviting the breakdown of the fragile cease-fire in Vietnam and Laos.

The fact is, Mr. President, that we had no business of the American people in Cambodia 3 years ago. We have no business there now and we are still paying the price in dollars and may, again, begin to pay in lives. Nor can I see the remotest valid business of the American people there tomorrow. But then, what was the business of the American people in the military involvement in Vietnam and Laos?

Yet, here we are at this late date digging ourselves deeper into another tragic military involvement, inflicting one more vast compass of devastation on one more hapless land, in support of one more irrelevant government, in one more obscure region of Indochina. In my judgment, to continue to pursue this vein is to cast into doubt all that has been achieved by way of negotiation in Vietnam.

Is it not time to ask ourselves: Why? What for? For whom? And to ask the questions again and again? On what constitutional grounds do we risk a single American life in or over Cambodia? On what authority do we spend $150,000 or thereabouts of the people's money for each of the hundreds of sorties which are being flown around the Cambodian capital of Phnom Penh? What far-out concept of national interest, obligation, or whatever compels us to wreak further

devastation on that hapless land? Why are we pursuing this futile, tragic, last-gasp deadly military exercise? I know no valid reason associated with the interests of the people of the United States and I doubt very much that there is a Member of the Senate who can define one.

I greatly fear, Mr. President, that if land invasions from outside Cambodia do materialize, as has been hinted in the press, and they receive our aerial and other support, we will run the risk of a full recrudescence of the Indochina conflict which may well spread throughout Southeast Asia. Then what? More dead and wounded? More POW's? More MIA's? More paraplegics? More drug addictions?

If ever there was a time for the President to call a halt, that time is now. If ever there was a time for this Nation to move out of Indochina militarily—land, sea, and air—that time is now. By so doing, we would contribute, in my judgment, to the well-being of the people of the Southeast Asian states and add, immeasurably, to the well-being of the people of this Nation.

On April 12, I suggested the possibility of a preliminary shift to a more reasonable government in Phnom Penh and then a diplomatic intercession on the part of both ourselves and other outside powers, an initiative which I am sure our Government is pursuing, to the end that a negotiated end of the civil war might take place among the Cambodians themselves. Perhaps the resignation of the Lon Nol Cabinet will make this possible. There is little, very little, to build on in Phnom Penh. It may well be, therefore, that peace will not return and that the war will intensify unless and until we discontinue completely our military involvement in that torn and battered land and unless and until Prince Norodom Sihanouk, who is the relevant symbol of Cambodian national unity returns to Phnom Penh.

EXTENSION OF ECONOMIC STABILIZATION ACT OF 1970—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 398) to extend and amend the Economic Stabilization Act of 1970.

Mr. McGEE. Mr. President, we are on controlled time on the recommittal motion. I am not in control of the time.

The PRESIDING OFFICER. The Senator from Wisconsin and the Senator from Texas are in control of the time.

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Who yields time for a parliamentary inquiry?

Mr. TOWER. Mr. President, I yield 1 minute to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I know that the 20 minutes runs on the request of the Senator from Alabama. When does the matter of controlled time come to an end in this body?

The PRESIDING OFFICER. After the vote on the motion.

Mr. HUMPHREY. Then does the Senator from Wyoming have the floor?

The PRESIDING OFFICER. The Senator from Wyoming then has the floor.

Mr. HUMPHREY. Mr. President, is the Senator from Wyoming then still on voter registration?

Mr. McGEE. Mr. President, at that point we will arrive at an agreement so that we can proceed to other matters.

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

Mr. TOWER. Mr. President, I yield 1 minute to the Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I wanted to point out that I have been waiting here very patiently to introduce a bill that is very important to this body, a bill in which a number of Senators are interested. I want to make a few remarks about the bill. I did not make an objection to this procedure, although I could have.

I do want to alert those in charge of the time of the bill that I do want to introduce a bill in a few minutes and make brief remarks about it.

Mr. TOWER. Mr. President, for the information of the Senator from Arkansas, it is possible that his side will not use the entire time.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I yield myself such time as may be necessary.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, I think we have probably said about all that we can say about this matter. The fact is that the Senate is in a position of prevailing very strongly in the conference despite the rather vociferous objection in the House. The House sustained that position by a vote of almost 3 to 1 in terms of the final adoption of the Widnall substitute which became the House bill. There were a number of these provisions in the conference that the House acceded to which had been defeated in the House by a substantial majority. The Hathaway amendment was not brought up on the floor of the House because it was defeated so roundly in the committee by a vote of better than 2 to 1, with the chairman voting to delete the provision.

This indicates that we have come up against some pretty strong resistance in the House and not much resistance on the part of the House conferees. That is true. However, there is certainly very strong resistance on the part of the House and if this position that has been sustained by the conference were not so onerous to the House, I am sure that they would not be of a mind to defeat this provision which is of such tremendous importance in the economic controls which expire on midnight of April 30.

I think some of us feel that we had better have some authority rather than no authority at all. I think that we know what the impact will be on May 1, after phase III dies at midnight of April 30.

There is evidence that the President is considering more stringent economic control measures which should be allowed and authorized under the present provisions of the bill.

Actually, my good friend, the Senator from Wisconsin, and many others have been very critical of the controls under phase III, feeling that they were not strong enough. I think that the President may be of the same mind himself and that he will move into stronger controls than we have had heretofore.

I think it is vital therefore that we get the evidence and the authority. And I do not think that we can get the evidence and the authority unless we are willing to go back to conference and renegotiate in a realistic and rational way.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 5 minutes.

Mr. PROXMIRE. Mr. President, the argument that we should reject the conference report is based entirely on the asumption that if we do not reject the conference report, the House will refuse to accept it and they will kill wage-price stabilization and things will be out of control after April 30.

It is on the basis of that that we are just guessing at what the House will do without having an opportunity to vote on the merits of the conference report. That does not make any sense.

If we stand by the position that the Senate took with a clear majority on each of these four points, then the House, even though it agreed to consider it, may decide to accept the position taken by the chairman of the House committee and by the Senate and by a majority of the conferees on both sides. Then we will have no problem.

They may decide not to accept it. That would kill the conference report. However, they would ask for a new conference. The Senator from Texas and I know that they would. The President of the United States is not going to say that there is no way for price stabilization. That is ridiculous.

What will happen under those circumstances is that the House would ask for a new conference and we would be in a position to find out how strongly the House felt about the compromise conference report we are sending there.

Mr. President, let me say a few words about the report. First, it provides a discretionary authority for the President to use his power in rationing our petroleum products. That is something which we all recognize that he can do. I cannot imagine any President objecting to that action, either on the part of the House or the Senate.

Second, we provide that the bill will not be used as the basis for impounding funds.

I think we all recognize the difficulties. We adopted a measure in 1970. I did not have any notion that measure would be used by the administration to prevent the will of the Congress from being put into effect.

No. 3, we provide for the exemption of substandard wages, that is, wages that are less than $3.50 an hour, or people who make less than $7,000 a year. There are two grounds for that: First, that no one would like to see this kind of legislation used to hold down people whose incomes now are too low, too close to the definition of the poverty level; and second, that all the testimony,

all the evidence, all the record indicates that the increase in wages for people who make a small amount, less than $3.50 an hour, has not been a significant inflationary factor. These people are not organized; they are not in unions. If they were, their wages would be higher.

So that cannot be the issue. The issue comes down to the Hathaway amendment. And the Hathaway amendment should be understood, in this debate, if anything else is understood.

This provision would require public disclosure of reports submitted by large companies to the Cost of Living Council if they increased their prices by more than 1.5 percent. The only major objection to this provision was that it might require the disclosure of trade secrets.

The conferences met this objection by agreeing to an amendment which specifically exempts trade secrets. The Senate provision also contained other safeguards. For example, no financial information with respect to a particular product would have to be disclosed by a large firm unless comparable information had to be disclosed to the SEC by a smaller firm producing only one product. The Senate bill simply puts big business on a parity with small business. Despite all these safeguards, the House Republicans still refused to accept the provision.

According to the New York Times, House Republicans object to the disclosure provision on the grounds that it would "unjustly increase antagonism toward some companies." Let us examine the sheer audacity of this statement. The House Republicans are against disclosure because it might cause the American people to criticize large corporations who raise their prices. They say this criticism would be unjust. But how can criticism be unjust if it is based on a complete and factual disclosure of the reasons why a company raised its prices? Do the House Republicans assume the press and the public are unfair? Do they assume the press and the public are incapable of understanding the fact that a company might have justifiable reasons for raising its prices?

I do not see how any elected official can subscribe to the proposition that the public is stupid and unfair, or that too much disclosure *will cause* unjust criticism. What the House Republican position really boils down to is that they are not against unjust criticism of large companies which raise their prices—they are against any criticism of these companies.

If I were the head of a large company I would take a similar position. I certainly wouldn't want the public criticizing my company for a price increase, partciularly if it was not justified. I would want complete freedom and flexibility to raise my prices regardless of whether the increase was justified or not. And I certainly would not want to make my justification public if it was not required. It is understandable, therefore, why large companies have lobbied vigorously against the Senate disclosure provision.

I have no quarrel with large companies lobbying against the Senate disclosure provision. This is their right and their privilege. I do not even object to the House Republicans swallowing the position of large corporations hook, line, and sinker. After all, this is where Republicans get their campaign money and it is natural that they respond to the pressures of their large contributors. But I do object to the complete and abject surrender of their responsibilities by the House Republicans. They have a responsibility to the people who elected them as well as to the corporations who paid for their campaigns. By acting as stooges for the large corporations, by acting as well-trained puppets for their corporate masters, the House Republicans are not just making fools of themselves. They are jeopardizing the extension of the price and wage control law, and thereby threatening the pocketbook of every consumer in America.

Mr. President, as I say, I think the crux, the key to this matter, will be the vote on the Hathaway amendment. Before yielding to the Senator from Maine (Mr. HATHAWAY), I would like to point out that many of us would have liked very much to have the rent control provision. I voted with Senator WILLIAMS in conference for the rent control provision. Unfortunately, the rent control provision is now dead. There is no way we can salvage that. We know that; the House knows it. Unfortunately, we have to accept it.

So the issue is not whether to kill the conference report because it contains no rent control provision. We lost on that issue, and we know it. The issue is whether we should kill the conference report on these other issues, which make up what I would have to characterize as a very weak compromise bill.

I yield to the Senator from Maine.

Mr. HATHAWAY. Mr. President, I thank the Senator from Wisconsin for yielding, and join him in wholehearted support of his remarks against the motion now pending before us.

I agree with the Senator also that what we are really voting on, again—I think the Senator from Texas would probably say for the third time here on the Senate floor—is the amendment I presented a couple of weeks ago.

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

Mr. PROXMIRE. Mr. President, I yield 5 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Wisconsin has only 3 minutes remaining.

Mr. PROXMIRE. I yield the Senator my remaining time.

Mr. HATHAWAY. Since that is really the crux of the vote, let me go over again in part what I said on the floor of the Senate a couple of weeks ago when this amendment was agreed to by a substantial vote.

First of all, it does not require any of the tier 1 corporations to reveal anything to the public unless they go over the 1.5-percent guideline in increasing their prices.

Secondly, if they do go over the guidelines, the only information they would have to reveal is that information pertaining to costs and profits—prices as well, but, of course, prices are already very well known by the general public.

Although my amendment clearly pointed out then that they are not required to reveal any trade secrets, the conferees made doubly sure that no one would be apprehensive that trade secrets or other confidential matters would be revealed to the general public by stating that specifically in the conference report.

The Senator from Texas has made note of the fact that this amendment was not voted upon in the House of Representatives, that it was rejected in the Banking Committee of the House of Representatives; but that is not an unusual procedure. Very often we have portions of our bill that have not even been considered by the House of Representatives, and the House has parts of its bills that have not been considered at all by the Senate. Nevertheless, we come to some agreement on them, even though there have not been votes in one or the other body. So this situation is no different than the situation which we are often confronted with, when any conference report is brought to the Senate.

I would like to reiterate what the Senator from Wisconsin has said with respect to the fact that if we do not vote for this motion to recommit, this will be the end of the Economic Stabilization Act, because the House of Representatives has left only one choice. If we vote to agree to the conference report, they cannot recommit it to conference.

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

Mr. HATHAWAY. Will the Senator from Texas yield me 30 seconds?

Mr. TOWER. I yield the Senator from Maine 1 minute, from my time.

Mr. HATHAWAY. I thank the Senator. As I was saying, if we agree to accept the conference report, and send it to the House of Representaives, the House has only one choice; they cannot recommit it to conference, because our conferees, through our agreeing to the conference report, will have been dismissed. So there will be no conference for the House to recommit to. But if they vote down the conference report, that will not be the end of the matter, because, as the Senator from Wisconsin has said, the House can ask for a new conference and appoint new conferees, and we can do the same thing.

We have ample time to do that. It did not take long yesterday afternoon to resolve the matter. It took, I believe, only an hour or so. Certainly if the House rejects the conference report altogether and asks for a new conference, I would not anticipate more than an hour or so to resolve our differences again.

I think it is incumbent upon us to uphold the position of the Senate with respect to this matter, and I urge Senators to reject the motion to recommit.

Mr. JAVITS. Mr. President, I had in mind to move to vote down the conference report because of the rent control problem, along with the Senator from New Jersey (Mr. CASE), who is the principal mover of this particular amendment. Obviously, we are not going to get anywhere with the rent situation in this bill. That is regrettable but that so often happens in the Congress.

It is a bad situation—a very bad situation—especially in the suburbs of New York, New Jersey, and other States around the big cities, which will have to get very much worse, with a lack of like-

lihood that the fairly rural minded legislatures will take the necessary State action before we can get any Federal action. That major contribution must be added to the already great contribution that runaway rents are having with respect to inflation.

I express great regret in that situation and I deplore what has occurred in that regard, but it is obvious to me, having talked with the conferees—both those who are for and those who are against the motion to recommit—that there is not a prayer, really, on the rent question, in this bill, considering the short tether we are on as to a time limitation, and the absolute inflexibility of the other body.

Everyone should be on notice that the Senator from New Jersey (Mr. CASE) and I—and I know that he will feel as I do—will continue the fight and do our utmost to get rent control on another appropriate bill. We are by no means abandoning it, because the Senate voted with us, much to the credit of the Senate; so that the responsibility rests squarely with the majority in the other body which, on a number of votes, turned down any form of rent control notwithstanding the strong case made for it.

That said, Mr. President, I did not quite measure the situation this way when I first heard about it today, but it seems to me clear, with the overriding urgency the country faces with respect to this matter, and the clear indication from the distinguished Senator from Maine (Mr. HATHWAY), who is the author of this amendment, that he simply feels they will not get any further with that particular amendment. So that I feel I have to vote consistently with the idea of finality with respect to the conference report.

As so often happens in Congress, we have to do what we have to do, and if the other body does not agree with us, it can do what it thinks it should do, as we did on rents. We have to face our responsibilities.

For all these reasons, Mr. President, I shall vote with the distinguished Senator from Wisconsin (Mr. PROXMIRE) on the motion to recommit.

Mr. PROXMIRE. Mr. President, I want to thank the distinguished Senator from New York. The position he states so well is that we should not recommit this conference report. We stand with the conferees. I thank the Senator from New York and want to tell him that his position on rents is absolutely sound. There is no other way we can interpret this kind of situation. It is not only anti-inflationary in the short run but it will be anti-inflationary in the long run, because we will be facing a serious shortage in low- and moderate-income housing in the next couple of years; 600,000 units have already been taken out of the inventory.

I hope that the Senator from New York will continue the fight on other legislation, and I will support him.

Mr. JAVITS. May I say to my distinguished colleague from Wisconsin, if I still have another minute remaining, that the people who are hit the heaviest are the same people who are paying higher prices at the food counters, at the clothing counters, and for medical care, and I want to give them some hope of seeing an end to it, I would hope under government control.

The only way they can do it is that I hope the President has the wisdom to see that phase III was a great mistake, that he should have a phase IV which should be a phase II, and that is the only way to get at this situation.

The PRESIDING OFFICER. The time of the Senator from New York has expired. The Senator from Texas (Mr. TOWER) has 3 minutes remaining.

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

Mr. President, it has been suggested to those of us who are opposed to this, that we are stooges for the big corporations.

I am prepared to say that I believe in the free enterprise system, that I believe in the right of business to operate in as free a climate as possible, subject to such restraints as government should place on business in order to preserve order in the economy.

I make no apology for that.

There also is big labor in this country and no one has moved around here to try to tear down the wall of protection that protects big labor. Does that suggest there may be some stooges in organized labor?

So, Mr. President, I think we had better quit name calling and try to regard each other as being intellectually honest, as being individuals who follow our own convictions.

I note, with reference to "Republicans" and "Republican money," that the Proxmire amendment was defeated in the House Banking Committee by a vote of better than 2 to 1, and on the prevailing side of that vote was Representative WRIGHT PATMAN—probably the foremost advocate of populism this country has seen in modern times.

Thus, I would hope that we do not try to put a lot of partisan nonsense into this, and that we will think in terms of legislation as being the art of the possible, necessitating preserving the authority and doing what is necessary to get that authority preserved.

The House prevailed by much greater margins than the Senate position prevailed in the Senate, and that is something we have to take into account.

Mr. CRANSTON. Mr. President, my reason for voting to recommit are different from those of most—perhaps all—Senators who will vote that way. I will vote against the conference report on the wage-price bill, not because it goes too far but because it does not go nearly far enough.

It is not enough merely to empower but not require the President to control prices. That amounts to congressional approval of the continuation of the disastrous phase III.

Phase III is an economic failure and a social disaster; I cannot vote for its continuance, even by inference. Congress must act to halt the incredible rise in prices since the President fails to act.

I believe Congress should mandate the President to institute price controls on all commodities and at once. Nothing less than that can effectively halt the steady upward spiral of prices and the cost of living. This is something the President must do if we are to halt inflation, and Congress must insist that he do it.

The PRESIDING OFFICER. The question is on agreeing to the motion to recommit the conference report.

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

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Florida (Mr. CHILES), the Senator from Mississippi (Mr. EASTLAND), the Senator from North Carolina (Mr. ERVIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Washington (Mr. MAGNUSON), and the Senator from South Dakota (Mr. MCGOVERN) are necessarily absent.

I further announce that the Senator from Alabama (Mr. ALLEN), the Senator from Indiana (Mr. HARTKE), the Senator from Utah (Mr. MOSS), and the Senator from Nevada (Mr. CANNON) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

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

Mr. SCOTT of Pennsylvania. I announce that the Senators from Oklahoma (Mr. BARTLETT and Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Tennessee (Mr. BROCK), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Ohio (Mr. SAXBE), the Senator from Virginia (Mr. SCOTT), and the Senator from Vermont (Mr. STAFFORD) are necessarily absent.

The Senator from Tennessee (Mr. BAKER), the Senator from Maryland (Mr. BEALL), the Senator from Nebraska (Mr. CURTIS), the Senator from Michigan (Mr. GRIFFIN), the Senator from Idaho (Mr. MCCLURE), and the Senator from Kansas (Mr. PEARSON) are absent on official business.

The Senator from Connecticut (Mr. WEICKER) is detained on official business.

If present and voting, the Senator from Nebraska (Mr. CURTIS) would vote "yea."

The result was announced—yeas 31, nays 35, as follows:

[No. 107 Leg.]

YEAS—31

Aiken	Gurney	Roth
Bentsen	Hansen	Scott, Pa.
Bible	Helms	Sparkman
Buckley	Hruska	Stevens
Byrd, Robert C.	Johnston	Taft
Cook	McClellan	Talmadge
Cotton	McGee	Thurmond
Cranston	Nunn	Tower
Dole	Packwood	Young
Domenici	Percy	
Fannin	Randolph	

NAYS—35

Abourezk	Case	Haskell
Bayh	Church	Hatfield
Biden	Clark	Hathaway
Brooke	Eagleton	Hollings
Burdick	Fulbright	Huddleston

Hughes	Metcalf	Ribicoff
Humphrey	Mondale	Schweiker
Jackson	Muskie	Stevenson
Javits	Nelson	Symington
Kennedy	Pastore	Tunney
Mansfield	Pell	Williams
Mathias	Proxmire	

NOT VOTING—34

Allen	Dominick	McClure
Baker	Eastland	McGovern
Bartlett	Ervin	McIntyre
Beall	Fong	Montoya
Bellmon	Goldwater	Moss
Bennett	Gravel	Pearson
Brock	Griffin	Saxbe
Byrd, Harry F., Jr.	Hart	Scott, Va.
	Hartke	Stafford
Cannon	Inouye	Stennis
Chiles	Long	Weicker
Curtis	Magnuson	

So the motion to recommit was rejected.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, submitting a nomination, was communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. HUDDLESTON) laid before the Senate a message from the President of the United States submitting the nomination of Paul J. Curran, of New York, to be U.S. attorney for the southern district of New York, which was referred to the Committee on the Judiciary.

EXTENSION OF ECONOMIC STABILIZATION ACT OF 1970—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 398) to extend and amend the Economic Stabilization Act of 1970.

Mr. McGEE. Mr. President, may I ask now what the parliamentary situation is?

The PRESIDING OFFICER. The question now is on agreeing to the conference report.

Mr. McGEE. Mr. President, I yield to the assistant majority leader.

Mr. MANSFIELD. The question now is on the adoption of the conference report, is it not?

The PRESIDING OFFICER. The question now is on the adoption of the conference report.

Mr. ROBERT C. BYRD. Mr. President, may we have a clearing of the well and a little better order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

The question is on the adoption of the conference report. Under the previous order, the Senator from Wyoming has the floor.

Mr. McGEE. Mr. President, I do not agree to the adoption of the conference report and thus I intend to keep the floor. By the agreement worked out, this was not going to be reconsidered again until Monday, April 30, to see how things are progressing at that time. So I am prepared to hold the floor for as long as necessary, until we adjourn for the Easter recess.

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

The PRESIDING OFFICER. Does the Senator yield?

Mr. McGEE. For what purpose?

Mr. SPARKMAN. To address the Chair, not to take up the conference report.

Mr. McGEE. I yield only for that purpose, and precisely with that in mind.

Mr. SPARKMAN. Mr. President, I withdraw the motion at this time.

Mr. MANSFIELD. Mr. President, will the Senator yield to me for one-half minute?

Mr. McGEE. I yield for one-half minute.

The PRESIDING OFFICER. Does the Senator from Alabama ask unanimous consent to withdraw the consideration of the conference report?

Mr. SPARKMAN. Yes, if that is required. I ask unanimous consent to withdraw the motion to pursue further the conference report at this time.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent of the Senate that I may be allowed to be absent on official business later this afternoon.

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

Mr. McGEE. Mr. President, I wish to yield to the distinguished assistant majority leader for the purpose of propounding an agreement on the procedure for the remainder of the afternoon, with the understanding that I do not lose my right to the floor.

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

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats. We cannot proceed until we have order in the Senate. Senators will clear the aisle so that we may have order.

The Senator from West Virginia is recognized.

Mr. ROBERT C. BYRD. Mr. President, the Senate is not yet in order.

The PRESIDING OFFICER. Senators will please take their seats.

The Senator from West Virginia may proceed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, at this time, the distinguished Senator from Arkansas (Mr. MCCLELLAN) may be recognized for the purpose of introducing a bill and conducting a colloquy thereon for not to exceed 15 minutes, and that at the conclusion of that period the distinguished Senator from Arkansas (Mr. MCCLELLAN) be recognized for the purpose of calling up a conference report on the urgent supplemental appropriation resolution.

The PRESIDING OFFICER. Is there objection?

Mr. McGEE. Mr. President, I object, but I do not intend to pursue my objection. I reserve that right so that I might make sure of the situation. Does this mean that the pending matter that we just voted on would not come up again in any form this afternoon under any agreement reached?

Mr. ROBERT C. BYRD. The agreement does not envision that happening. Of course, the Senator from Alabama, if he were so disposed, could move later to reconsider that vote, or he could move the adoption of the conference report. But it is my understanding that that is not anticipated. The agreement as far as I have requested, which I have just submitted, does not anticipate that happening.

Mr. McGEE. I do not anticipate the Senator from Alabama doing that. I wonder if anyone else could do it.

Mr. ROBERT C. BYRD. Anyone can call up a conference report. I know what the Senator has in mind. I will do my best to protect him against that. The Senator will be consulted.

Mr. PROXMIRE. Mr. President, if the Senator will yield, we all have a great interest in this conference report. It is so fundamental to our economy with respect to wages and prices all over the country. By delaying this matter until April 30 we are flirting with disaster. Any one Senator could kill all wages and prices, and that would include meat, wages, and health. I think the country would be better served if we could act on this matter now. We just had a rollcall vote of 31-to-35. It was close but the vote was clear. I hope we will be able to send this to the House and let them act on it. Then we would be in a far better position to act on April 30 without the threat of having no apparatus at all. In just one day prices could go up and they would be very, very difficult to roll back.

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

Mr. McGEE. I am glad to yield, but I would like to have my position known. There is nothing I would like more than that. We have had a measure pending here for a great many days about which some of us feel strongly.

Mr. PROXMIRE. Including the Senator from Wisconsin.

Mr. McGEE. We could have disposed of that measure long ago if it had not been for those who were interested in seeing that it not come to a vote. We have ordered cloture on it for Monday, April 30. For that reason I trust our colleagues will understand the action here. I shall not yield the floor or permit in any way any moving along of the measure for consideration.

Mr. PROXMIRE. Mr. President, if the Senator will yield for one question——

Mr. McGEE. As a matter of fact, it was only by agreement already made that it came up in this form at all.

Mr. PROXMIRE. I appreciate that.

Mr. McGEE. That is as far as we are going.

Mr. PROXMIRE. I cannot understand how action on the price control bill, which is so essential to our economy, will have an adverse effect on the voter registration bill which is now pending.

Mr. McGEE. The Senator has been around here a long time, and if it is that urgent there might be those Senators who are interested in talking about it. We are interested in votes. We want an up and down vote. If this ran out Monday night, let those who have delayed the debate through an unwillingness to vote up and down on the voter

registration bill bear that burden. We have been ready to vote since the second day the matter was introduced before us.

Mr. PROXMIRE. May I say I enthusiastically support that bill. I think it is a good bill. It is certainly in the public interest in every way. But I do hope that action will not result in what could be serious economic problems.

Mr. McGEE. We have waited so long; why take this out of McGEE's hide?

Mr. CASE. Mr. President, reserving the right to object——

Mr. McGEE. What is the Senator reserving his objection to?

Mr. CASE. To the acting majority leader's request. I want to ask the Senator from Wyoming if he would consider—and if I may have his attention, the Senator from Wisconsin made a very well taken point—yielding the floor, which he so amply holds, for a motion to return this matter to conference with instructions to the conferees to insist on the Senate bill? That will define precisely what ought to be done, in my opinion, and I think it might result in the right kind of legislation. That would not satisfy those people who do not want any controls. It would not satisfy those who want complete discretion in the President. It would take the Senate's view.

Mr. McGEE. If we can frame that request in ways that will not permit any other kind of maneuvering, I am a reasonable man, as long as it does not become the pending business for passage by the Senate, but goes back to the committee for further instructions, as the Senator suggests.

Mr. CASE. This would be under an even more precise wording than before and would result in useful benefits. I would be prepared to make that request.

Mr. PASTORE. Mr. President, reserving the right to object, could we not have a limitation on the debate?

Mr. CASE. Yes, indeed.

Mr. PASTORE. The reason why I suggest that is if this debate lingers and lingers—we have less than 70 now—if we take a vote by 5 o'clock, with the exodus which has taken place and which is anticipated, I am afraid the tables will be reversed by 5 o'clock. So if we are going to do anything, let us do it with a limitation.

Mr. McGEE. Mr. President, I would say before I could agree on any proposal, if it could be worked out as an agreement, I would require a very severe limit on time, say 10 minutes on a side. We had 15 minutes on a side a few minutes ago when we discussed it. I think the Senator from Rhode Island has made a good point. That would be one of the conditions under which I would be prepared to yield for a proposal by the Senator.

Mr. PROXMIRE. Mr. President, will the Senator from New Jersey yield?

Mr. CASE. I yield.

Mr. PROXMIRE. Both Senators from New Jersey led the fight for rent controls. The provision in the bill was completely fair and just. We fought hard for it in conference. We could not get it. I would do all I could to dissuade the House from its position, but in all honesty I would have to tell the Senator that this would be a formula for a deadlock. I believe in standing by the Senate's position, but we were fairly and squarely defeated by the House on this particular provision.

Mr. CASE. Mr. President, am I not correct in my understanding that when the conference met there was a majority from the House, among the House Members, in support of the motion to recede and concur with the Senate in the bill, and that that majority was broken when one of the Members had to leave, and the chairman of the House conferees was not allowed to vote his proxy in favor?

Mr. PROXMIRE. The Senator from New Jersey is correct.

Mr. CASE. So, I do think there is at least a potential number of House Members ready to accept the Senate position.

Mr. PROXMIRE. I will support the Senator from New Jersey. The difficulty is that we were unable to persuade the Members of the House to accept a compromise on rent control. If we want rent control in, we will be in a worse position.

Mr. CASE. If that House Member had been there, we would have had acceptance of the report.

Mr. PROXMIRE. That is correct.

Mr. CASE. So it does not seem to me that we are engaging in a work of futility, certainly no worse than if we did not try.

Mr. PROXMIRE. The Senator understands the situation thoroughly. It is my judgment that if we go back under these circumstances, we will have a deadlock; but I think we should go back.

Mr. CASE. The Senator perhaps knows more than I do. I do not know whether we would get more Members of the House delegation on our side. I think it would be worth the try.

Mr. TOWER. The fact of the matter is that if we send it back to conference with instructions to insist on the Senate amendment, then it is really going to be dead, because the House voted down rent control by a vote of 3 to 1. We cannot expect them to come back to conference and recede from the Senate position, which they might do, because of the way the House conferees are stacked in opposition to the House of Representatives. A majority of the House conferees represented the minority position in the House. That is why they did not recede from the Senate position.

When they get to the floor of the House, and we have put rent control back in it, and do not recede on anything else than rent control—and there is voluntary rent control in the hands of the President—the question will be before the House on April 30.

The Senator from Alabama (Mr. SPARKMAN) told us to recommit. The chairman's motion was to kill the Economic Stabilization Act of 1971. I think that if we send it back to conference with instructions not to yield on the Senate provisions, we are made even more rigid. That will compound the problem, and we will not have controls after midnight April 30.

Mr. CASE. I would say that the responsibility and the lack of responsibility would be very clear. The position of the House conferees in resisting the House is not unlike the position of Senate conferees on a Senate vote, although the majority, perhaps, is not so great in the Senate, because the Senate voted very clearly for rent control, and the Senate has backed away.

I understand the whole situation. I am not making the point that the Senator from Texas raised that this is an important matter. I would be prepared to make the motion myself to bring up the conference report again, if the Senator from Wyoming would permit a unanimous-consent agreement to make that possible.

Mr. McGEE. Mr. President, I was reserving the right to object to the request, but I think I will object until we can work out a unanimous-consent agreement, which means, as I understand it, that I will still have the floor subject to working out an agreeable unanimous-consent agreement. So I yield to the majority whip for the purpose of working out a procedure, with the understanding that there will be one transaction.

Mr. ROBERT C. BYRD. Mr. President, here is the situation that confronts the Senate. The distinguished Senator from Arkansas (Mr. McCLELLAN), chairman of the Senate Appropriations Committee, has been waiting patiently all day. He spoke to me early this morning and requested that he be recognized soon after the vote which occurred at 12 o'clock for the purpose of introducing a bill and having a colloquy for 15 minutes.

Last evening, I did not know that the urgent supplemental conference report would be ready today, because I was told that the House would not even meet in conference to consider the matter. However, we now have the conference report.

The Senator from Arkansas also stated that he wanted to bring up the conference report, which is a privileged matter.

The request was made that the Senator from Wyoming (Mr. McGEE) be recognized immediately following the vote at 12 o'clock. He could hold the floor all afternoon if he feels disposed to do so. He wants to protect himself with respect to the voting rights bill, for his own reasons, which he does not have to explain. However, as I say, he can hold the floor all afternoon if he wants to.

Mr. President, I hope that we can get consent for the Senator from Arkansas (Mr. McCLELLAN) to be recognized for not to exceed 15 minutes for the purpose of introducing a bill and having a colloquy and that he then be recognized for the purpose of calling up the urgent supplemental conference report, keeping in mind that that involves veterans' readjustment benefits with a deadline of April 25—with the Senate out until April 30—and that it also involves the funds for subsidies for feeder airlines, which were exhausted on March 15. It is a very urgent supplemental conference report.

If we cannot get consent for Mr. McCLELLAN to call up that matter with limited time thereon, we may be here until midnight.

Moreover, we have the matter involving the economic stabilization conference report. All of us have heard the debate on that as to what we are up against.

I would hope, therefore, that we could reach an agreement whereby the Senior Senator from Arkansas could be recog-

nized for the purpose of introducing a bill and calling up his conference report with a time limitation thereon.

As the distinguished Senator from Rhode Island (Mr. PASTORE) has pointed out, we do not have very much longer today if we hope to have a quorum present.

If we can get an agreement on the urgent supplemental conference report and if there is a way to work out something on the other matter involving the economic stabilization conference report—and there may not be any, but I am hoping that we can at least get an agreement to take up the urgent supplemental conference report today—the Senator from Wyoming would then resume the floor.

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

Mr. ROBERT C. BYRD. Mr. President, I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, if this could be arranged, would the Senator from Arkansas be willing to bring up his conference report first and then speak on the introduction of his bill after the conference report is disposed of?

Mr. McCLELLAN. Mr. President, I am perfectly willing to bring up the conference report at any time. However, I want to make some remarks on the bill. It is a bill in which many Senators are interested. There are 15 or 20 cosponsors of the bill. It is a bill to carry out the recommendations of the Joint Committee on the Budget. There are others who wanted to make remarks but have submitted their remarks at the desk.

I hope to get the bill introduced promptly. I am sure that it was introduced in the House today. It will only take 5 or 10 minutes. However, I asked for 15 minutes so that if anyone else wanted to make some brief remarks, they would have the privilege of doing so.

I would then intend to go right on to the conference report. As far as I am concerned, I do not want 1 minute's time on that report. I can waive all time if others can. I have no desire to delay anything. I have been patiently waiting here.

Mr. PASTORE. I know that anything the Senator from Arkansas brings up is very important regardless of what it is.

My information was that the budget matter might provoke some discussion. Therefore, because the other matter was a privileged matter, I wondered if it could not be brought up first.

Mr. McCLELLAN. It could be brought up first. However, I feel that I am entitled to introduce a bill of this importance from the joint committee which the Senate created. I feel it is very important.

I hate to be deprived here from making a brief statement. I have no objection to the Senator from Wyoming holding the floor this afternoon if that is what he wants to do. However, some other business ought to be disposed of.

I have been very patiently waiting.

Mr. McGEE. Mr. President, if the Senator will yield, I would like to say to the Senator from Arkansas that, as he knows, we worked out an agreement so that he could expedite this matter long, long ago. And it has been delayed by other matters beyond our control and superseding our agreement. Perhaps it would be easier if a separate agreement could be made to dispose of this matter and then proceed to the next one in order to protect the matter in which I am interested. I would like to make it very clear that I intend to hold the floor all afternoon and into the night if necessary.

Mr. ROBERT C. BYRD. Mr. President, if the Senator will yield, I say for the benefit of the Senator that the concurrent resolution providing for adjournment of the Senate today has not yet been finally passed. The Senate might want to consider that.

UNANIMOUS-CONSENT REQUEST

Mr. President, I ask unanimous consent if I may at this time, that the distinguished Senator from Arkansas (Mr. McCLELLAN) be recognized at this time for not to exceed 15 minutes for the purpose of introducing a bill, that he be in control of that time and be permitted to speak out of order, notwithstanding the Pastore rule of germaness, and that immediately thereafter he be recognized to call up a conference report on the urgent supplemental appropriations bill, and that there be a time limitation on the conference report of 1 hour.

Mr. PELL. Mr. President, if the Senator will yield, in response to that request, I do not want to consent to a time limitation agreement on the conference report at this time. I may agree to a vote shortly on the conference report. However, I am disturbed about the conference report. The only amendments adopted by rollcall votes were dropped like hot cakes in the conference. And the only amendment that was accepted was the one that had been agreed to by a voice vote.

I do not feel that the conferees did what it was hoped they would do. One would expect that the conferees would at least split the difference.

Mr. President, what is at stake here is the right of the presidium, which is the way I refer to it, to take the thoughts of the authorizing committee and change them around. And this was done by a quick voice vote a few days ago in the House. The Senate now is being asked to agree abjectly to that action.

Someone ought to fight this. If, after having a colloquy, I am reasonably certain that there will be a greater fight for the appropriations in the future, I might well agree to a rapid vote. However, I will not do so now.

Mr. ROBERT C. BYRD. Mr. President, I can appreciate the strong feelings of the able Senator on the matter.

Mr. President, I ask unanimous consent that the Senator from Arkansas (Mr. McCLELLAN) be recognized now for not to exceed 15 minutes to speak out of order, notwithstanding the germaneness rule, for the purpose of introducing a bill and that at the conclusion of that time he be recognized to take up the conference report on the urgent supplemental, with the understanding that on the disposition of that conference report, if it is disposed of today, the distinguished from Wyoming (Mr. McGEE) be recognized again, and if it is not disposed of today ,that upon the next meeting of the Senate, the Senate continue its consideration of the conference report and that upon its disposition, the distinguished Senator from Wyoming be recognized again.

Mr. McGEE. Mr. President, reserving the right to object, and I may because of the continuation request if we do not finish the pending bill today, I would agree to any incentive that could be worked out if the bill is disposed of today. However, otherwise I cannot agree to its becoming the pending business on Monday. We already have a unanimous-consent agreement and an order in terms of a vote on Monday on the cloture motion, and the status of that is that immediately upon the disposition of that, the Senator from Wyoming is to have the floor.

That is the present status. So I could not go beyond the termination of business today on this agreement, and on those terms I think I would have to object. If the majority whip would like to rephrase the prosposal, or request to include within it the context of being finished today, and get an agreement from the parties on the supplemental, would be willing to consider that by way of agreement.

The PRESIDING OFFICER. The Senate will be in order.

Mr. ROBERT C. BYRD. Mr. President, I am sorry; I was distracted temporarily, and did not understand all of the Senator's statement.

Mr. McGEE. The Senator from Wyoming could not agree to a unanimous-consent request that would not leave him in control of the floor when we reconvene on Monday, following the cloture vote, which will be the immediate pending business, as I understand it. Is that the understanding of the Parliamentarian?

The PRESIDING OFFICER. The first hour would be devoted to cloture.

Mr. McGEE. And at the end of that time, by a unanimous-consent agreement of a night or two ago, the Senator from Wyoming will have the floor; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. McGEE. And it is that interruption the Senator is now proposing that I could not agree to.

Mr. ROBERT C. BYRD. Mr. President, if the Senator will yield, I assure the distinguished Senator that he would not be displaced.

I have in mind, if the Senate does not complete action on this conference report today, that we will be in session tomorrow.

Mr. McGEE. Oh, tomorrow? So that is the club.

Mr. ROBERT C. BYRD. Though I fully contemplate action on the conference report today.

The PRESIDING OFFICER. The Senate will be in order. Attendants in the galleries will see that order is maintained there.

Mr. McGEE. With that explanation, then, I can agree to whatever arrangement the majority whip can work out, as long as it does not spill over into Monday.

Mr. ROBERT C. BYRD. I want to be sure that I fully protect the Senator from Wyoming. The problem here is that if we came in tomorrow, the vote on cloture would also occur tomorrow.

Mr. McGEE. I could not agree to that.

Mr. ROBERT C. BYRD. No; I would not want the Senator caught in a bind, and I would hope to get unanimous consent that the cloture vote not occur until April 30 when we return, but I want all Senators to know what we are getting into here.

Mr. President, I shall separate the unanimous-consent requests.

I ask unanimous consent that the Senator from Arkansas now be recognized for not to exceed 15 minutes to introduce a bill and conduct a colloquy thereon, if any, and that at the conclusion of that time, the distinguished Senator from Wyoming again be recognized.

The PRESIDING OFFICER. Is there objection?

Mr. TOWER. Mr. President, reserving the right to object, I do not intend to object, but I want to state that I will object to any time limitation should the motion to take up the economic stabilization conference report be offered.

Mr. CASE. Just further to preserve the situation, if the Senator will yield, this carries no implication that the Senator may not yield for the purpose we talked about?

Mr. TOWER. No.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arkansas is recognized for 15 minutes.

(The remarks Senator McCLELLAN made at this point on the introduction of S. 1641, the Budget Control Act of 1973, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

The PRESIDING OFFICER. Under the previous order, the distinguished Senator from Wyoming (Mr. McGEE) has the floor.

Mr. McGEE. Mr. President, what is the parliamentary situation?

Mr. ROBERT C. BYRD. The Senator from Wyoming is recognized.

The PRESIDING OFFICER. The unfinished business is pending, and the Senator from Wyoming has the floor.

Mr. McGEE. Mr. President, I should like to inquire of the majority whip what the next procedure will be, if he is to expedite the matters at hand.

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

Senators are confronted, as I say, with several most puzzling and complex enigmas that need attention before adjournment today, one of which is that we have the urgent supplemental appropriation conference report; another is that we have the emergency feed grain bill which needs to be acted upon today; another is that we have the emergency rice bill; we have the Older Americans Act; to say nothing of the economic stabilization conference report.

Mr. McGEE. I say nothing of the latter. [Laughter.]

Mr. ROBERT C. BYRD. I, therefore, ask unanimous consent, Mr. President, that the distinguished Senator from Arkansas now be recognized to call up the conference report on the urgent supplemental appropriation resolution, with the understanding that debate on the conference report be not to exceed 1 hour, the time to be equally divided and controlled by the distinguished Senator from Arkansas (Mr. McCLELLAN) and the distinguished Senator from Rhode Island (Mr. PELL), with the further proviso that if the conference report is not disposed of within the hour, the conference report be set aside.

Mr. McCLELLAN. Mr. President, reserving the right to object, I see no reason to bring it up if we are not going to vote on it and not going to dispose of it.

Mr. ROBERT C. BYRD. It is hoped that it would be disposed of.

Mr. McCLELLAN. I want to know whether we are going to dispose of it.

Mr. PELL. Mr. President, I do not blame the Senator from Arkansas, who has been very kind and square on this whole issue. I cannot give my assurance, because it would depend, in part, on the vigor with which one received assurance from the rest of the conferees that they would bleed and sweat to try to get funds for the basic grant program. So far, I see no evidence of it.

Mr. McCLELLAN. I only see one other conferee on the floor besides me. I do not want to stay here another 2 or 3 hours for nothing.

Mr. PELL. I cannot give a commitment that we are going to reach a vote on it.

Mr. McCLELLAN. We are going to have an hour's debate on it. Are we going to vote on it?

Mr. PELL. It will depend upon the course of the debate. My present intention would be to try to convince those who were in the conference yesterday that more effort should be made to translate the wishes of Congress into the actions through appropriations.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. If the conference report is taken up, made the pending business, and we agree on an hour's debate, the time to be equally divided or otherwise, what is the next procedure following the expiration of that time limitation?

The PRESIDING OFFICER. The question would be on the adoption of the report.

Mr. McCLELLAN. All time for debate having expired, would not a vote occur, or a motion to recommit? Would there not have to be action?

The PRESIDING OFFICER. The Senator from West Virginia made a slight modification in the unanimous-consent request which would imply that that might not be the situation, as the Chair understands it.

Mr. McCLELLAN. What is the alternative, then, if we do not vote on it? I would like to know before I agree to this.

Mr. ROBERT C. BYRD. Mr. President, may I respond?

The PRESIDING OFFICER. The Senator may.

Mr. ROBERT C. BYRD. I know that the distinguished Senator from Arkansas has sat here patiently all day, and he has the responsibility of trying to get this urgent supplemental conference report adopted. He wants to get it adopted, and I want him to get it adopted.

At the same time, we have many dissident viewpoints here at the moment. My function, as I see it, is to try to find a way to get this conference report adopted today, if we can, but I am not sure that we can.

My request would provide, Mr. President, that if the conference report were not adopted at the close of the hour—I say "adopted"—the conference report would be set aside.

The PRESIDING OFFICER. That was the understanding of the Chair.

Mr. McCLELLAN. I have a more thorough understanding of the unanimous-consent request now, and I object to it. I do not like this kind of procedure. If we are going to take it up, let us dispose of it. If we are not going to dispose of it, let us not waste our time.

Mr. ROBERT C. BYRD. I sympathize with the position that has been stated by the distinguished chairman, and I do not disagree with that viewpoint at all. I am just trying to work a way out of our predicament here which will accommodate both the chairman and the distinguished Senator from Rhode Island (Mr. PELL).

Mr. McCLELLAN. I do not know what it takes to give somebody assurance. I am ready to give the Senator assurance that I tried to get his amendment adopted, but I cannot go beyond that. I am not the whole conference. A motion was made to dispose of it, and that motion was agreed to.

Mr. ROBERT C. BYRD. The distinguished Senator from Rhode Island had privately expressed the hope to me that during such a colloquy on the conference report he might be satisfied by the responses he would get from the Senator from Washington (Mr. MAGNUSON)——

Mr. McCLELLAN. I do not see Mr. MAGNUSON here.

Mr. ROBERT C. BYRD. I think Mr. MAGNUSON will be here.

Mr. President, I withdraw my request.

The PRESIDING OFFICER. The request is withdrawn.

Mr. YOUNG addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from North Dakota?

Mr. McGEE. The Senator wants me to yield for what purpose?

Mr. YOUNG. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. YOUNG. As I understand the rules of the Senate, a conference report is a privileged matter. What has happened to that rule?

The PRESIDING OFFICER. The Senator is correct, but the Senator from Wyoming is holding the floor, and that motion cannot be made without his consent in this instance.

Mr. YOUNG. This is a very urgent matter. The veterans will run out of money, and something has to be done. I understand that we will not have a quorum by evening.

Mr. ROBERT C. BYRD. The Senator is precisely correct.

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

Mr. ROBERT C. BYRD. I yield.

Mr. McCLELLAN. If we do not get this conference report adopted, we are letting money for veterans run out before the

Senate returns from adjournment. We are letting money run out to pay the feeder lines. Also, I believe there would be some expirations under the amendment of the Senator from North Dakota if the conference report is not adopted.

There are three areas—to students, to veterans, and to carry on feeder lines in aviation. I do not know whether we want to let them drop.

I am not going to debate this matter for an hour and then do nothing. It would be a waste of time. When we are ready to act on it, I am ready to work and to debate; but I do not want to agree to something that is not going to be effective.

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

Mr. McGEE. I yield.

Mr. ROBERT C. BYRD. Mr. President, if I may have the attention of the distinguished Senator from Rhode Island (Mr. PELL), I ask unanimous consent that the Senator from Arkansas be recognized to call up his conference report; that there be a time limitation for debate thereon of not to exceed 1 hour, the time to be equally divided between the Senator from Arkansas (Mr. McCLELLAN) and the Senator from Rhode Island (Mr. PELL); that upon the disposition of the conference report, the distinguished Senator from Wyoming be again recognized.

The PRESIDING OFFICER. Is there objection?

Mr. PELL. I object.

The PRESIDING OFFICER. Objection is heard.

AGRICULTURAL ADJUSTMENT ACT OF 1938

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 6883, the emergency rice bill.

The PRESIDING OFFICER. The Chair lays before the Senate H.R. 6883, which will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6883) to amend the Agricultural Adjustment Act of 1938 with respect to rice.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the bill be considered as having been read twice, and that the Senate proceed to the consideration of the bill.

The PRESIDING OFFICER. Without objection, the bill will be considered as having been read twice; and the Senate will proceed to its consideration.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a time limitation of 20 minutes on this bill, the time to be equally divided between the distinguished Senator from Kentucky (Mr. HUDDLESTON) and the distinguished Senator from Vermont (Mr. AIKEN) or his designee; that upon the disposition of the bill, the distinguished Senator from Wyoming again be recognized.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HUDDLESTON addressed the Chair.

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. HUDDLESTON. Two minutes.

Mr. President, I ask unanimous consent that members of the staff of the Committee on Agriculture and Forestry have the privilege of the floor during the consideration of this measure.

Mr. ROBERT C. BYRD. Mr. President, for the convenience of the Sergeant at Arms, may I ask the Senator to revise his request to specifically identify the staff members he wants on the floor.

Mr. HUDDLESTON. I thank the Senator. I will identify them.

REQUEST FOR FLOOR PRIVILEGE

Mr. President. I ask unanimous consent that the following staff members of the Committee on Agriculture and Forestry be permitted to be present on the floor during the consideration of S. 1572 and H.R. 6883; Messrs. Harker T. Stanton, Michael R. McLeod, Henry J. Casso, Forest W. Reece, James W. Giltmier, James E. Thornton, John A. Baker, William A. Taggart, Cotys M. Mouser, and James M. Kendall.

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

Mr. HUDDLESTON. Mr. President, this bill would permit rice growers who are unable to plant part or all of their farm acreage allotments in 1973 because of flood or other natural disaster to transfer their allotments to other farms in the same or an adjoining county on which they will have an interest. Any allotment transferred will be considered to have been grown on the farm from which transferred for the purposes of history credits and eligibility for future allotments as an old farm.

This bill would provide such transfer authority for 1973 only. It would give rice producers the same privileges which cotton, wheat, and tobacco producers have under permanent legislation.

The Committee on Agriculture and Forestry today ordered S. 1551 reported with amendments conforming it exactly with H.R. 6883. The amendments struck out references to peanuts in that bill. The Department of Agriculture has indicated its support of this legislation by letter to Senator TALMADGE.

Mr. President, I ask unanimous consent that the report of the Department of Agriculture favoring enactment of S. 1551 be inserted in the RECORD at this time.

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

DEPARTMENT OF AGRICULTURE,
Washington, D.C., April 16, 1973.

Hon. HERMAN E. TALMADGE,
Chairman, Committee on Agriculture and Forestry, U.S. Senate.

DEAR MR. CHAIRMAN: This is in response to your request for a report on S. 1551, a bill to provide relief to farmers who grow rice or peanuts in areas declared to be disasters for the 1973 crop year.

This Department recommends that this bill be passed.

Flood conditions this year in some parts of the country are making it impossible for farmers to grow rice and peanuts on their farm acreage allotments. This bill would provide authority for the Secretary of Agriculture to permit the transfer of rice and peanut allotments, for 1973 only, from farms where because of a natural disaster the crop cannot be planted or replanted, to another farm in the same or an adjoining county in which the grower has an interest. To provide this authority, the bill would amend the Agricultural Adjustment Act of 1938, as amended, by adding a new subsection (g) to section 353 and a new subsection (j) to section 358. The bill provides safeguards to preserve production history on farms from which acreages are transferred.

The production of rice from acreages affected by the floods is needed to meet apparent demands for rice during the 1973–74 marketing year. An increase of 10 percent in the national acreage allotment for 1973, above the 1972 acreage was announced by the Department on December 29, 1972. Thus, the provisions of this bill would assure a more adequate supply of rice as well as provide relief for farmers adversely affected by natural disasters.

It is estimated that enactment of S. 1551 would result in nominal administrative costs at the county level.

The Office of Management and Budget advises that there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

Sincerely,

J. PHIL CAMPBELL,
Under Secretary.

Mr. HUDDLESTON. Mr. President, I wish to add one word, The bill is designed to give ricegrowers the opportunity to plant their crops which they could not plant because of weather conditions which existed through the central and southern parts of the country.

The PRESIDING OFFICER. Does the Senator from Vermont wish to be recognized?

Mr. AIKEN. Mr. President, I do not intend to use the time. I have nothing to say on the bill now pending. All I am going to say is that I think that we are doing some pretty sloppy legislation in the Senate.

Conference report are acted upon, bills are brought up that are not printed; we do not know what we are voting on until somebody tells us when we come to the Chamber. We should stop legislating until these matters are printed so that we will know what they mean.

Does anyone wish me to yield?

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. AIKEN. If the Senator from Kentucky is ready to yield back his time, I am ready to yield back my time.

Mr. HUDDLESTON. I reserve only 10 seconds to respond to the distinguished Senator as to the reason for moving in this manner. The planting season is upon us.

Mr. AIKEN. Yes.

Mr. HUDDLESTON. This legislation is necessary so that these farmers can plant their crops.

Mr. AIKEN. I am not rising to oppose the bill which is before the Senate. I simply wanted to comment on the manner in which we have been doing business lately.

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

Mr. AIKEN. We do not know the meaning of legislation when it comes in. There has just been handed to me a copy of the letter from the Department of Agriculture addressed to the chairman of the Committee on Agriculture and Forestry, in which the Department recom-

mends that the bill be passed. If this is the bill they refer to, let us pass it.

The PRESIDING OFFICER. Is all time yielded back?

Mr. HUDDLESTON. I yield back my time.

Mr. AIKEN. I yield back my time.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 6883) was ordered to a third reading, read the third time, and passed.

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

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. McGEE. Mr. President, I would like to have the assistant majority leader tell us the situation now.

Mr. ROBERT C. BYRD. It is my understanding that there has been an agreement on both sides of the aisle to proceed to the consideration of S. 1572, the emergency feed grain bill.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 1572, with the proviso that there be a time limitation on that bill of not to exceed 5 minutes on a side, and with a further proviso that upon disposition of the bill the Senator from Wyoming may again be recognized.

Mr. JAVITS. Mr. President, reserving the right to object, and I shall not object, I need 5 minutes.

Mr. AIKEN. I understand the Senator from Kansas desires some time to speak on the bill also.

Mr. ROBERT C. BYRD. Mr. President, I modify the request to provide for 15 minutes on each side, with the understanding that the Senator from New York shall have 5 minutes, without the time being charged to either side.

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

Mr. JAVITS. Mr. President, I thank the Senator for his cooperation.

The PRESIDING OFFICER. The Senator from New York may proceed.

(The remarks Senator JAVITS made at this point on the introduction of S. 1643, S. 1644, and S. 1645, to strengthen the criminal justice system, and S. 1642, to establish a commission for reform of the income tax laws, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

FEED GRAIN SET-ASIDE PROGRAM

The PRESIDING OFFICER. Under the previous unanimous-consent agreement, the Senate will now proceed to the consideration of S. 1572, which the clerk will state by title.

The assistant legislative clerk read the bill (S. 1572) by title, as follows:

A bill to provide equity in the feed grain set aside program by allowing participants in Plan B to switch to Plan A.

The Senate proceeded to consider the bill.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time be controlled by the distinguished Senator from Vermont (Mr. AIKEN) and the distinguished Senator from Iowa (Mr. CLARK).

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

Mr. CLARK. Mr. President, because of the great inequities created for American farmers by the Department of Agriculture's action of March 26, 1973, in which rules for participation in the feed grain program were changed, Senator HUMPHREY and I yesterday introduced a measure which would help to bring about a more equitable solution.

As a result of the Department of Agriculture's action, those farmers who had signed up under option A of the feed grain program improved their relative position with those who signed up under option B by two and one-half times. Their set-aside acres were lowered from 25 percent of their feed grain base to 10 percent of their base while option B participants gained no advantages.

Senator DOLE has joined with us in this measure (S. 1572) and the bill was reported without opposition from the members of the Senate Agriculture Committee.

Briefly put, our bill would assure option B participants the same parity guarantees which option A participants now enjoy.

The bill was printed in the RECORD yesterday, along with a detailed explanation from both Senator HUMPHREY and myself for other Senator's consideration.

Planting will commence as soon as weather permits, so passage of this legislation is needed immediately and I ask my colleagues to give it prompt and favorable consideration.

Mr. President, I move the passage of the legislation.

Mr. AIKEN. Mr. President, I yield to the Senator from Kansas (Mr. DOLE) such time as he may desire.

Mr. DOLE. Mr. President, I agree with the remarks made by the Senator from Iowa.

The bill we are considering today requires immediate action. It deals with the provisions of the feed grain program and farmers in some areas are already planting these crops.

As I indicated when I introduced S. 1572, its purpose is to correct an inequity brought about by a change in the program 10 days after the deadline for signup for participation.

The change effectively eliminated any choice to those farmers who had already elected option B in the feed grain program. Because of the proximity of planting time it is urgent that this inequity be corrected immediately.

In our Agriculture Committee meeting this morning we worked out a compromise utilizing the bill introduced by Senator CLARK Tuesday, April 17, S. 1631, which will not reopen the signup period, but assure farmers who signed up for option B equity in the payments they will receive under the feed grain program.

The bill as reported is needed. It is equitable to the farmers and, if projected markets prices continue stabilized at the levels of the present, will not require any additional cost to the Government.

Mr. President, I urge my colleagues to pass this legislation.

I believe the Senator from Iowa has well expressed the inequity we hope to correct with this measure, which has been brought about by a change in the Department's policy after the sign-up deadline, which to me does an injustice to those who were operating under one option rather than the other. I believe the bill reported by the Senate committee this morning deserves not only prompt consideration but prompt action by this body.

The PRESIDING OFFICER. Who yields time?

Mr. AIKEN. Mr. President, I have no further requests for time. I have no objection to the passage of the bill, and I make no prediction as to its ultimate fate. I yield back the remainder of my time.

Mr. CLARK. Mr. President, I yield back my time.

The PRESIDING OFFICER. The clerk will state the committee amendment.

The assistant legislative clerk read the committee amendment, which was to strike out all after the enacting clause and insert:

That section 105(b) of the Agricultural Act of 1949, as amended by section 501 of the Agricultural Act of 1970, is amended by adding at the end thereof a new paragraph as follows:

"(4) Notwithstanding any other provision of law, the payment rate for corn to producers participating in the 1973 feed grain program under the so-called option B part of the program (for partial compliance) shall be increased to such rate as, together with the national average market price received by farmers for corn during the first five months of the marketing year for the crop, the Secretary determines will be equal to (A) $1.35 per bushel, or (B) 70 per centum of the parity price of corn as of the beginning of the marketing year, whichever is the greater. The payment rates for grain sorghums and barley shall be such rates, respectively, as the Secretary determines fair and reasonable in relation to the rate at which payments are made available for corn. Such payments shall be made available on 50 per centum of the feed grain base for the farm as provided in paragraph (2) of this subsection."

SEC. 2. The last sentence of such section 105(b)(1) is repealed.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. HUMPHREY. Mr. President, I wish to express my support of S. 1572. This legislation is designed to eliminate all the inequities between feed grain farmers whether they have selected option (B) or (A) as feed grain cooperators. The language of this bill is identical to the legislation introduced by Senator CLARK and myself. It is a bipartisan measure, carrying the Senate calendar number of a bill introduced by Senator DOLE of Kansas. This legislation, as adopted by the Senate will give equal and fair treatment to all feed grain farmers who are cooperators within the structure of the feed grain program.

I wish to compliment the distinguished Senator from Iowa, Mr. CLARK, on his leadership. I was proud and pleased to be associated with him in designing and passing this legislation. This bill, if passed and adopted by the House of Representatives, will mean additional income to the family farmer and additional supplies of much needed feed grains for the American consumer and the world market.

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

The bill was read the third time, and passed.

The title was amended, so as to read: "An act relating to payments to producers for participation in the 1973 feed grain program."

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

Mr. HUDDLESTON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Wyoming, under the previous order, is recognized.

Mr. McGEE. Mr. President, I would like to inquire of the acting majority leader what the next chapter in this afternoon's saga is.

Mr ROBERT C. BYRD. Mr. President, will the Senator suggest the absence of a quorum with the understanding that he not lose the floor?

Mr. McGEE. Mr. President, I suggest the absence of a quorum, with the understanding——

Mr. ROBERT C. BYRD. But before he does that, will the Senator withhold that suggestion?

Mr. McGEE. Mr. President, I withhold that suggestion to hear what the leader has to say.

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from West Virginia?

Mr. McGEE. Mr. President, I yield to the Senator from West Virginia for the purpose of a statement.

VOTE ON CLOTURE MOTION

Mr. ROBERT C. BYRD. Mr. President, just that we may be safe on all bases, I ask unanimous consent that the vote on the motion to invoke cloture on S. 352 not occur before April 30.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR RECOGNITION OF SENATORS ON APRIL 30, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on April 30, immediately after the two leaders or their designees have been recognized under the standing order, the distinguished Senator from Maryland (Mr. MATHIAS) be recognized for not to exceed 15 minutes; that he be followed by the distinguished majority leader (Mr. MANSFIELD) for not to exceed 15 minutes; that he be followed by the Senator from West Virginia (Mr. ROBERT C. BYRD) for not to exceed 15 minutes; after which the 1 hour of debate under rule XXII on the motion to invoke cloture begin running.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. McGEE. Mr. President, I suggest the absence of a quorum, with the understanding that I do not lose the floor.

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. McGEE. 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. McGEE. Mr. President, I yield to the majority whip, the distinguished Senator from West Virginia, with the understanding that I do not lose my right to the floor.

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

JOINT REFERRAL OF PRESIDENT'S MESSAGE ON ENERGY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the message from the President of the United States on energy be jointly referred to the Committees on Commerce, Interior and Insular Affairs, Public Works, and the Joint Committee on Atomic Energy.

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

The message is as follows:

To the Congress of the United States:

At home and abroad, America is in a time of transition. Old problems are yielding to new initiatives, but in their place new problems are arising which once again challenge our ingenuity and require vigorous action. Nowhere is this more clearly true than in the field of energy.

As America has become more prosperous and more heavily industrialized, our demands for energy have soared. Today, with 6 percent of the world's population, we consume almost a third of all the energy used in the world. Our energy demands have grown so rapidly that they now outstrip our available supplies, and at our present rate of growth, our energy needs a dozen years from now will be nearly double what they were in 1970.

In the years immediately ahead, we must face up to the possibility of occasional energy shortages and some increase in energy prices.

Clearly, we are facing a vitally important energy challenge. If present trends continue unchecked, we could face a genuine energy crisis. But that crisis can and should be averted, for we have the capacity and the resources to meet our energy needs if only we take the proper steps—and take them now.

More than half the world's total reserves of coal are located within the United States. This resource alone would be enough to provide for our energy needs for well over a century. We have potential resources of billions of barrels of recoverable oil, similar quantities of shale oil and more than 2,000 trillion cubic feet of natural gas. Properly managed, and with more attention on the part of consumers to the conservation of energy, these supplies can last for as long as our economy depends on conventional fuels.

In addition to natural fuels, we can draw upon hydroelectric plants and increasing numbers of nuclear powered facilities. Moreover, long before our present energy sources are exhausted, America's vast capabilities in research and development can provide us with new, clean, and virtually unlimited sources of power.

Thus we should not be misled into pessimistic predictions of an energy disaster. But neither should we be lulled into a false sense of security. We must examine our circumstances realistically, carefully weigh the alternatives—and then move forward decisively.

WEIGHING THE ALTERNATIVES

Over 90 percent of the energy we consume today in the United States comes from three sources: natural gas, coal, and petroleum. Each source presents us with a different set of problems.

Natural gas is our cleanest fuel and is most preferred in order to protect our environment, but ill-considered regulations of natural gas prices by the Federal Government have produced a serious and increasing scarcity of this fuel.

We have vast quantities of coal, but the extraction and use of coal have presented such persistent environmental problems that, today, less than 20 percent of our energy needs are met by coal and the health of the entire coal industry is seriously threatened.

Our third conventional resource is oil, but domestic production of available oil is no longer able to keep pace with demands.

In determining how we should expand and develop these resources, along with others such as nuclear power, we must take into account not only our economic goals, but also our environmental goals and our national security goals. Each of these areas is profoundly affected by our decisions concerning energy.

If we are to maintain the vigor of our economy, the health of our environment, and the security of our energy resources, it is essential that we strike the right balance among these priorities.

The choices are difficult, but we cannot refuse to act because of this. We cannot stand still simply because it is difficult to go forward. That is the one choice Americans must never make.

The energy challenge is one of the great opportunities of our time. We have already begun to meet that challenge, and realize its opportunities.

NATIONAL ENERGY POLICY

In 1971, I sent to the Congress the first message on energy policies ever submitted by an American President. In that message I proposed a number of specific steps to meet our projected needs by increasing our supply of clean energy in America.

Those steps included expanded research and development to obtain more clean energy, increased availability of energy resources located on Federal lands, increased efforts in the develop-

ment of nuclear power, and a new Federal organization to plan and manage our energy programs.

In the twenty-two months since I submitted that message, America's energy research and development efforts have been expanded by 50 percent.

In order to increase domestic production of conventional fuels, sales of oil and gas leases on the Outer Continental Shelf have been increased. Federal and State standards to protect the marine environment in which these leases are located are being tightened. We have developed a more rigorous surveillance capability and an improved ability to prevent and clean up oil spills.

We are planning to proceed with the development of oil shale and geothermal energy sources on Federal lands, so long as an evaluation now underway shows that our environment can be adequately protected.

We have also taken new steps to expand our uranium enrichment capacity for the production of fuels for nuclear power plants, to standardize nuclear power plant designs, and to ensure the continuation of an already enviable safety record.

We have issued new standards and guidelines, and have taken other actions to increase and encourage better conservation of energy.

In short, we have made a strong beginning in our effort to ensure that America will always have the power needed to fuel its prosperity. But what we have accomplished is only a beginning.

Now we must build on our increased knowledge, and on the accomplishments of the past twenty-two months, to develop a more comprehensive, integrated national energy policy. To carry out this policy we must:

—increase domestic production of all forms of energy;

—act to conserve energy more effectively;

—strive to meet our energy needs at the lowest cost consistent with the protection of both our national security and our natural environment;

—reduce excessive regulatory and administrative impediments which have delayed or prevented construction of energy-producing facilities;

—act in concert with other nations to conduct research in the energy field and to find ways to prevent serious shortages; and

—apply our vast scientific and technological capacities—both public and private—so we can utilize our current energy resources more wisely and develop new sources and new forms of energy.

The actions I am announcing today and the proposals I am submitting to the Congress are designed to achieve these objectives. They reflect the fact that we are in a period of transition, in which we must work to avoid or at least minimize short-term supply shortages, while we act to expand and develop our domestic supplies in order to meet long-term energy needs.

We should not suppose this transition period will be easy. The task ahead will require the concerted and cooperative efforts of consumers, industry, and government.

DEVELOPING OUR DOMESTIC ENERGY RESOURCES

The effort to increase domestic energy production in a manner consistent with our economic, environmental and security interests should focus on the following areas:

NATURAL GAS

Natural gas is America's premium fuel. It is clean-burning and thus has the least detrimental effect on our environment.

Since 1966, our consumption of natural gas has increased by over one-third, so that today natural gas comprises 32 percent of the total energy we consume from all sources. During this same period, our proven and available reserves of natural gas have decreased by a fifth. Unless we act responsibly, we will soon encounter increasing shortages of this vital fuel.

Yet the problem of shortages results less from inadequate resources than from ill-conceived regulation. Natural gas is the fuel most heavily regulated by the Federal Government—through the Federal Power Commission. Not only are the operations of interstate natural gas pipelines regulated, as was originally and properly intended by the Congress, but the price of the natural gas supplied to these pipelines by thousands of independent producers has also been regulated.

For more than a decade the prices of natural gas supplied to pipelines under this extended regulation have been kept artificially low. As a result, demand has been artificially stimulated, but the exploration and development required to provide new supplies to satisfy this increasing demand have been allowed to wither. This form of government regulation has contributed heavily to the shortages we have experienced, and to the greater scarcity we now anticipate.

As a result of its low regulated price, more than 50 percent of our natural gas is consumed by industrial users and utilities, many of which might otherwise be using coal or oil. While homeowners are being forced to turnaway from natural gas and toward more expensive fuels, unnecessarily large quantities of natural gas are being used by industry.

Furthermore, because prices within producing States are often higher than the interstate prices established by the Federal Power Commission, most newly discovered and newly produced natural gas does not enter interstate pipelines. Potential consumers in non-producing States thus suffer the worst shortages. While the Federal Power Commission has tried to alleviate these problems, the regulatory framework and attendant judicial constraints inhibit the ability of the Commission to respond adequately.

It is clear that the price paid to producers for natural gas in interstate trade must increase if there is to be the needed incentive for increasing supply and reducing inefficient usage. Some have suggested additional regulation to provide new incentives, but we have already seen the pitfalls in this approach. We must regulate less, not more. At the same time, we cannot remove all natural gas regulations without greatly inflating the price of gas currently in production and generating windfall profits.

To resolve this issue, I am proposing that gas from new wells, gas newly-dedicated to interstate markets, and the continuing production of natural gas from expired contracts should no longer be subject to price regulation at the wellhead. Enactment of this legislation should stimulate new exploration and development. At the same time, because increased prices on new unregulated gas would be averaged in with the prices for gas that is still regulated, the consumer should be protected against precipitous cost increases.

To add further consumer protection against unjustified price increases, I propose that the Secretary of the Interior be given authority to impose a ceiling on the price of new natural gas when circumstances warrant. Before exercising this power, the Secretary would consider the cost of alternative domestic fuels, taking into account the superiority of natural gas from an environmental standpoint. He would also consider the importance of encouraging production and more efficient use of natural gas.

OUTER CONTINENTAL SHELF

Approximately half of the oil and gas resources in this country are located on public lands, primarily on the Outer Continental Shelf (OCS). The speed at which we can increase our domestic energy production will depend in large measure on how rapidly these resources can be developed.

Since 1954, the Department of the Interior has leased to private developers almost 8 million acres on the Outer Continental Shelf. But this is only a small percentage of these potentially productive areas. At a time when we are being forced to obtain almost 30 percent of our oil from foreign sources, this level of development is not adequate.

I am therefore directing the Secretary of the Interior to take steps which would triple the annual acreage leased on the Outer Continental Shelf by 1979, beginning with expanded sales in 1974 in the Gulf of Mexico and including areas beyond 200 meters in depth under conditions consistent with my oceans policy statement of May, 1970. By 1985, this accelerated leasing rate could increase annual energy production by an estimated 1.5 billion barrels of oil (approximately 16 percent of our projected oil requirements in that year), and 5 trillion cubic feet of natural gas (approximately 20 percent of expected demand for natural gas that year).

In the past, a central concern in bringing these particular resources into production has been the threat of environmental damage. Today, new techniques, new regulations and standards, and new surveillance capabilities enable us to reduce and control environmental dangers substantially. We should now take advantage of this progress. The resources under the Shelf, and on all our public lands, belong to all Americans, and the critical needs of all Americans for new energy supplies require that we develop them.

If at any time it is determined that exploration and development of a specific shelf area can only proceed with in-

adequate protection of the environment, we will not commence or continue operations. This policy was reflected in the suspension of 35 leases in the Santa Barbara Channel in 1971. We are continuing the Santa Barbara suspensions, and I again request that the Congress pass legislation that would provide for appropriate settlement for those who are forced to relinquish their leases in the area.

At the same time, I am directing the Secretary of the Interior to proceed with leasing the Outer Continental Shelf beyond the Channel Islands of California if the reviews now underway show that the environmental risks are acceptable.

I am also asking the Chairman of the Council on Environmental Quality to work with the Environmental Protection Agency, in consultation with the National Academy of Sciences and appropriate Federal agencies, to study the environmental impact of oil and gas production on the Atlantic Outer Continental Shelf and in the Gulf of Alaska. No drilling will be undertaken in these areas until its environmental impact is determined. Governors, legislators and citizens of these areas will be consulted in this process.

Finally, I am asking the Secretary of the Interior to develop a long-term leasing program for *all* energy resources on public lands, based on a thorough analysis of the Nation's energy, environmental, and economic objectives.

ALASKAN PIPELINE

Another important source of domestic oil exists on the North Slope of Alaska. Although private industry stands ready to develop these reserves and the Federal Government has spent large sums on environmental analyses, this project is still being delayed. This delay is not related to any adverse judicial findings concerning environmental impact, but rather to an outmoded legal restriction regarding the width of the right of way for the proposed pipeline.

At a time when we are importing growing quantities of oil at great detriment to our balance of payments, and at a time when we are also experiencing significant oil shortages, we clearly need the two million barrels a day which the North Slope could provide—a supply equal to fully one-third of our present import levels.

In recent weeks I have proposed legislation to the Congress which would remove the present restriction on the pipeline. I appeal to the Congress to act swiftly on this matter so that we can begin construction of the pipeline with all possible speed.

I oppose any further delay in order to restudy the advisability of building the pipeline through Canada. Our interest in rapidly increasing our supply of oil is best served by an Alaskan pipeline. It could be completed much more quickly than a Canadian pipeline; its entire capacity would be used to carry domestically owned oil to American markets where it is needed; and construction of an Alaskan pipeline would create a significant number of American jobs both in Alaska and in the maritime industry.

SHALE OIL

Recoverable deposits of shale oil in the continental United States are estimated at some 600 billion barrels, 80 billion of which are considered easily accessible.

At the time of my Energy Message of 1971, I requested the Secretary of the Interior to develop an oil shale leasing program on a pilot basis and to provide me with a thorough evaluation of the environmental impact of such a program. The Secretary has prepared this pilot project and expects to have a final environmental impact statement soon. If the environmental risks are acceptable, we will proceed with the program.

To date there has been no commercial production of shale oil in the United States. Our pilot program will provide us with valuable experience in using various operational techniques and acting under various environmental conditions. Under the proposed program, the costs both of development and environmental protection would be borne by the private lessee.

GEOTHERMAL LEASES

At the time of my earlier Energy Message, I also directed the Department of the Interior to prepare a leasing program for the development of geothermal energy on Federal lands. The regulations and final environmental analysis for such a program should be completed by late spring of this year.

If the analysis indicates that we can proceed in an environmentally acceptable manner, I expect leasing of geothermal fields on Federal lands to begin soon thereafter.

The use of geothermal energy could be of significant importance to many of our western areas, and by supplying a part of the western energy demand, could release other energy resources that would otherwise have to be used. Today, for instance, power from the Geysers geothermal field in California furnishes about one-third of the electric power of the city of San Francisco.

New technologies in locating and producing geothermal energy are now under development. During the coming fiscal year, the National Science Foundation and the Geological Survey will intensify their research and development efforts in this field.

COAL

Coal is our most abundant and least costly domestic source of energy. Nevertheless, at a time when energy shortages loom on the horizon, coal provides less than 20 percent of our energy demands, and there is serious danger that its use will be reduced even further. If this reduction occurs, we would have to increase our oil imports rapidly, with all the trade and security problems this would entail.

Production of coal has been limited not only by competition from natural gas—a competition which has been artificially induced by Federal price regulation—but also by emerging environmental concerns and mine health and safety requirements. In order to meet environmental standards, utilities have shifted to natural gas and imported low-sulfur fuel oil. The problem is compounded by the fact that some low-sulfur coal resources are not being developed because of uncertainty about Federal and State mining regulations.

I urge that highest national priority be given to expanded development and utilization of our coal resources. Present and potential users who are able to choose among energy sources should consider the national interest as they make their choice. Each decision against coal increases petroleum or gas consumption, compromising our national self-sufficiency and raising the cost of meeting our energy needs.

In my State of the Union Message on Natural Resources and the Environment earlier this year, I called for strong legislation to protect the environment from abuse caused by mining. I now repeat that call. Until the coal industry knows the mining rules under which it will have to operate, our vast reserves of low-sulphur coal will not be developed as rapidly as they should be and the under-utilization of such coal will persist.

The Clean Air Act of 1970, as amended, requires that primary air quality standards—those related to health—must be met by 1975, while more stringent secondary standards—those related to the "general welfare"—must be met within a reasonable period. The States are moving very effectively to meet primary standards established by the Clean Air Act, and I am encouraged by their efforts.

At the same time, our concern for the "general welfare" or national interest should take into account considerations of national security and economic prosperity, as well as our environment.

If we insisted upon meeting both primary and secondary clean air standards by 1975, we could prevent the use of up to 155 million tons of coal per year. This would force an increase in demand for oil of 1.6 million barrels per day. This oil would have to be imported, with an adverse effect on our balance of payments of some $1.5 billion or more a year. Such a development would also threaten the loss of an estimated 26,000 coal mining jobs.

If, on the other hand, we carry out the provisions of the Clean Air Act in a judicious manner, carefully meeting the primary, health-related standards, but not moving in a precipitous way toward meeting the secondary standards, then we should be able to use virtually all of that coal which would otherwise go unused.

The Environmental Protection Agency has indicated that the reasonable time allowed by the Clean Air Act for meeting secondary standards could extend beyond 1975. Last year, the Administrator of the Environmental Protection Agency sent to all State governors a letter explaining that during the current period of shortages in low-sulphur fuel, the States should not require the burning of such fuels except where necessary to meet the primary standards for the protection of health. This action by the States should permit the desirable substitution of coal for low-sulphur fuel in many instances. I strongly support this policy.

Many State regulatory commissions permit their State utilities to pass on increased fuel costs to the consumer in the form of higher rates, but there are sometimes lags in allowing the costs of environmental control equipment to be passed on in a similar way. Such lags discourage the use of environmental control technology and encourage the use of low-

sulphur fuels, most of which are imported.

To increase the incentive for using new environmental technology, I urge all State utility commissions to ensure that utilities receive a rapid and fair return on pollution control equipment, including stack gas cleaning devices and coal gasification processes.

As an additional measure to increase the production and use of coal, I am directing that a new reporting system on national coal production be instituted within the Department of the Interior, and I am asking the Federal Power Commission for regular reports on the use of coal by utilities.

I am also stepping up our spending for research and development in coal, with special emphasis on technology for sulphur removal and the development of low-cost, clean-burning forms of coal.

NUCLEAR ENERGY

Although our greatest dependence for energy until now has been on fossil fuels such as coal and oil, we must not and we need not continue this heavy reliance in the future. The major alternative to fossil fuel energy for the remainder of this century is nuclear energy.

Our well-established nuclear technology already represents an indispensable source of energy for meeting present needs. At present there are 30 nuclear power plants in operation in the United States; of the new electrical generator capacity contracted for during 1972, 70 percent will be nuclear powered. By 1980, the amount of electricity generated by nuclear reactors will be equivalent to 1.25 billion barrels of oil, or 8 trillion cubic feet of gas. It is estimated that nuclear power will provide more than one-quarter of this country's electrical production by 1985, and over half by the year 2000.

Most nuclear power plants now in operation utilize light water reactors. In the near future, some will use high temperature gas-cooled reactors. These techniques will be supplemented during the next decade by the fast breeder reactor, which will bring about a 30-fold increase in the efficiency with which we utilize our domestic uranium resources. At present, development of the liquid metal fast breeder reactor is our highest priority target for nuclear research and development.

Nuclear power generation has an extraordinary safety record. There has never been a nuclear-related fatality in our civilian atomic energy program. We intend to maintain that record by increasing research and development in reactor safety.

The process of determining the safety and environmental acceptability of nuclear power plants is more vigorous and more open to public participation than for any comparable industrial enterprise. Every effort must be made by the Government and industry to protect public health and safety and to provide satisfactory answers to those with honest concerns about this source of power.

At the same time, we must seek to avoid unreasonable delays in developing nuclear power. They serve only to impose unnecessary costs and aggravate our energy shortages. It is discouraging to know that nuclear facilities capable of generating 27,000 megawatts of electric power which were expected to be operational by 1972 were not completed. To replace that generating capacity we would have to use the equivalent of one-third of the natural gas the country used for generating electricity in 1972. This situation must not continue.

In my first Energy Special Message in 1971, I proposed that utilities prepare and publish long-range plans for the siting of nuclear power plants and transmission lines. This legislation would provide a Federal-State framework for licensing individual plants on the basis of a full and balanced consideration of both environmental and energy needs. The Congress has not acted on that proposal. I am resubmitting that legislation this year with a number of new provisions to simplify licensing, including one to require that the Government act on all completed license applications within 18 months after they are received.

I would also emphasize that the private sector's role in future nuclear development must continue to grow. The Atomic Energy Commission is presently taking steps to provide greater amounts of enriched uranium fuel for the Nation's nuclear power plants. However, this expansion will not fully meet our needs in the 1980's; the Government now looks to private industry to provide the additional capacity that will be required.

Our nuclear technology is a national asset of inestimable value. It is essential that we press forward with its development.

The increasing occurrence of unnecessary delays in the development of energy facilities must be ended if we are to meet our energy needs. To be sure, reasonable safeguards must be vigorously maintained for protection of the public and of our environment. Full public participation and questioning must also be allowed as we decide where new energy facilities are to be built. We need to streamline our governmental procedures for licensing and inspections, reduce overlapping jurisdictions and eliminate confusion generated by the government.

To achieve these ends I am taking several steps. During the coming year we will examine various possibilities to assure that all public and private interests are impartially and expeditiously weighed in all government proceedings for permits, licensing, and inspections.

I am again proposing siting legislation to the Congress for electric facilities and for the first time, for deepwater ports. All of my new siting legislation includes provision for simplified licensing at both Federal and State levels. It is vital that the Congress take prompt and favorable action on these proposals.

ENCOURAGING DOMESTIC EXPLORATION

Our tax system now provides needed incentives for mineral exploration in the form of percentage depletion allowances and deductions for certain drilling expenses. These provisions do not, however, distinguish between exploration for new reserves and development of existing reserves.

In order to encourage increased exploration, I ask the Congress to extend the investment credit provisions of our present tax law so that a credit will be provided for all exploratory drilling for new oil and gas fields. Under this proposal, a somewhat higher credit would apply for successful exploratory wells than for unsuccessful ones, in order to put an additional premium on results.

The investment credit has proven itself a powerful stimulus to industrial activity. I expect it to be equally effective in the search for new reserves.

IMPORTING TO MEET OUR ENERGY NEEDS

OIL IMPORTS

In order to avert a short-term fuel shortage and to keep fuel costs as low as possible, it will be necessary for us to increase fuel imports. At the same time, in order to reduce our long-term reliance on imports, we must encourage the exploration and development of our domestic oil and the construction of refineries to process it.

The present quota system for oil imports—the Mandatory Oil Import Program—was established at a time when we could produce more oil at home than we were using. By imposing quantitative restrictions on imports, the quota system restricted imports of foreign oil. It also encouraged the development of our domestic petroleum industry in the interest of national security.

Today, however, we are not producing as much oil as we are using, and we must import ever larger amounts to meet our needs.

As a result, the current Mandatory Oil Import Program is of virtually no benefit any longer. Instead, it has the very real potential of aggravating our supply problems, and it denies us the flexibility we need to deal quickly and efficiently with our import requirements. General dissatisfaction with the program and the apparent need for change has led to uncertainty. Under these conditions, there can be little long-range investment planning for new drilling and refinery construction.

Effective today, I am removing by proclamation all existing tariffs on imported crude oil and products. Holders of import licenses will be able to import petroleum duty free. This action will help hold down the cost of energy to the American consumer.

Effective today, I am also suspending direct control over the quantity of crude oil and refined products which can be imported. In place of these controls, I am substituting a license-fee quota system.

Under the new system, present holders of import licenses may import petroleum exempt from fees up to the level of their 1973 quota allocations. For imports in excess of the 1973 level, a fee must be paid by the importer.

This system should achieve several objectives.

First, it should help to meet our immediate energy needs by encouraging importation of foreign oil at the lowest cost to consumers, while also providing incentives for exploration and development of our domestic resources to meet our long-term needs. There will be little paid in fees this year, although all exemptions from fees will be phased out over several years. By gradually increasing fees over the next two and one-half years to a maximum level of one-half

cent per gallon for crude oil and one and one-half cents per gallon for all refined products, we should continue to meet our energy needs while encouraging industry to increase its domestic production.

Second, this system should encourage refinery construction in the United States, because the fees are higher for refined products than for crude oil. As an added incentive, crude oil in amounts up to three-fourths of new refining capacity may be imported without being subject to any fees. This special allowance will be available to an oil company during the first five years after it builds or expands its refining capacity.

Third, this system should provide the flexibility we must have to meet short and long-term needs efficiently. We will review the fee level periodically to ensure that we are imposing the lowest fees consistent with our intention to increase domestic production while keeping costs to the consumer at the lowest possible level. We will also make full use of the Oil Import Appeals Board to ensure that the needs of all elements of the petroleum industry are met, particularly those of independent operators who help to maintain market competition.

Fourth, the new system should contribute to our national security. Increased domestic production will leave us less dependent on foreign supplies. At the same time, we will adjust the fees in a manner designed to encourage, to the extent possible, the security of our foreign supplies. Finally, I am directing the Oil Policy Committee to examine incentives aimed at increasing our domestic storage capacity or shut-in production. In this way we will provide buffer stocks to insulate ourselves against a temporary loss of foreign supplies.

DEEPWATER PORTS

It is clear that in the foreseeable future, we will have to import oil in large quantities. We should do this as cheaply as we can with minimal damage to the environment. Unfortunately, our present capabilities are inadequate for these purposes.

The answer to this problem lies in deepwater ports which can accommodate those larger ships, providing important economic advantages while reducing the risks of collision and grounding. Recent studies by the Council on Environmental Quality demonstrate that we can expect considerably less pollution if we use fewer but larger tankers and deepwater facilities, as opposed to the many small tankers and conventional facilities which we would otherwise need.

If we do not enlarge our deepwater port capacity, it is clear that both American and foreign companies will expand oil transshipment terminals in the Bahamas and the Canadian Maritime Provinces. From these terminals, oil will be brought to our conventional ports by growing numbers of small and medium size transshipment vessels, thereby increasing the risks of pollution from shipping operations and accidents. At the same time, the United States will lose the jobs and capital that those foreign facilities provide.

Given these considerations, I believe we must move forward with an ambitious program to create new deepwater ports for receiving petroleum imports.

The development of ports has usually been a responsibility of State and local governments and the private sector. However, States cannot issue licenses beyond the three-mile limit. I am therefore proposing legislation to permit the Department of the Interior to issue such licenses. Licensing would be contingent upon full and proper evaluation of environmental impact, and would provide for strict navigation and safety, as well as proper land use requirements. The proposed legislation specifically provides for Federal cooperation with State and local authorities.

CONSERVING ENERGY

The abundance of America's natural resources has been one of our greatest advantages in the past. But if this abundance encourages us to take our resources for granted, then it may well be a detriment to our future.

Common sense clearly dictates that as we expand the types and sources of energy available to us for the future, we must direct equal attention to conserving the energy available to us today, and we must explore means to limit future growth in energy demand.

We as a nation must develop a national energy conservation ethic. Industry can help by designing products which conserve energy and by using energy more efficiently. All workers and consumers can help by continually saving energy in their day-to-day activities: by turning out lights, tuning up automobiles, reducing the use of air conditioning and heating, and purchasing products which use energy efficiently.

Government at all levels also has an important role to play, both by conserving energy directly, and by providing leadership in energy conservation efforts.

I am directing today that an Office of Energy Conservation be established in the Department of the Interior to coordinate the energy conservation programs which are presently scattered throughout the Federal establishment. This office will conduct research and work with consumer and environmental groups in their efforts to educate consumers on ways to get the greatest return on their energy dollar.

To provide consumers with further information, I am directing the Department of Commerce, working with the Council on Environmental Quality and the Environmental Protection Agency, to develop a voluntary system of energy efficiency labels for major home appliances. These labels should provide data on energy use as well as a rating comparing the product's efficiency to other similar products. In addition, the Environmental Protection Agency will soon release the results of its tests of fuel efficiency in automobiles.

There are other ways, too, in which government can exercise leadership in this field. I urge again, for example, that we allow local officials to use money from Highway Trust Fund for mass transit purposes. Greater reliance on mass transit can do a great deal to help us conserve gasoline.

The Federal Government can also lead by example. The General Services Administration, for instance, is constructing a new Federal office building using advanced energy conservation techniques, with a goal of reducing energy use by 20 percent over typical buildings of the same size. At the same time, the National Bureau of Standards is evaluating energy use in a full-size house within its laboratories. When this evaluation is complete, analytical techniques will be available to help predict energy use for new dwellings. This information, together with the experience gained in the construction and operation of the demonstration Federal building, will assist architects and contractors to design and construct energy-efficient buildings.

Significant steps to upgrade insulation standards on single and multi-family dwellings were taken at my direction in 1971 and 1972, helping to reduce heat loss and otherwise conserve energy in the residential sector. As soon as the results of these important demonstration projects are available, I will direct the Federal Housing Administration to update its insulation standards in light of what we have learned and to consider their possible extension to mobile homes.

Finally, we should recognize that the single most effective means of encouraging energy conservation is to ensure that energy prices reflect their true costs. By eliminating regulations such as the current ceiling on natural gas prices and by ensuring that the costs of adequate environmental controls are equitably allocated, we can move toward more efficient distribution of our resources.

Energy conservation is a national necessity, but I believe that it can be undertaken most effectively on a voluntary basis. If the challenge is ignored, the result will be a danger of increased shortages, increased prices, damage to the environment and the increased possibility that conservation will have to be undertaken by compulsory means in the future. There should be no need for a nation which has always been rich in energy to have to turn to energy rationing. This is a part of the energy challenge which every American can help to meet, and I call upon every American to do his or her part.

RESEARCH AND DEVELOPMENT

If we are to be certain that the forward thrust of our economy will not be hampered by insufficient energy supplies or by energy supplies that are prohibitively expensive, then we must not continue to be dependent on conventional forms of energy. We must instead make every useful effort through research and development to provide both alternative sources of energy and new technologies for producing and utilizing this energy.

For the short-term future, our research and development strategy will provide technologies to extract and utilize our existing fossil fuels in a manner most compatible with a healthy environment.

In the longer run, from 1985 to the beginning of the next century, we will have more sophisticated development of our fossil fuel resources and on the full development of the Liquid Metal Fast Breeder Reactor. Our efforts for the distant future center on the development of technologies—such as nuclear fusion and

solar power—that can provide us with a virtually limitless supply of clean energy.

In my 1971 Energy Special Message to the Congress, I outlined a broadly based research and development program. I proposed the expansion of cooperative Government-industry efforts to develop the Liquid Metal Fast Breeder Reactor, coal gasification, and stack gas cleaning systems at the demonstration level. These programs are all progressing well.

My budget for fiscal year 1974 provides for an increase in energy research and development funding of 20 percent over the level of 1973.

My 1974 budget provides for creation of a new central energy fund in the Interior Department to provide additional money for nonnuclear research and development, with the greatest part designated for coal research. This central fund is designed to give us the flexibility we need for rapid exploitation of new, especially promising energy technologies with near-term payoffs.

One of the most promising programs that will be receiving increased funding in fiscal year 1974 is the solvent refined coal process which will produce low-ash, low-sulphur fuels from coal. Altogether, coal research and development and proposed funding is increased by 27 percent.

In addition to increased funding for the Liquid Metal Fast Breeder Reactor, I am asking for greater research and development on reactor safety and radioactive waste disposal, and the production of nuclear fuel.

The waters of the world contain potential fuel—in the form of a special isotope of hydrogen—sufficient to power fusion reactors for thousands of years. Scientists at the Atomic Energy Commission now predict with increasing confidence that we can demonstrate laboratory feasbility of controlled thermonuclear fusion by magnetic confinement in the near future. We have also advanced to the point where some scientists believe the feasibility of laser fusion could be demonstrated within the next several years. I have proposed in my 1974 budget a 35 percent increase in funding for our total fusion research and development effort to accelerate experimental programs and to initiate preliminary reactor design studies.

While we look to breeder reactors to meet our mid-term energy needs, today's commercial power reactors will continue to provide most of our nuclear generating capacity for the balance of this century. Although nuclear reactors have had a remarkable safety record my 1974 budget provides additional funds to assure that our rapidly growing reliance on nuclear power will not compromise public health and safety. This includes work on systems for safe storage of the radioctive waste which nuclear reactors produce. The Atomic Energy Commission is working on additional improvements in surface storage and will continue to explore the possibility of underground burial for long-term containment of these wastes.

Solar energy holds great promise as a potentially limitless source of clean energy. My new budget triples our solar energy research and development effort to a level of $12 million. A major portion of these funds would be devoted to accelerating the development of commercial systems for heating and cooling buildings.

Research and development funds relating to environmental control technologies would be increased 24 percent in my 1974 budget. This research includes a variety of projects related to stack gas cleaning and includes the construction of a demonstration sulphur dioxide removal plant. In addition, the Atomic Energy Commission and the Environmental Protection Agency will continue to conduct research on the thermal effects of power plants.

While the Federal Government is significantly increasing its commitment to energy research and development, a large share of such research is and should be conducted by the private sector.

I am especially pleased that the electric utilities have recognized the importance of research in meeting the rapidly escalating demand for electrical energy. The recent establishment of the Electric Power Research Institute, which will have a budget in 1974 in excess of $100 million, can help develop technology to meet both load demands and environmental regulations currently challenging the industry.

Historically the electric power industry has allocated a smaller portion of its revenues to research than have most other technology-dependent industries. This pattern has been partly attributable to the reluctance of some State utility commissions to include increased research and development expenditures in utility rate bases. Recently the Federal Power Commission instituted a national rule to allow the recovery of research and development expenditures in rates. State regulatory agencies have followed the FPC's lead and are liberalizing their treatment of research and development expenditures consistent with our changing national energy demands.

I am hopeful that this trend will continue and I urge all State utility commissions to review their regulations regarding research and development expenditures to ensure that the electric utility industry can fully cooperate in a national energy research and development effort.

It is foolish and self-defeating to allocate funds more rapidly than they can be effectively spent. At the same time, we must carefully monitor our progress and our needs to ensure that our funding is adequate. When additional funds are found to be essential, I shall do everything I can to see that they are provided.

INTERNATIONAL COOPERATION

The energy challenge confronts every nation. Where there is such a community of interest, there is both a cause and a basis for cooperative action.

Today, the United States is involved in a number of cooperative, international efforts. We have joined with the other 22 member-nations of the Organization for Economic Cooperation and Development to produce a comprehensive report on long-term problems and to develop an agreement for sharing oil in times of acute shortages. The European Economic Community has already discussed the need for cooperative efforts and is preparing recommendations for a Community energy policy. We have expressed a desire to work together with them in this effort.

We have also agreed with the Soviet Union to pursue joint research in magnetohydrodynamics (MHD), a highly efficient process for generating electricity, and to exchange information on fusion, fission, the generation of electricity, transmission and pollution control technology. These efforts should be a model for joint research efforts with other countries. Additionally, American companies are looking into the possibility of joint projects with the Soviet Union to develop natural resources for the benefit of both nations.

I have also instructed the Department of State, in coordination with the Atomic Energy Commission, other appropriate Government agencies, and the Congress to move rapidly in developing a program of international cooperation in research and development on new forms of energy and in developing international mechanisms for dealing with energy questions in times of critical shortages.

I believe the energy challenge provides an important opportunity for nations to pursue vital objectives through peaceful cooperation. No chance should be lost to strengthen the structure of peace we are seeking to build in the world, and few issues provide us with as good an opportunity to demonstrate that there is more to be gained in pursuing our national interests through mutual cooperation than through destructive competition or dangerous confrontation.

FEDERAL ENERGY ORGANIZATION

If we are to meet the energy challenge, the current fragmented organization of energy-related activities in the Executive branch of the Government must be overhauled.

In 1971, I proposed legislation to consolidate Federal energy-related activities within a new Department of Natural Resources. The 92d Congress did not act on this proposal. In the interim I have created a new post of Counsellor to the President on Natural Resources to assist in the policy coordination in the natural resources field.

Today I am taking executive action specifically to improve the Federal organization of energy activities.

I have directed the Secretary of the Interior to strengthen his Department's organization of energy activities in several ways.

—The responsibilities of the new Assistant Secretary for Energy and Minerals will be expanded to incorporate all departmental energy activities;

—The Department is to develop a capacity for gathering and analysis of energy data;

—An Office of Energy Conservation is being created to seek means for reducing demands for energy;

—The Department of the Interior has also strengthened its capabilities for overseeing and coordinating a broader range of energy research and development.

By Executive order, I have placed au-

thority in the Department of the Treasury for directing the Oil Policy Committee. That Committee coordinates the oil import program and makes recommendations to me for changes in that program. The Deputy Secretary of the Treasury has been designated Chairman of that Committee.

Through a second Executive order, effective today, I am strengthening the capabilities of the Executive Office of the President to deal with top level energy policy matters by establishing a special energy committee composed of three of my principal advisors. The order also reaffirms the appointment of a Special Consultant, who heads an energy staff in the Office of the President.

Additionally, a new division of Energy and Science is being established within the Office of Management and Budget.

While these executive actions will help, more fundamental reorganization is needed. To meet this need, I shall propose legislation to establish a Department of Energy and Natural Resources (DENR) building on the legislation I submitted in 1971, with heightened emphasis on energy programs.

This new Department would provide leadership across the entire range of national energy. It would, in short, be responsible for administering the national energy policy detailed in this message.

CONCLUSION

Nations succeed only as they are able to respond to challenge, and to change when circumstances and opportunities require change.

When the first settlers came to America, they found a land of untold natural wealth, and this became the cornerstone of the most prosperous nation in the world. As we have grown in population, in prosperity, in industrial capacity, in all those indices that reflect the constant upward thrust in the American standard of living, the demands on our natural resources have also grown.

Today, the energy resources which have fueled so much of our national growth are not sufficiently developed to meet the constantly increasing demands which have been placed upon them. The time has come to change the way we meet these demands. The challenge facing us represents one of the great opportunities of our time—an opportunity to create an even stronger domestic economy, a cleaner environment, and a better life for all our people.

The proposals I am submitting and the actions I will take can give us the tools to do this important job.

The need for action is urgent. I hope the Congress will act with dispatch on the proposals I am submitting. But in the final analysis, the ultimate responsibility does not rest merely with the Congress or with this Administration. It rests with all of us—with government, with industry and with the individual citizen.

Whenever we have been confronted with great national challenges in the past, the American people have done their duty. I am confident we shall do so now.

RICHARD NIXON.

THE WHITE HOUSE, *April 18, 1973.*

PRIVILEGE OF THE FLOOR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, during the consideration of S. 50, the Older Americans Act, Mr. Gordon and Mr. Murphy be given the privilege of the floor.

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

ORDER FOR RECOGNITION OF SENATOR GRIFFIN ON MONDAY, APRIL 30, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday, April 30, 1973, following the order for recognition of the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD), the distinguished Senator from Michigan (Mr. GRIFFIN) be recognized for not to exceed 15 minutes, prior to the order for recognition of the junior Senator from West Virginia.

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

PRIVILEGE OF THE FLOOR

Mr. ROBERT C. BYRD. Mr. President, on behalf of the able Senator from Rhode Island (Mr. PELL) I ask unanimous consent that Mr. Richard Smith be granted the privilege of the floor during the consideration of the urgent supplemental appropriations conference report.

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

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

Mr. ROBERT C. BYRD. With the understanding that the Senator continue to retain the floor.

The PRESIDING OFFICER (Mr. HANSEN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McGEE. 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. McGEE. Mr. President, I yield to the majority whip.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator for yielding. He is yielding with the understanding that he not lose his right to the floor.

Mr. McGEE. That was my understanding.

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

COMPREHENSIVE OLDER AMERICANS SERVICES AMENDMENTS OF 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of a message from the House of Representatives on S. 50, the Older Americans Act, with the understanding that there be a time limitation thereon of not to exceed 30 minutes, with 10 minutes to be under the control of the distinguished Senator from Missouri (Mr. EAGLETON) and 20 minutes to be under the control of the distinguished Senator from New York (Mr. JAVITS), subject to the approval of Mr. JAVITS, who is out of the Chamber just now, and with the further proviso that upon the disposition of that measure, the distinguished Senator from Wyoming (Mr. McGEE) again be recognized.

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

The PRESIDING OFFICER (Mr. HANSEN) laid before the Senate the amendment of the House of Representatives to the bill (S. 50) to strengthen and improve the Older Americans Act of 1965, and for other purposes, which was to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Comprehensive Older Americans Services Amendments of 1973".

TITLE I—DECLARATION OF OBJECTIVES

FINDINGS AND PURPOSES

SEC. 101. The Congress finds that millions of older citizens in this Nation are suffering unnecessary harm from the lack of adequate services. It is therefore the purpose of this Act, in support of the objectives of the Older Americans Act of 1965, to—

(1) make available comprehensive programs which include a full range of health, education, and social services to our older citizens who need them,

(2) give full and special consideration to older citizens with special needs in planning such programs, and, pending the availability of such programs for all older citizens, give priority to the elderly with the greatest economic and social need,

(3) provide comprehensive programs which will assure the coordinated delivery of a full range of essential services to our older citizens, and, where applicable, also furnish meaningful employment opportunities for many individuals, including older persons, young persons, and volunteers from the community, and

(4) insure that the planning and operation of such programs will be undertaken as a partnership of older citizens, parents, and community, State and local governments, with appropriate assistance from the Federal Government.

SEC. 102. Section 101(8) of the Older Americans Act of 1965 is amended by inserting after "services" the following: ", including access to low-cost transportation,".

TITLE II—ADMINISTRATION ON AGING

SEC. 201. (a) Section 201 of the Older Americans Act of 1965 is amended to read as follows:

"ESTABLISHMENT OF ADMINISTRATION ON AGING

"SEC. 201. (a) There is established in the Office of the Secretary an Administration on Aging (hereinafter in this Act referred to as the 'Administration') which shall be headed by a Commissioner on Aging (hereinafter in this Act referred to as the 'Commissioner'). Except for title VI and as otherwise specifically provided by the Comprehensive Older Americans Services Amendments of 1973, the Administration shall be the principal agency for carrying out this Act. In the performance of his functions, he shall be directly responsible to the Secretary and not to or through any other officer of that Department. The Commissioner shall not delegate any of his functions to any other officer who is not directly responsible to him unless he first submits a plan for such delegation to the Congress. Such delegation is effective at the end of the first period of thirty calendar days of continuous session of Congress after the date on which the plan for such delegation is transmitted to it, unless between the day of transmittal and the end of the thirty-day period either House passes a resolution stating in substance that that House does not favor such delegation. For the purpose of this section, continuity

of session is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day period. Under provisions contained in a reorganization plan, a provision of the plan may be effective.

"(b) The Commissioner shall be appointed by the President by and with the advice and consent of the Senate."

(b) (1) Section 202(4) of the Older Americans Act of 1965 is amended to read as follows:

"(4) develop plans, conduct and arrange for research in the field of aging, and assist in the establishment of and carry out programs designed to meet the needs of older persons for social services, including nutrition, hospitalization, preretirement training, continuing education, low-cost transportation and housing, and health services;"

(2) Section 202 of the Older Americans Act of 1965 is amended by striking out "and" at the end of paragraph (7), by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; and", and by adding at the end thereof the following new paragraphs:

"(9) develop basic policies and set priorities with respect to the development and operation of programs and activities conducted under authority of this Act;

"(10) provide for the coordination of Federal programs and activities related to such purposes;

"(11) coordinate, and assist in, the planning and development by public (including Federal, State, and local agencies) and nonprofit private organizations of programs for older persons, with a view to the establishment of a nationwide network of comprehensive, coordinated services and opportunities for such persons;

"(12) convene conferences of such authorities and officials of public (including Federal, State, and local agencies) and nonprofit private organizations concerned with the development and operation of programs for older persons as the Commissioner deems necessary or proper for the development and implementation of policies related to the purposes of this Act;

"(13) develop and operate programs providing services and opportunities as authorized by this Act which are not otherwise provided by existing programs for older persons;

"(14) carry on a continuing evaluation of the programs and activities related to the purposes of this Act, with particular attention to the impact of medicare and medicaid, the Age Discrimination in Employment Act of 1967, and the programs of the National Housing Act relating to housing for the elderly and the setting of standards for the licensing of nursing homes, intermediate care homes, and other facilties providing care for older people;

"(15) provide information and assistance to private nonprofit organizations for the establishment and operation by them of programs and activities related to the purposes of this Act; and

"(16) develop, in coordination with other agencies, a national plan for meeting the needs for trained personnel in the field of aging, and for training persons for carrying out programs related to the purposes of this Act, and conduct and provide for the conducting of such training."

(3) Section 202 of the Act (as amended by the preceding provisions of this subsection) is further amended by inserting "(a)" after "Sec. 202.", and by adding at the end thereof the following new subsection:

"(b) In executing his duties and functions under this Act and carrying out the programs and activities provided for by this Act, the Commissioner, in consultation with the Director of Action, shall take all possible steps to encourage and permit voluntary groups active in social services, including youth organizations active at the high school or college levels, to participate and be involved individually or through representative groups in such programs or activities to the maximum extent feasible, through the performance of advisory or consultative functions, and in other appropriate ways."

(c) Title II of the Older Americans Act of 1965 is further amended by adding at the end thereof the following new sections:

"FEDERAL AGENCY COOPERATION

"SEC. 203. Federal agencies proposing to establish programs substantially related to the purposes of this Act shall consult with the Administration on Aging prior to the establishment of such services, and Federal agencies administering such programs shall cooperate with the Administration on Aging in carrying out such services.

"THE NATIONAL INFORMATION AND RESOURCES CLEARINGHOUSE FOR THE AGED

"SEC. 204. (a) The Commissioner is authorized and directed to establish and operate a National Information and Resource Clearinghouse for the Aging which shall—

"(1) collect, analyze, prepare, and disseminate information related to the needs and interests of older persons;

"(2) obtain information concerning older persons from public and private agencies and other organizations serving the needs and interests of older persons and furnish, upon request, information to such agencies and organizations, including information developed by Federal, State, and local public agencies with respect to programs of such agencies designed to serve the needs and interests of older persons;

"(3) encourage the establishment of State and local information centers and provide technical assistance to such centers, including sources established under section 304(c)(3) and section 305(a)(7), to assist older persons to have ready access to information; and

"(4) carry out a special program for the collection and dissemination of information relevant to consumer interests of older persons in order that such older persons may more readily obtain information concerning goods and services needed by them.

"(b) The Commissioner shall take whatever action is necessary to achieve coordination of activities carried out or assisted by all departments, agencies, and instrumentalities of the Federal Government with respect to the collection, preparation, and dissemination of information relevant to older persons. To the extent practicable, the Commissioner shall carry out his functions under this subsection through the National Information and Resource Clearinghouse for the Aging.

"(c) There are authorized to be appropriated to carry out the purposes of this section $750,000 for the fiscal year ending June 30, 1973, $1,000,000 for the fiscal year ending June 30, 1974, and $1,250,000 for the fiscal year ending June 30, 1975.

"FEDERAL COUNCIL ON THE AGING

"SEC. 205. (a) There is established a Federal Council on the Aging to be composed of fifteen members appointed by the President with the advice and consent of the Senate for terms of three years without regard to the provisions of title 5, United States Code. Members shall be appointed so as to be representative of older Americans, national organizations with an interest in aging, business, labor, and the general public. At least five of the members shall themselves be older persons.

"(b)(1) Of the members first appointed, five shall be appointed for a term of one year, five shall be appointed for a term of two years, and five shall be appointed for a term of three years, as designated by the President at the time of appointment.

"(2) Any member appointed to fill a vacancy occuring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

"(3) Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.

"(4) Members of the Council shall, while serving on business of the Council, be entitled to receive compensation at a rate not to exceed the daily rate specified for grade GS–18 in section 5332 of title 5, United States Code, including traveltime, and while, so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

"(c) The President shall designate the Chairman from among the members appointed to the Council. The Council shall meet at the call of the Chairman but not less often than four times a year. The Secretary and the Commissioner on Aging shall be ex officio members of the Council.

"(d) The Council shall—

"(1) advise and assist the President on matters relating to the special needs of older Americans;

"(2) assist the Commissioner in making the appraisal of needs required by section 402;

"(3) review and evaluate, on a continuing basis, Federal policies regarding the aging and programs and other activities affecting the aging conducted or assisted by all Federal departments and agencies for the purpose of appraising their value and their impact on the lives of older Americans; and

"(4) serve as a spokesman on behalf of older Americans by making recommendations to the President, to the Secretary, the Commissioner, and to the Congress with respect to Federal policies regarding the aging and federally conducted or assisted programs and other activities relating to or affecting them;

"(5) inform the public about the problems and needs of the aging, in consultation with the National Information and Resource Clearinghouse for the Aging, by collecting and disseminating information, conducting or commissioning studies and publishing the results thereof, and by issuing publications and reports; and

"(6) provide public forums for discussing and publicizing the problems and needs of the aging and obtaining information relating thereto by conducting public hearings and by conducting or sponsoring conferences, workshops, and other such meetings.

"(e) The Secretary and the Commissioner shall make available to the Council such staff, information, and other assistance as it may require to carry out its activities.

"(f) Beginning with the year 1974 the Council shall make such interim reports as it deems advisable and an annual report of its findings and recommendations to the President no later than March 31 of each year. The President shall transmit each such report to the Congress together with his comments and recommendations.

"(g) The Council shall undertake a study of the interrelationships of benefit programs for the elderly operated by Federal, State, and local government agencies. Following the completion of this study, the President shall submit to Congress no later than eighteen months after the enactment of this Act recommendations for bringing about greater uniformity of eligibility standards, and for eliminating the negative impact that one program's standards may have on another.

"(h) The Council shall undertake a study of the combined impact of all taxes on the elderly—including but not limited to income, property, sales, and social security taxes. Upon completion of this study, but no later than eighteen months after enactment of this Act, the President shall submit to Congress, and to the Governors and legisla-

tures of the States, the results thereof and such recommendations as he deems necessary.

"(i) (A) The Council shall, after consultation with the Secretary of Transportation and the Secretary of Housing and Urban Development, conduct a comprehensive study and survey of the transportation problems of older Americans with emphasis upon solutions that are practical and can be implemented in a timely fashion. In conducting the study and survey, the Council shall consider—

"(1) the use of all community transportation facilities, particularly public transportation systems, the possible use of schoolbuses, and excess Department of Defense vehicles; and

"(2) the need for revised and improved procedures for obtaining motor vehicle insurance by older Americans to be implemented for use in a coordinated transportation system.

"(B) Not later than June 30, 1975, the Council shall prepare and transmit to the Secretary, to the President, and to the Congress, a report on their findings and recommendations including a plan for implementation of improved transportation services for older Americans and recommendations for additional legislation, administrative and other measures to provide solutions to the transportation problems of older Americans.

"(C) In carrying out the study and survey, the Council is authorized to—

"(i) procure temporary and intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, and

"(ii) secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics for the purpose of this section; and each such department, bureau, agency, board, commission, office, independent establishment, or instrumentality is authorized and directed, to the extent permitted by law, to furnish such information, suggestions, estimates, and statistics directly to the Council upon request by them.

"ADMINISTRATION OF THE ACT

"SEC. 206. (a) In carrying out the purposes of this Act, the Commissioner is authorized to:

"(1) provide consultative services and technical assistance to public or nonprofit private agencies and organizations;

"(2) provide short-term training and technical instruction;

"(3) conduct research and demonstrations;

"(4) collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this Act; and

"(5) provide staff and other technical assistance to the Federal Council on the Aging.

"(b) In administering his functions under this Act, the Commissioner may utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or organization, in accordance with agreements between the Commissioner and the head thereof, and to pay therefor, in advance or by way of reimbursement, as may be provided in the agreement.

"(c) For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary.

"EVALUATION

"SEC. 207. (a) The Secretary shall measure and evaluate the impact of all programs authorized by this Act, their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.

"(b) The Secretary may not make grants or contracts under section 308 or title IV of this Act until he has developed and published general standards to be used by him in evaluating the programs and projects assisted under such section or title. Results of evaluations conducted pursuant to such standards shall be included in the reports required by section 208.

"(c) In carrying out evaluations under this section, the Secretary shall, whenever possible, arrange to obtain the opinions of program and project participants about the strengths and weaknesses of the programs and projects.

"(d) The Secretary shall annually publish summaries of the results of evaluative research and evaluation of program and project impact and effectiveness, the full contents of which shall be available to Congress and the public.

"(e) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

"(f) Such information as the Secretary may deem necessary for purposes of the evaluations conducted under this section shall be made available to him, upon request, by the departments and agencies of the executive branch.

"(g) The Secretary is authorized to use such sums as may be required, but not to exceed 1 per centum of the funds appropriated under this Act, or $1,000,000, whichever is greater, to conduct program and project evaluations (directly, or by grants or contracts) as required by this title. In the case of allotments from such an appropriation, the amount available for such allotments (and the amount deemed appropriated therefor) shall be reduced accordingly.

"REPORTS

"SEC. 208. Not later than one hundred and twenty days after the close of each fiscal year, the Commissioner shall prepare and submit to the President for transmittal to the Congress a full and complete report on the activities carried out under this Act. Such annual reports shall include statistical data reflecting services and activities provided individuals during the preceding fiscal year.

"JOINT FUNDING OF PROJECTS

"SEC. 209. Pursuant to regulations prescribed by the President, and to the extent consistent with the other provisions of this Act, where funds are provided for a single project by more than one Federal agency to an agency or organization assisted under this Act, the Federal agency principally involved may be designated to act for all in administering the funds provided.

"ADVANCE FUNDING

"SEC. 210. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

"(b) In order to effect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year."

SEC. 202. Title VIII of the Older Americans Act of 1965 is hereby repealed.

TITLE III—GRANTS FOR STATE AND AREA PROGRAMS

SEC. 301. The Older Americans Act of 1965 is amended by striking out title III and inserting in lieu thereof the following new title:

"TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

"PURPOSE

"SEC. 301. It is the purpose of this title to encourage and assist State and local agencies to concentrate resources in order to develop greater capacity and foster the development of comprehensive and coordinated service systems to serve older persons by entering into new cooperative arrangements with each other and with providers of social services for planning for the provision of, and providing, social services and, where necessary, to reorganize or reassign functions, in order to—

"(1) secure and maintain maximum independence and dignity in a home environment for older persons capable of self-care with appropriate supportive services; and

"(2) remove individual and social barriers to economic and personal independence for older persons.

"DEFINITIONS

"SEC. 302. For purposes of this title—

"(1) The term 'social services' means any of the following services which meet such standards as the Commissioner may prescribe:

"(A) health, continuing education, welfare, informational, recreational, homemaker, counseling, or referral services;

"(B) transportation services where necessary to facilitate access to social services;

"(C) services designed to encourage and assist older persons to use the facilities and services available to them.

"(D) services designed to assist older persons to obtain adequate housing;

"(E) services designed to assist older persons in avoiding institutionalization including preinstitutionalization evaluation and screening, and home health services; or

"(F) any other services;

if such services are necessary for the general welfare of older persons.

"(2) The term 'unit of general purpose local government' means (A) a political subdivision of the State whose authority is broad and general and is not limited to only one function or a combination of related functions, or (B) an Indian tribal organization.

"(3) The term 'comprehensive and coordinated system' means a system for providing all necessary social services in a manner designed to—

"(A) facilitate accessibility to and utilization of all social services provided within the geographic area served by such system by any public or private agency or organization;

"(B) develop and make the most efficient use of social services in meeting the needs of older persons; and

"(C) use available resources efficiently and with a minimum of duplication.

"AREA PLANNING AND SOCIAL SERVICE PROGRAMS

"SEC. 303. (a) There are authorized to be appropriated $85,000,000 for the fiscal year ending June 30, 1973, $150,000,000 for the fiscal year ending June 30, 1974, and $200,000,000 for the fiscal year ending June 30, 1975, to enable the Commissioner to make grants to each State with a State plan approved under section 305 for paying part of the cost (pursuant to subsection (e) of this section) of—

"(1) the administration of area plans by area agencies on aging designated pursuant to section 304(a)(2)(A), including the preparation of area plans on aging consistent with section 304(c) and the evaluation of activities carried out under such plans; and

"(2) the development of comprehensive

and coordinated systems for the delivery of social services.

"(b) (1) From the sums authorized to be appropriated for the fiscal year ending June 30, 1973, under subsection (a) of this section, (A) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of such sum, (B) each other State shall be allotted an amount equal to one-half of 1 per centum of such sum, and (C) from the remainder of the sum so appropriated, each State shall be allotted an additional amount which bears the same ratio to such remainder as the population aged sixty or over in such State bears to the population aged sixty or over in all States.

"(2) From the sums appropriated for the fiscal year ending June 30, 1974, and for the fiscal year ending June 30, 1975, each State shall be allotted an amount which bears the same ratio to such sum as the population aged sixty or over in such State bears to the population aged sixty or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted no less than one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and (C) no State shall be allotted an amount less than that State received for the fiscal year ending June 30, 1973. For the purpose of the exception contained in clause (A) of this paragraph only, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(3) The number of persons aged sixty or over in any State and in all States shall be determined by the Commissioner on the basis of the most recent and satisfactory data available to him.

"(c) Whenever the Commissioner determines that any amount allotted to a State for fiscal year under this section will not be used by such State for carrying out the purpose for which the allotment was made, he shall make such amount available for carrying out such purpose to one or more other States to the extent he determines such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from an appropriation for a fiscal year pursuant to the preceding sentence shall, for purposes of this title, be regarded as part of such State's allotment (as determined under the preceding provisions of this section) for such year.

"(d) The allotment of a State under this section for the fiscal year ending June 30, 1973, shall remain available until the close of the following fiscal year.

"(e) From a State's allotment under this section for a fiscal year—

"(1) such amount as the State agency determines, but not more than 15 per centum thereof, shall be available for paying such percentage as such agency determines, but not more than 75 per centum, of the cost of administration of area plans; and

"(2) such amount as the State agency determines, but not more than 20 per centum thereof, shall be available for paying such percentage as such agency determines, but not more than 75 per centum, of the cost of social services which are not provided as a part of a comprehensive and coordinated system in planning and service areas for which there is an area plan approved by the State agency.

The remainder of such allotment shall be available to such State only for paying such percentage as the State agency determines, but not more than 90 per centum, of the cost of social services provided in the State as a part of comprehensive and coordinated systems in planning and service areas for which there is an area plan approved by the State agency.

"ORGANIZATION

"State Organization

"SEC. 304. (a) In order for a State to be eligible to participate in the programs of grants to States from allotments under section 303 and section 306—

"(1) the State shall, in accordance with regulations of the Commissioner, designate a State agency as the sole State agency (hereinafter in this title referred to as 'the State agency') to: (A) develop the State plan to be submitted to the Commissioner for approval under section 305, (B) administer the State plan within such State, (C) be primarily responsible for the coordination of all State activities related to the purposes of this Act, (D) review and comment on, at the request of any Federal department or agency, any application from any agency or organization within such State to such Federal department or agency for assistance related to meeting the needs of older persons; and (E) divide the entire State into distinct areas (hereinafter in this title referred to as 'planning and service areas'), after considering the geographical distribution of individuals aged sixty and older in the State, the incidence of the need for social services (including the numbers of older persons with low incomes residing in such areas), the distribution of resources available to provide such services, the boundaries of existing areas within the State which were drawn for the planning or administration of social services programs, the location of units of general purpose local government within the State, and any other relevant factors: *Provided*, That any unit of general purpose local government which has a population aged sixty or over of fifty thousand or more or which contains 15 per centum or more of the State's population aged sixty or over shall be designated as a planning and service area and the State may include in any planning and service area designated pursuant to this provision such additional areas adjacent to the unit of general purpose local government so designated as the State determines to be necessary for the effective administration of the programs authorized by this title, and

"(2) the State agency designated pursuant to paragraph (1) shall—

"(A) determine for which planning and service areas an area plan will be developed, in accordance with subsection (c) of this section, and for each such area designate, after consideration of the views offered by the unit or units of general purpose local government in such area, a public or nonprofit private agency or organization as the area agency on aging for such area; and

"(B) provide assurances satisfactory to the Commissioner that the State agency will take into account, in connection with matters of general policy arising in the development and administration of the State plan for any fiscal year, the views of recipients of social services provided under such plan.

"Area Organization

"(b) An area agency on aging designated under subsection (a) must be—

"(1) an established office on aging which is operating within a planning and service area designated pursuant to subsection (a) of this section, or

"(2) any office or agency of a unit of general purpose local government, which is designated for this purpose by the chief elected official or officials of such unit, or

"(3) any office or agency designated by the chief elected official or officials of a combination of units of general purpose local government to act on behalf of such combination for this purpose, or

"(4) any public or nonprofit private agency in a planning and service area which is under the supervision or direction for this purpose of the designated State agency and which can engage in the planning or provision of a broad range of social services within such planning and service area,

and must provide assurance, found adequate by the State agency, that it will have the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program pursuant to the plan within the planning and service area. In designating an area agency on aging, the State agency shall give preference to an established office on aging, unless the State agency finds that no such office within the planning and service area will have the capacity to carry out the area plan.

"Area plans

"(c) In order to be approved by the State agency, an area plan for a planning and service area shall be developed by the area agency on aging designated with respect to such area under subsection (a) and shall—

"(1) provide for the establishment of a comprehensive and coordinated system for the delivery of social services within the planning and service area covered by the plan, including determining the need for social services in such area (taking into consideration, among other things, the numbers of older persons with low incomes residing in such area), evaluating the effectiveness of the use of resources in meeting such need, and entering into agreements with providers of social services in such area, for the provision of such services to meet such need;

"(2) in accordance with criteria established by the Commissioner by regulation relating to priorities, provide for the initiation, expansion, or improvement of social services in the planning and service area covered by the area plan;

"(3) provide for the establishment and maintenance of information and referral sources in sufficient numbers to assure that all older persons within the planning and service area covered by the plan will have reasonably convenient access to such sources. For the purposes of this section and section 305(a)(7), an information and referral source is a location where the State or other public or private agency or organization (A) maintains current information with respect to the opportunities and services available to older persons, and develops current lists of older persons in need of services and opportunities, and (B) employs a specially trained staff to inform older persons of the opportunities and services which are available, and assists such persons to take advantage of such opportunities and services; and

"(4) provide that the area agency on aging will—

"(A) conduct periodic evaluations of activities carried out pursuant to the area plan;

"(B) render appropriate technical assistance to providers of social services in the planning and service area covered by the area plan;

"(C) where necessary and feasible, enter into arrangements, consistent with the provisions of the area plan, under which funds under this title may be used to provide legal services to older persons in the planning and service area carried out through federally assisted programs or other public or nonprofit agencies;

"(D) take into account, in connection with matters of general policy arising in the development and administration of the area plan, the views of recipients of services under such plan;

"(E) where possible, enter into arrangements with organizations providing day care services for children so as to provide opportunities for older persons to aid or assist, on a voluntary basis, in the delivery of such services to children; and

"(F) establish an advisory council, consisting of representatives of the target population and the general public, to advise the area agency on all matters relating to the

administration of the plan and operations conducted thereunder.

"STATE PLANS

"SEC. 305. (a) In order for a State to be eligible for grants for a fiscal year from its allotments under section 303 and section 306, except as provided in section 307(a), it shall submit to the Commissioner a State plan for such year which meets such criteria as the Commissioner may prescribe by regulation and which—

"(1) provides that the State agency will evaluate the need for social services within the State and determine the extent to which existing public or private programs meet such need;

"(2) provides for the use of such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Commissioner shall exercise no authority with respect to the selection, tenure of office, or compensation of an individual employed in accordance with such methods) as are necessary for the proper and efficient administration of the plan;

"(3) provides that the State agency will make such reports, in such form, and containing such information, as the Commissioner may from time to time require, and comply with such requirements as the Commissioner may impose to assure the correctness of such reports;

"(4) provides that the State agency will conduct periodic evaluations of activities and projects carried out under the State plan;

"(5) establishes objectives, consistent with the purposes of this title, toward which activities under the plan will be directed, identifies obstacles to the attainment of those objectives, and indicates how it proposes to overcome those obstacles;

"(6) provides that each area agency on aging designated pursuant to section 304(a)(2)(A) will develop and submit to the State agency for approval an area plan which complies with section 304(c);

"(7) provides for establishing and maintaining information and referral sources in sufficient numbers to assure that all older persons in the State who are not furnished adequate information and referral sources under section 304(c)(3) will have reasonably convenient access to such sources;

"(8) provides that no social service will be directly provided by the State agency or an area agency on aging, except where, in the judgment of the State agency, provision of such service by the State agency or an area agency on aging is necessary to assure an adequate supply of such service; and

"(9) provides that preference shall be given to persons aged sixty or over for any staff positions (full time or part time) in State and area agencies for which such persons qualify.

"(b) The Commissioner shall approve any State plan which he finds fulfills the requirements for subsection (a) of this section.

"(c) The Commissioner shall not make a final determination disapproving any State plan, or any modification thereof, or make a final determination that a State is ineligible under section 304, without first affording the State reasonable notice and opportunity for a hearing.

"(d) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency, finds that—

"(1) the State is not eligible under section 304,

"(2) the State plan has been so changed that it no longer complies with the provisions of subsection (a), or

"(3) in the administration of the plan there is a failure to comply substantially with any such provision of subsection (a),

the Commissioner shall notify such State agency that no further payments from its allotments under section 303 and section 306 will be made to the State (or, in his discretion, that further payments to the State will be limited to projects under or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments shall be made to such State from its allotment under section 303 and section 306 (or payments shall be limited to projects under or portions of the State plan not affected by such failure). The Commissioner shall, in accordance with regulations he shall prescribe, disburse the funds so withheld directly to any public or nonprofit private organization or agency or political subdivision of such State submitting an approved plan in accordance with the provisions of section 304 and section 306. Any such payment or payments shall be matched in the proportions specified in section 303 and 306.

"(e) A State which is dissatified with a final action of the Commissioner under subsection (b), (c), or (d) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner, or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Commissioner may modify or set aside his order. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioner's action.

"PLANNING, COORDINATION, EVALUATION, AND ADMINISTRATION OF STATE PLANS

"SEC. 306. (a)(1) There are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1973, $20,000,000 for the fiscal year ending June 30, 1974, and $20,000,000 for the fiscal year ending June 30, 1975, to make grants to States for paying such percentages as each State agency determines, but not more than 75 per centum, of the cost of the administration of its State plan, including the preparation of the State plan, the evaluation of activities carried out under such plan, the collection of data and the carrying out of analyses related to the need for social services within the State, the dissemination of information so obtained, the provision of short-term training to personnel of public or nonprofit private agencies and organizations engaged in the operation of programs authorized by this Act, and the carrying out of demonstration projects of statewide significance relating to the initiation, expansion, or improvement of social service.

"(2) Any sums allotted to a State under this section for covering part of the cost of the administration of its State plan which the State determines is not needed for such purpose may be used by such State to supplement the amount available under section 303(e)(1) to cover part of the cost of the administration of area plans.

"(b)(1) From the sums appropriated for any fiscal year under subsection (a) of this section, each State shall be allotted an amount which bears the same ratio to such sum as the population aged sixty or over in such State bears to the population aged sixty or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or $200,000, whichever is greater, and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted no less than one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or $50,000, whichever is greater. For the purpose of the exception contained in clause (A) of this paragraph, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(2) The number of persons aged sixty or over in any State and in all States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(c) The amount of any State's allotment under subsection (b) for any fiscal year which the Commissioner determines will not be required for that year shall be reallotted, from time to time and on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (b) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Such reallotments shall be made on the basis of the State plan so approved, after taking into consideration the population aged sixty or over. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (b) for that year.

"(d) The allotment of a State under this section for the fiscal year ending June 30, 1973, shall remain available until the close of the following fiscal year.

"PAYMENTS

"SEC. 307. (a) Payments of grants or contracts under this title may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Commissioner may determine. From a State's allotment for a fiscal year which is available pursuant to section 306 the Commissioner may advance to a State which does not have a State plan approved under section 305 such amounts as he deems appropriate for the purpose of assisting such State in developing a State plan.

"(b) Beginning with the fiscal year ending June 30, 1975, not less than 25 per centum of the non-Federal share (pursuant to section 303(e)) of the total expenditure under the State plan shall be met from funds from State or local public sources.

"(c) A State's allotment under section 303 for a fiscal year shall be reduced by the percentage (if any) by which its expenditures or such year from State sources under its State plan approved under section 305 are less than its expenditures from such sources for the preceding fiscal year.

"MODEL PROJECTS

"SEC. 308. (a) The Commissioner may, after consultation with the State agency, make grants to any public or nonprofit private agency or organization or contracts with any agency or organization within such State for paying part or all of the cost of developing or operating statewide, regional, metro-

politan area, county, city, or community model projects which will expand or improve social services or otherwise promote the well-being of older persons. In making grants and contracts under this section, the Commissioner shall give special consideration to projects designed to—

"(1) assist in meeting the special housing needs of older persons by (A) providing financial assistance to such persons, who own their own homes, necessary to enable them to make the repairs and renovations to their homes which are necessary for them to meet minimum standards, (B) studying and demonstrating methods of adapting existing housing, or construction of new housing, to meet the needs of older persons suffering from physical disabilities, and (C) demonstrating alternative methods of relieving older persons of the burden of real property taxes on their homes;

"(2) improve the transportation services available to older persons by (A) establishing special transportation subsystems for older persons or similar groups with similar mobility restrictions, (B) providing portal-to-portal service and demand actuated services, (C) payment of subsidies to transportation systems to enable them to provide transportation services to older persons on a reduced rate basis, with special emphasis on transportation necessary to enable older persons to obtain health services, (D) payments directly to older persons to enable them to obtain reasonable and necessary transportation services, (E) programs to study the economic and service aspects of transportation for older persons living in urban or rural areas, and (F) programs to study transportation and social service delivery interface;

"(3) meet the needs of unemployed low-income older persons who are unable, because of physical condition, obsolete or inadequate skills, declining economic conditions, or other causes of a lack of employment opportunity to secure appropriate employment, which will enable such persons to participate in projects for public service in such fields as environmental quality, health care, education, public safety, crime prevention and control, prison rehabilitation, transportation, recreation, maintenance of parks, streets, and other public facilities, solid waste removal, pollution control, housing and neighborhood improvements, rural development, conservation, beautification, and other fields of human betterment and community improvement;

"(4) provide continuing education to older persons designed to enable them to lead more productive lives by broadening the educational, cultural, or social awareness of such older persons, emphasizing, where possible, free tuition arrangements with colleges and universities;

"(5) provide preretirement education, information, and relevant services (including the training of personnel to carry out such programs and the conducting of research with respect to the development and operation of such programs) to persons planning retirement; or

"(6) provide services to assist in meeting the particular needs of the physically and mentally impaired older persons including special transportation and escort services, homemaker, home health, and shopping services, reader services, letterwriting services, and other service designed to assist such individuals in leading a more independent life, and encourage older Americans with skills and experience in trades and industry to be employed as aides in the vocational and industrial arts departments of our secondary schools.

"(b) For the purpose of carrying out this section, there are authorized to be appropriated $40,000,000 for the fiscal year ending June 30, 1973, $75,000,000 for the fiscal year ending June 30, 1974, and $100,000,000 for the fiscal year ending June 30, 1975."

TITLE IV—TRAINING AND RESEARCH

SEC. 401. The Older Americans Act of 1965 is amended by striking out titles IV and V and by inserting immediately after title III the following new title:

"TITLE IV—TRAINING AND RESEARCH

"PART A—TRAINING

"STATEMENT OF PURPOSE

"SEC. 401. The purpose of this part is to improve the quality of service and to help meet critical shortages of adequately trained personnel for programs in the field of aging by (1) developing information on the actual needs for personnel to work in the field of aging, both present and long range; (2) providing a broad range of quality training and retraining opportunities, responsive to changing needs of programs in the field of aging; (3) attracting a greater number of qualified persons into the field of aging; and (4) helping to make personnel training programs more responsive to the need for trained personnel in the field of the aging.

"APPRAISING PERSONNEL NEEDS IN THE FIELD OF AGING

"SEC. 402. (a) The Commissioner shall from time to time appraise the Nation's existing and future personnel needs in the field of aging, at all levels and in all types of programs, and the adequacy of the Nation's efforts to meet these needs. In developing information relating to personnel needs in the field of aging, the Commissioner shall consult with, and make maximum utilization of statistical and other related information of the Department of Labor, the Veterans' Administration, the Office of Education, Federal Council on the Aging, the National Foundation on the Arts and Humanities, State educational agencies, other State and local public agencies and offices dealing with problems of the aging, State employment security agencies, and other appropriate public and private agencies.

"(b) The Commissioner shall prepare and publish annually as a part of the annual report provided in section 208 a report on the professional dealing with the problems of the aging, in which he shall present in detail his view on the state of such professions and the trends which he discerns with respect to the future complexion of programs for the aging throughout the Nation and the funds and the needs for well-educated personnel to staff such programs. The report shall indicate the Commissioner's plans concerning the allocations of Federal assistance under this title in relation to the plans and programs of other Federal agencies.

"ATTRACTING QUALIFIED PERSONS TO THE FIELD OF AGING

"SEC. 403. The Commissioner may make grants to State agencies referred to in section 304, State or local educational agencies, institutions of higher education, or other public or nonprofit private agencies, organizations, or institutions, and he may enter into contracts with any agency, institution, or organization for the purpose of—

"(1) publicizing available opportunities for careers in the field of aging;

"(2) encouraging qualified persons to enter or reenter the field of aging;

"(3) encouraging artists, craftsmen, artisans, scientists, and persons from other professions and vocations and homemakers, to undertake assignments on a part-time basis or for temporary periods in the field of aging; or

"(4) preparing and disseminating materials, including audiovisual materials and printed materials, for use in recruitment and training of persons employed or preparing for employment in carrying out programs related to the purposes of this Act.

"TRAINING PROGRAMS FOR PERSONNEL IN THE FIELD OF AGING

"SEC. 404. (a) The Commissioner may make grant to any public or nonprofit private agency, organization, or institution or with State agencies referred to in section 304, or contracts with any agency, organization, or institution, to assist them in training persons who are employed or preparing for employment in fields related to the purposes of this Act—

"(1) to assist in covering the cost of courses of training or study (including short-term or regular session institutes and other inservice and preservice training programs),

"(2) for establishing and maintaining fellowships to train persons to be supervisors or trainers of persons employed or preparing for employment in fields related to the purposes of this Act,

"(3) for seminars, conferences, symposiums, and workshops in the field of aging, including the conduct of conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this Act.

"(4) for the improvement of programs for preparing personnel for careers in the field of aging, including design, development, and evaluation of exemplary training programs, introduction of high quality and more effective curriculums and curricular materials, and

"(5) the provision of increased opportunities for practical experience.

"(b) The Commissioner may include in the terms of any contract or grant under this part provisions authorizing the payment, to persons participating in training programs supported under this part, of such stipends (including allowances for subsistence and other expenses for such persons and their dependents) as he determines to be consistent with prevailing practices under comparable federally supported programs. Where the Commissioner provides for the use of funds under this section for fellowships, he shall (in addition to stipends for the recipients) pay to colleges or universities in which the fellowship is being pursued such amounts as the Commissioner shall determine to be consistent with prevailing practices under comparable federally supported programs.

"PART B—RESEARCH AND DEVELOPMENT PROJECTS

"DESCRIPTION OF ACTIVITIES

"SEC. 411. The Commissioner may make grants to any public or nonprofit private agency, organization, or institution and contracts with any agency, organization, or institution or with any individual for the purpose of—

"(1) studying current patterns and conditions of living of older persons and identifying factors which are beneficial or detrimental to the wholesome and meaningful living of such persons;

"(2) developing or demonstrating new approaches, techniques, and methods (including the use of multipurpose centers) which hold promise of substantial contribution toward wholesome and meaningful living for older persons;

"(3) developing or demonstrating approaches, methods, and techniques for achieving or improving coordination of community services for older persons;

"(4) evaluating these approaches, techniques, and methods, as well as others which may assist older persons to enjoy wholesome and meaningful lives and to continue to contribute to the strength and welfare of our Nation;

"(5) collecting and disseminating, through publications and other appropriate means, information concerning research findings, demonstration results, and other materials developed in connection with activities assisted under this part; or

"(6) conducting conferences and other meetings for the purposes of facilitaing exchange of information and stimulating new approaches with respect to activities related to the purposes of this part.

"PART C—MULTIDISCIPLINARY CENTERS OF GERONTOLOGY

"SEC. 421. The Commissioner may make grants to public and private nonprofit agencies, organizations, and institutions for the purpose of establishing or supporting multidisciplinary centers of gerontology. A grant may be made under this section only if the application therefor—

"(1) provides satisfactory assurance that the applicant will expend the full amount of the grant to establish or support a multidisciplinary center of gerontology which shall—

"(A) recruit and train personnel at the professional and subprofessional levels,

"(B) conduct basic and applied research on work, leisure, and education of older people, living arrangements of older people, social services for older people, the economics of aging, and other related areas,

"(C) provide consultation to public and voluntary organizations with respect to the needs of older people and in planning and developing services for them.

"(D) serve as a repository of information and knowledge with respect to the areas for which it conducts basic and applied research,

"(E) stimulate the incorporation of information on aging into the teaching of biological behavioral, and social sciences at colleges or universities,

"(F) help to develop training programs on aging in schools of social work, public health, health care administration, education, and in other such schools at colleges and universities, and

"(G) create opportunities for innovative, multidisciplinary efforts in teaching, research, and demonstration projects with respect to aging:

"(2) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for funds paid to the applicant under this section; and

"(3) provides for making such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

"PART D—AUTHORIZATION OF APPROPRIATIONS

"AUTHORIZATION

"SEC. 431. (a) There are authorized to be appropriated for the purposes of carrying out part A of this title $11,000,000 for the fiscal year ending June 30, 1973, $15,000,000 for the fiscal year ending June 30, 1974, and $20,000,000 for the fiscal year ending June 30, 1975.

"(b) There are authorized to be appropriated for the purpose of carrying out the provisions of part B and C of this title, $15,000,000 for the fiscal year ending June 30, 1973, $25,000,000 for the fiscal year ending June 30, 1974, and $30,000,000 for the fiscal year ending June 30, 1975.

"PAYMENT OF GRANTS

"SEC. 432. (a) To the extent he deems it appropriate, the Commissioner shall require the recipient of any grant or contract under this title to contribute money, facilities, or services for carrying out the project for which such grant or contract was made.

"(b) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Commissioner may determine.

"(c) The Commissioner shall make no grant or contract under this title in any State which has established or designated a State agency for purposes of title III of this Act unless the Commissioner has consulted with such State agency regarding such grant or contract."

TITLE V—MULTIPURPOSE SENIOR CENTERS

SEC. 501. The Older Americans Act of 1965 is further amended by inserting immediately after title IV the following new title:

"TITLE V—MULTIPURPOSE SENIOR CENTERS

"PART A—CONSTRUCTION OF MULTIPURPOSE SENIOR CENTERS

"CONSTRUCTION PROJECTS

"SEC. 501. In order to provide a focal point in communities for the development and delivery of social services and nutritional services designed primarily for older persons, the Commissioner may make grants to units of general purpose local government or other public or nonprofit private agencies or organizations and may make contracts with any agency or organization to pay not to exceed 75 per centum of the cost of leasing, altering, or renovating existing facilities to serve as multipurpose senior centers (including the initial equipment of such facilities), and, where utilizing existing facilities is not feasible, not to exceed 75 per centum of the cost of constructing new public or nonprofit private multipurpose senior centers. Facilities assisted by grants or contracts under this part shall be in close proximity to the majority of individuals eligible to use the multipurpose senior center, and within walking distance where possible, except that the total payments made pursuant to such grants or contracts in any State for any fiscal year shall not exceed 10 per centum of the total amount appropriated for the year for the purposes of carrying out this part.

"REQUIREMENTS FOR APPROVAL OF APPLICATIONS

"SEC. 502. (a) A grant or contract for construction under this part may be made only if the application therefor is approved by the Commissioner upon his determination that—

"(1) the application contains or is supported by reasonable assurances that (A) for not less than ten years after completion of construction, the facility will be used for the purposes for which it is to be constructed, (B) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility, and (C) sufficient funds will be available, when construction is completed, for effective use of the facility for the purpose for which it is being constructed;

"(2) the application contains or is supported by reasonable assurances that there are no existing facilities in the community suitable for leasing as a multipurpose senior center, and that there are no existing facilities in the community which could be altered or renovated to serve such a purpose;

"(3) the plans and specifications are in accordance with regulations relating to minimum standards of construction and equipment; and

"(4) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractors or subcontractors in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a, 276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(b) In making grants or contracts under this part, the Commissioner shall—

"(1) give preference to the construction of multipurpose senior centers in areas where there is being developed a comprehensive and coordinated system under title III of this Act; and

"(2) consult with the Secretary of Housing and Urban Development with respect to the technical adequacy of any proposed construction.

"PAYMENTS

"SEC. 503. Upon approval of any application for a grant or contract under this part, the Commissioner shall reserve, from any appropriation available therefor, the amount of such grant or contract; the amount so reserved may be paid in advance of by way of reimbursement, and in such installments consistent with construction progress, as the Commissioner may determine. The Commissioner's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application or upon revision of the estimated cost of construction of the facility.

"RECAPTURE OF PAYMENTS

"SEC. 504. If, within ten years after completion of any construction for which funds have been paid under this part—

"(a) the owner of the facility ceases to be a public or nonprofit private agency or organization, or

"(b) the facility shall cease to be used for the purposes for which it was constructed (unless the Commissioner determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so),

the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 505. (a) There is authorized to be appropriated for the purpose of making grants or contracts under section 501, $10,000,000 for the fiscal year ending June 30, 1973, $15,000,000 for the fiscal year ending June 30, 1974, and $20,000,000 for the fiscal year ending prior to July 1, 1975.

"(b) Sums appropriated for any fiscal year under subsection (a) of this section and remaining unobligated at the end of such year shall remain available for such purpose for the next fiscal year.

"MORTGAGE INSURANCE FOR MULTIPURPOSE SENIOR CENTERS

"SEC. 506. (a) It is the purpose of this section to assist and encourage the provision of urgently needed facilities for programs for the elderly.

"(b) For the purpose of this part the terms 'mortgage', 'mortgagor', 'mortgagee', 'maturity date', and 'State' shall have the meanings respectively set forth in section 207 of the National Housing Act.

"(c) The Secretary of Health, Education, and Welfare is authorized to insure any mortgage (including advances on such mortgage during construction) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon.

"(d) In order to carry out the purpose of this section, the Secretary is authorized to insure any mortgage which covers a new multipurpose senior center, including equipment to be used in its operation, subject to the following conditions;

"(1) The mortgage shall be executed by a mortgagor, approved by the Secretary, who demonstrates ability successfully to operate one or more programs for the elderly. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of

financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Secretary may make such contracts with and acquire for not to exceed $100 such stock or interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Multipurpose Senior Center Insurance Fund, and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Secretary under the insurance.

"(2) The mortgage shall involve a principal obligation in an amount not to exceed $250,000 and not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment to be used in the operation of the multipurpose senior center, when the proposed improvements are completed and the equipment is installed.

"(3) The mortgage shall—

"(A) provide for complete amortization by periodic payments within such term as the Secretary shall prescribe, and

"(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Secretary finds necessary to meet the mortgage market.

"(4) The Secretary shall not insure any mortgage under this section unless he has determined that the center to be covered by the mortgage will be in compliance with minimum standards to be prescribed by the Secretary.

"(5) In the plans for such Multipurpose Senior Center due consideration shall be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project).

"(e) The Secretary shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the Mortgagee, either in cash or in debentures of the Multipurpose Senior Center Insurance Fund (established by subsection (h)) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the premium charge herein provided for, the Secretary is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during construction; but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

"(f) The Secretary may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.

"(g)(1) The Secretary shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act.

"(2) The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for the purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Multipurpose Senior Center Insurance Fund, and all references in such provisions to 'Secretary' shall be deemed to refer to the Secretary of Health, Education, and Welfare.

"(h)(1) There is hereby created a Multipurpose Senior Center Insurance Fund which shall be used by the Secretary as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Multipurpose Senior Center Insurance Fund.

"(2) The general expenses of the operations of the Department of Health, Education, and Welfare relating to mortgages insured under this section may be charged to the Multipurpose Senior Center Insurance Fund.

"(3) Moneys in the Multipurpose Senior Center Insurance Fund not needed for the current operations of the Department of Health, Education, and Welfare with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Secretary may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Multipurpose Senior Center Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

"(4) Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any mortgage under this section, the reecipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Secretary in connection therewith, and all earnings as the assets of the fund, shall be credited to the Multipurpose Senior Center Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such funds, cash insurance payments and adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties acquired, in connection with mortgages insured under this section, shall be charged to such fund.

"(5) There are authorized to be appropriated to provide initial capital for the Multipurpose Senior Center Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary.

"ANNUAL INTEREST GRANTS

"SEC. 507. (a) To assist nonprofit agencies to reduce the cost of borrowing from other sources for the construction of facilities, the Secretary may make annual interest grants to such agencies.

"(b) Annual interest grants under this section with respect to any facility shall be made over a fixed period not exceeding forty years, and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount not greater than the difference between (1) the average annual debt service which would be required to be paid, during the life of the loan, on the amount borrowed from other sources for the construction of such facilities, and (2) the average annual debt service which the institution would have been required to pay, during the life of the loan, with respect to such amounts if the applicable interest rate were 3 per centum per annum: Provided, That the amount on which such grant is based shall be approved by the Secretary.

"(c)(1) There are hereby authorized to be appropriated to the Secretary such sums as may be necessary for the payment of annual interest grants in accordance with this section.

"(2) Contracts for annual interest grants under this section shall not be entered into in an aggregate amount greater than is authorized in appropriation Acts; and in any event the total amount of annual interest grants in any year pursuant to contracts entered into under this section shall not exceed $1,000,000, which amount shall be increased by $3,000,000 on July 1, 1974, and by $5,000,000 on July 1, 1975.

"(d) Not more than 12½ per centum of the funds provided for in this section for grants may be used within any one State.

"PART B—INITIAL STAFFING OF MULTIPURPOSE SENIOR CENTERS

"PERSONNEL STAFFING GRANT PROGRAM AUTHORIZED

"SEC. 511. (a) For the purpose of assisting in the establishment and initial operation of multipurpose senior centers the Commissioner may, in accordance with the provisions of this part, make grants to meet, for the temporary periods specified in this part, all or part of the costs of compensation of professional and technical personnel for the initial operation of new multipurpose senior centers and for the delivery of social services established therein.

"(b) Grants for such costs of any center under this title may be made only for the period beginning with the first day of the first month for which such grant is made and ending with the close of three years after such first day. Such grants with respect to any center may not exceed 75 per centum of such costs for the first year of the project, 66⅔ per centum of such costs for the second year of the project, and 50 per centum of such costs for the third year of the project.

"(c) In making such grants, the Secretary shall take into account the relative needs of the several States for community centers for senior citizens, their relative financial needs, and their population of persons over sixty years of age.

"(d) For the purpose of this part, there are authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1973, and for each of the next two succeeding fiscal years.

"DEFINITIONS

"SEC. 512. For purposes of this title—

"(1) the term 'multipurpose senior center' means a community facility for the organization and provision of a broad spectrum of services (including provision of health, social, and educational services and provision of facilities for recreational activities) for older persons.

"(2) the term 'cost of construction' includes the cost of architects' fees and acquisition of land in connection with construction, but does not include the cost of offsite improvements."

TITLE VI—NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM

SEC. 601. Section 601 of the Older Americans Act of 1965 is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding any other provision of law, no compensation provided to individual volunteers under this part shall be considered income for any purpose whatsoever."

SEC. 602. Section 603 of the Older Americans Act of 1965 is amended by inserting immediately before the period at the end thereof the following: "and $20,000,000 for the fiscal year ending June 30, 1973, $30,000,000 for the fiscal year ending June 30, 1974, and $40,000,000 for the fiscal year ending June 30, 1975".

SEC. 603. (a) The heading of part B of title VI of the Older Americans Act of 1965 is amended to read as follows:

"FOSTER GRANDPARENT PROGRAM AND OLDER AMERICANS COMMUNITY SERVICE PROGRAMS"

(b) Section 611 of such Act is amended to read as follows:

"SEC. 611. (a) The Commissioner is authorized to make grants to or contracts with public and nonprofit private agencies and

organizations to pay part or all of the cost of development and operation of projects designed to provide opportunities for low-income persons aged sixty or over to render supportive person-to-person services in health, education, welfare, and related settings to children having exceptional needs, including services as 'Foster Grandparents' to children receiving care in hospitals, homes for dependent and neglected children, or other establishments providing care for children with special needs.

"(b) The Commissioner is also authorized to make grants or contracts to carry out the purposes described in subsection (a) in the case of persons (other than children) having exceptional needs, including services as 'senior health aides' to work with persons receiving home health care and nursing care, and as 'senior companions' to persons having developmental disabilities.

"(c) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions as the Commissioner may determine.

"(d) Notwithstanding any other provision of law, no compensation provided to individual volunteers under this part shall be considered income for any purpose whatsoever."

(c) The first sentence of section 613 of such Act is amended to read as follows:

"In administering this part, the Commissioner shall consult with the Office of Economic Opportunity, the Departments of Labor and Health, Education, and Welfare and any other Federal agencies administering relevant programs with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this part with other public or private programs or projects carried out at State and local levels."

SEC. 604. Section 614 of the Older Americans Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 614. (a) There are authorized to be appropriated for grants or contracts under subsection (a) of section 611, $35,000,000 for the fiscal year ending June 30, 1973, $45,000,000 for the fiscal year ending June 30, 1974, $55,000,000 for the fiscal year ending June 30, 1975.

"(b) There are authorized to be appropriated for grants or contracts under subsection (b) of section 611, $6,000,000 for the fiscal year ending June 30, 1973, $7,000,000 for the fiscal year ending June 30, 1974, $8,000,000 for the fiscal year ending June 30, 1975."

SEC. 605. The authorities conferred upon the Commissioner of the Administration on Aging by the amendments made in this title shall be carried out pursuant to delegations of authority, reorganization plans, and transfers made effective prior to the date of enactment of this Act with respect to authorities conferred upon the Secretary of the Department of Health, Education, and Welfare under title VI of the Older Americans Act of 1965, as amended.

TITLE VII—NUTRITION PROGRAM

AVAILABILITY OF SURPLUS COMMODITIES

SEC. 701. Section 707 of the Older Americans Act of 1965 is amended to read as follows:

"AVAILABILITY OF SURPLUS COMMODITIES

"SEC. 707. (a) Agricultural commodities and products purchased by the Secretary of Agriculture under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), may be donated to a recipient of a grant or contract to be used for providing nutritional services in accordance with the provisions of this title.

"(b) The Commodity Credit Corporation may dispose of food commodities under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) by donating them to a recipient of a grant or contract to be used for providing nutritional services in accordance with the provisions of this title.

"(c) Dairy products purchased by the Secretary of Agriculture under section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446a–1) may be used to meet the requirements of programs providing nutritional services in accordance with the provisions of this title."

SEC. 702. Section 705(a) of the Older Americans Act of 1965 is amended by adding at the end thereof the following new paragraph:

"(5) provide that, when mutually agreed upon by recipients of grants and contracts and area planning and service areas agencies, nutrition projects assisted under this title shall be made a part of the comprehensive and coordinated systems established under title III of this Act."

STATE PLANNING

SEC. 703. Section 705(a)(2)(B) of the Older Americans Act of 1965 is amended by inserting "for the fiscal year ending June 30, 1973," following "administrative cost,"; by striking out "any fiscal year" and inserting in lieu thereof "such fiscal year"; and by adding at the end of the first sentence thereof the following sentence: "For the fiscal years ending after June 30, 1973, funds allotted to a State for State planning and administration pursuant to section 306 of this Act may be used for the administration of the State plan submitted pursuant to this section, except that wherever the Governor of the State designates an agency other than the agency designated under section 304(a)(1) of this Act, then the Commissioner shall determine that portion of a State's allotment under section 306 which shall be available to the agency designated under section 705(a)(1) for planning and administration."

CONFORMING AMENDMENT

SEC. 704. (a) The first sentence of section 705(a) of the Older Americans Act of 1965 is amended by striking out "303" the first time it appears in such sentence and inserting in lieu thereof "304" and by striking out "303" the second time it appears in such sentence and inserting in lieu thereof "305".

(b) Section 705(a)(1) of the Older Americans Act of 1965 is amended by striking out "303" and inserting in lieu thereof "304".

(c) Title VII of the Older Americans Act of 1965 is amended by striking out "Secretary" wherever in such title the term refers to the Secretary of Health, Education, and Welfare, and inserting in lieu thereof "Commissioner".

TITLE VIII—AMENDMENTS TO OTHER ACTS

AMENDMENT TO LIBRARY SERVICES AND CONSTRUCTION ACT

SEC. 801. (a) The Library Services and Construction Act (20 U.S.C. 351 et seq.) is amended by adding at the end thereof the following new title:

"TITLE IV—OLDER READERS SERVICES

"GRANTS TO STATES FOR OLDER READERS SERVICES

"SEC. 401. The Commissioner shall carry out a program of making grants to States which have an approved basic State plan under section 6 and have submitted a long-range program and an annual program under section 403 for library services for older persons.

"USES OF FEDERAL FUNDS

"SEC. 402. (a) Funds appropriated pursuant to paragraph (4) of section 4(a) shall be available for grants to States from allotments under section 5(a) for the purpose of carrying out the Federal share of the cost of carrying out State plans submitted and approved under section 403. Such grants shall be used for (1) the training of librarians to work with the elderly; (2) the conduct of special library programs for the elderly; (3) the purchase of special library materials for use by the elderly; (4) the payment of salaries for elderly persons who wish to work in libraries as assistants on programs for the elderly; (5) the provision of in-home visits by librarians and other library personnel to the elderly; (6) the establishment of outreach programs to notify the elderly of library services available to them; and (7) the furnishing of transportation to enable the elderly to have access to library services.

"(b) For the purposes of this title, the Federal share shall be 100 per centum of the cost of carrying out the State plan.

"STATE ANNUAL PROGRAM FOR LIBRARY SERVICES FOR THE ELDERLY

"SEC. 403. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for that fiscal year an annual program for library services for older persons. Such program shall be submitted at such time, in such form, and contain such information as the Commissioner may require by regulation and shall—

"(1) set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (4) of section 4(a) will be used, consistent with its long-range program for the purposes set forth in section 402, and

"(2) include an extension of the long-range program taking into consideration the results of evaluations.

"COORDINATION WITH PROGRAMS FOR OLDER AMERICANS

"SEC. 404. In carrying out the program authorized by this title, the Commissioner shall consult with the Commissioner of the Administration on Aging and the Director of ACTION for the purpose of coordinating where practicable, the programs assisted under this title with the programs assisted under the Older Americans Act of 1965."

(b) Section 4(a) of the Library Services and Construction Act is amended by adding at the end thereof the following new paragraph:

"(4) For the purpose of making grants to States to enable them to carry out public library service programs for older persons authorized by title IV, there are authorized to be appropriated $11,700,000 for the fiscal year ending June 30, 1973, $12,300,000 for the fiscal year ending June 30, 1974, $12,900,000 for the fiscal year ending June 30, 1975, and $13,700,000 for the fiscal year ending June 30, 1976."

(c)(1) Section 5(a)(1) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(2) Section 5(a)(2) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(3) Section 5(a)(3) of such Act is amended by striking out the word "and" at the end of such subparagraph (B) thereof, by striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon and the word "and", and by inserting after subparagraph (C) thereof the following:

"(D) with respect to appropriations for the purposes of title IV, $40,000 for each State, except that it shall be $10,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands."

(4) The last sentence of section 5(a)(3) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(5) Section 5(b) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(c) Section 6(a) of such Act is amended

by striking out "and III" and inserting in lieu thereof "III and IV".

(d) (1) Section 7(a) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(2) Section 7(b) (1) of such Act is amended by inserting "and title IV" after "title III".

(e) The amendments made by subsections (a), (b), and (c) of this section shall be effective after June 30, 1972.

AMENDMENT TO NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT

SEC. 802. (a) Section 5(a)(2) of the National Commission on Libraries and Information Science Act is amended by striking out "and" after "areas" and inserting a comma in lieu thereof, and by inserting after "deprived persons," the following: "and of elderly persons,".

(b) The second sentence of section 6(a) (20 U.S.C. 1505(a)) of such Act is amended by inserting before the period at the end thereof the following: ", and at least one other of whom shall be knowledgeable with respect to the library and information service and science needs of the elderly".

AMENDMENT TO HIGHER EDUCATION ACT OF 1965

SEC. 803. Title I of the Higher Education Act of 1965 is amended by redesignating sections 110, 111, 112 (and cross references thereto) as 111, 112, and 113, respectively, and by inserting after section 109 the following new section:

"SPECIAL PROGRAMS AND PROJECTS RELATING TO PROBLEMS OF THE ELDERLY

"SEC. 110. (a) The Commissioner is authorized to make grants to institutions of higher education (and combinations thereof) to assist such institutions in planning, developing, and carrying out, consistent with the purpose of this title, programs specifically designed to apply the resources of higher education to the problems of the elderly, particularly with regard to transportation and housing problems of elderly persons living in rural and isolated areas.

"(b) For purposes of making grants under this section, there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1977.

"(c) In carrying out the program authorized by this section, the Commissioner shall consult with the Commissioner of the Administration on Aging for the purpose of coordinating, where practicable, the programs assisted under this section with the programs assisted under the Older Americans Act of 1965."

AMENDMENT TO ADULT EDUCATION ACT

SEC. 804. (a) The Adult Education Act (20 U.S.C. 1201 et seq.) is amended by redesignating sections 310, 311, and 312 (and cross references thereto) as sections 311, 312, and 313, respectively, and by inserting after section 309 the following new section:

"SPECIAL PROJECTS FOR THE ELDERLY

"SEC. 310. (a) The Commissioner is authorized to make grants to State and local educational agencies or other public or private nonprofit agencies for programs to further the purpose of this Act by providing educational programs for elderly persons whose ability to speak and read the English language is limited and who live in an area with a culture different than their own. Such programs shall be designed to equip such elderly persons to deal successfully with the practical problems in their everyday life, including the making of purchases, meeting their transportation and housing needs, and complying with governmental requirements such as those for obtaining citizenship, public assistance and social security benefits, and housing.

"(b) For the purpose of making grants under this section there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1975.

"(c) In carrying out the program authorized by this section, the Commissioner shall consult with the Commissioner of the Administration on Aging for the purpose of coordinating where practical, the programs assisted under this section with the programs assisted under the Older Americans Act of 1965."

(b) Section 313(a) of such Act, as redesignated, is amended by inserting before the period at the end thereof the following: "(other than section 310)".

ADDITIONAL AUTHORIZATION FOR SENIOR OPPORTUNITIES AND SERVICES

SEC. 805. In addition to the amounts authorized to be appropriated and allocated pursuant to the Economic Opportunity Amendments of 1972, there is further authorized to be appropriated $7,000,000 annually for the fiscal year ending June 30, 1973, and the succeeding fiscal year, to be used for the Senior Opportunities and Services program described in section 222(a)(7) of the Economic Opportunity Act of 1964.

TITLE IX—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

SHORT TITLE

SEC. 901. This title may be cited as the "Older American Community Service Employment Act".

OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

SEC. 902. (a) In order to foster and promote useful part-time work opportunities in community service activities for unemployed low-income persons who are fifty-five years old or older and who have poor employment prospects, the Secretary of Labor (hereinafter referred to as the "Secretary") is authorized to establish an older American community service employment program (hereinafter referred to as the "program").

(b) In order to carry out the provisions of this title, the Secretary is authorized—

(1) to enter into agreements with public or private nonprofit agencies or organizations, agencies of a State government or a political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, or Indian tribes on Federal or State reservations in order to further the purposes and goals of the program. Such agreements may include provisions for the payment of costs, as provided in subsection (c), of projects developed by such organizations and agencies in cooperation with the Secretary in order to make the program effective or to supplement it. No payment shall be made by the Secretary toward the cost of any project established or administered by any such organization or agency unless he determines that such project—

(A) will provide employment only for eligible individuals, except for necessary technical, administrative, and supervisory personnel, but such personnel shall, to the fullest extent possible, be recruited from among eligible individuals;

(B) will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities;

(C) will employ eligible individuals in services related to publicly owned and operated facilities and projects, or projects sponsored by organizations exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code of 1954 (other than political parties), except projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship;

(D) will contribute to the general welfare of the community;

(E) will provide employment for eligible individuals whose opportunities for other suitable public or private paid employment are poor;

(F) will result in an increase in employment opportunities for eligible individuals, and will not result in the displacement of employed workers or impair existing contracts;

(G) will utilize methods of recruitment and selection (including, but not limited to, listing of job vacancies with the employment agency operated by any State or political subdivision thereof) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project;

(H) will include such training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and will provide for the payment of the reasonable expenses of individuals being trained, including expenses of individuals being trained, including a reasonable subsistence allowance;

(I) will assure that safe and healthy conditions of work will be provided, and will assure that persons employed in public service jobs assisted under this title shall be paid wages which shall not be lower than whichever is the highest of (i) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (ii) the State or local minimum wage for the most nearly comparable covered employment, or (iii) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

(J) will be established or administered with the advice of persons competent in the field of service in which employment is being provided, and of persons who are knowledgeable with regard to the needs of older persons;

(K) will authorize pay for necessary transportation costs of eligible individuals which may be incurred in employment at any project funded under this title in accordance with regulations promulgated by the Secretary; and

(L) will assure that to the extent feasible such projects will serve the needs of minority, Indian, and limited English-speaking eligible individuals in proportion to their numbers in the State;

(2) to make, issue, and amend such regulations as may be necessary to effectively carry out the provisions of this title.

(c)(1) The Secretary is authorized to pay not to exceed 90 per centum of the cost of any project which is the subject of an agreement entered into under subsection (b), except that the Secretary is authorized to pay all of the costs of any such project which is (A) an emergency or disaster project or (B) a project located in an economically depressed area as determined in consultation with the Secretary of Commerce and the Director of the Office of Economic Opportunity.

(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair market value to services and facilities contributed from non-Federal sources.

ADMINISTRATION

SEC. 903. (a) In order to effectively carry out the purposes of this title, the Secretary is authorized to consult with agencies of States and their political subdivisions with regard to—

(1) the localities in which community service projects of the type authorized by this title are most needed;

(2) consideration of the employment situation and the types of skills possessed by available local individuals who are eligible to participate; and

(3) potential projects and the number and percentage of eligible individuals in the local population.

(b) (1) The Secretary is authorized and directed to require agencies and organizations administering community service projects and other activities assisted under this title to coordinate their projects and activities with agencies and organizations conducting related manpower and unemployment programs receiving assistance under this Act and under other authorities such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, and the Emergency Employment Act of 1971. In carrying out the provisions of this paragraph, the Secretary is authorized to make necessary arrangements to include projects and activities assisted under this title within a common agreement and a common application with projects assisted under this Act and other provisions of law such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, the Emergency Employment Act of 1971.

(2) The Secretary is authorized to make whatever arrangements that are necessary to carry out the programs assisted under this title as part of any general manpower legislation hereafter enacted, except that appropriations for programs assisted under this title may not be expended for programs assisted under that title.

(c) In carrying out the provisions of this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies, and instrumentalities in the use of services, equipment, and facilities.

(d) The Secretary shall establish criteria designed to assure equitable participation in the administration of community service projects by agencies and organizations eligible for payment under section 902(b).

(e) Payments under this title may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

(f) The Secretary shall not delegate his functions and duties under this title to any other department or agency of Government.

PARTICIPANTS NOT FEDERAL EMPLOYEES

SEC. 904. (a) Eligible individuals who are employed in any project funded under this title shall not be considered to be Federal employees as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.

(b) No contract shall be entered into under this title with a contractor who is, or whose employees are, under State law, exempted from operation of the State workmen's compensation law, generally applicable to employees, unless the contractor shall undertake to provide either through insurance by a recognized carrier, or by self-insurance, as allowed by State law, that the persons employed under the contract, shall enjoy workmen's compensation coverage equal to that provided by law for covered employment. The Secretary must establish standards for severance benefits, in lieu of unemployment insurance coverage, for eligible individuals who have participated in qualifying programs and who have become unemployed.

INTERAGENCY COOPERATION

SEC. 905. The Secretary shall consult and cooperate with the Office of Economic Opportunity, the Administration on Aging, the Department of Health, Education, and Welfare, and any other related Federal agency administering related programs, with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this title with other public and private programs or projects of a similar nature. Such Federal agencies shall cooperate with the Secretary in disseminating information about the availability of assistance under this title and in promoting the identification and interests of individuals eligible for employment in projects funded under this title.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 906. (a) (1) From the sums appropriated for any fiscal year under section 908 there shall be initially allotted for projects within each State an amount which bears the same ratio to such sum as the population, aged fifty-five or over in such State bears to the population aged fifty-five or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made. For the purpose of the exception contained in this paragraph, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(2) The number of persons aged fifty-five or over in any State and for all States shall be determined by the Secretary on the basis of the most satisfactory data available to him.

(b) The amount allotted for projects within any State under subsection (a) for any fiscal year which the Secretary determines will not be required for that year shall be reallotted, from time to time and on such dates during such year as the Secretary may fix, to projects within other States in proportion to the original allotments to projects within such States under subsection (a) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates that projects within such State need and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

(c) The amount apportioned for projects within each State under subsection (a) shall be apportioned among areas within each such State in an equitable manner, taking into consideration the proportion which eligible persons in each such area bears to such total number of such persons, respectively, in that State.

DEFINITIONS

SEC. 907. As used in this title—

(a) "State" means any of the several States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands;

(b) "eligible individual" means an individual who is fifty-five years old or older, who has a low income, and who has or would have difficulty in securing employment, except that pursuant to regulations prescribed by the Secretary any such individual who is sixty years old or older shall have priority for the work opportunities provided for under this Act;

(c) "community service" means social, health, welfare, educational, library, recreational, and other similar services; conservation, maintenance, or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; economic development; and such other services which are essential and necessary to the community as the Secretary, by regulation, may prescribe.

AUTHORIZATION OF APPROPRIATIONS

SEC. 908. There are hereby authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1974, and $100,000,000 for the fiscal year ending June 30, 1975, to carry out the provisions of this title.

Mr. EAGLETON. Mr. President, this bill, S. 50, is very similar to a measure enacted by Congress late last year at the conclusion of the 92d Congress, which bill was pocket vetoed by the President.

I am happy to say that an agreement has now been worked out on this bill between the Senate and the House of Representatives, in consultation with the White House, and it is expected that once the bill passes Congress it will be signed by the President.

The basic difference between the bill I am now proposing and last year's version is that this year the authorizations, in large measure, are open-ended and nonspecific, in contrast with last year's bill, in which the authorization figures were specifically set forth.

Except for that distinction, the substance of the two measures is very close—indeed, almost identical—and the bill meets with my complete satisfaction.

One other major difference is that title X of the bill was dropped by the House, a move in which the Senate ultimately concurred. That was another significant change.

Frankly, Mr. President, except for the deletion of title X these changes are largely cosmetic and I have no difficulty in agreeing to them. I am delighted that almost every program that we included in the bill will now be enacted into law. And I should add that title X was dropped by the House itself prior to our negotiations with the White House.

The only real difference, as I have mentioned, is that some of the dollar authorization figures have been reduced and, in other cases, we have used open-ended authorizations rather than dollar figures.

At the time we enacted this bill on February 20, I stated that I did not seek a confrontation with the President. I have pursued that course in striving to reach this agreement because I think the welfare of 21 million older Americans is much more important than any political gain that could have been obtained from overriding a Presidential veto. And I think this is one veto that could have been overridden.

We have met our responsibilities and the result is a bill containing a number of excellent programs—virtually the same ones we first enacted last October.

The President, I am sure, feels that he has met his responsibilities by obtaining an overall lower authorization figure for the bill. While these figures do not represent real spending unless the funds should actually be appropriated, the President apparently feels that they are of significance in the fight against inflation.

I share with the President the desire to stem the inflationary pressures that our economy has experienced for the last

4 years—as I am sure do all Members of this body. But I believe that we can come up with a total budget that stays within reasonable bounds without impinging upon the welfare of the older persons who have gone before us and to whom we owe so much.

Mr. President, the individuals and organizations who contributed to this bill and whose support was vital to its passage in the Senate are so many that any attempt to enumerate them will undoubtedly result in some inadvertent omissions. To all of them I express the heartfelt thanks of our committee for their work and assistance.

Within the committee itself, I would again like to note that the ranking minority member of our Aging Subcommittee, Senator BEALL, has continued the spirit of cooperation that has characterized our work heretofore. His contributions can be seen throughout the bill and his assistance was vital in achieving the accord we have reached with the President.

Senator WILLIAMS, chairman of the full Labor and Public Welfare Committee and Senator JAVITS, the ranking minority member, have also been of inestimable assistance on shepherding through this vital legislation.

I ask unanimous consent to have printed in the RECORD a summary of the House-Senate compromise amendment, and a list of the authorization figures.

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

SUMMARY OF HOUSE-SENATE COMPROMISE AMENDMENT TO S. 50 RESOLVING DIFFERENCES BETWEEN THE SENATE BILL AND THE HOUSE AMENDMENT

TITLE II

Sec. 201

The compromise amendment provides that the Commissioner shall report to the Office of the Secretary, rather than to the Secretary himself. The provisions respecting nondelegability of the Commissioner's powers are revised so as to require that the Secretary may not approve any delegation of powers assigned to the Commissioner by this Act to officers not directly responsible to the Commissioner unless the Secretary first transmits a plan for such delegation to Congress sixty days prior to the effective date of such delegation and consults with the appropriate committees of Congress within thirty days of such transmittal.

Sec. 205

Sec. 205(i). Compromise amendment retains Senate provision, deleted by the House amendment, directing the Federal Council on Aging to undertake a study of the effects of the allotment formula in Sec. 303 under which funds are distributed to the states. Deadline date for report changed from June 30, 1975, to January 1, 1975.

Compromise amendment further deletes provisions in House amendment requiring a study of the transportation needs of the elderly since similar provisions are contained in Sec. 412.

Sec. 209

Compromise amendment adopts language of the Senate bill with respect to joint funding of projects. Principal differences is that Senate bill, but not the House amendment, authorizes a single non-federal share requirement when a project receives funds from more than one federal agency.

TITLE III

Sec. 303

Compromise amendment contains authorizations for grants to the states in the amounts of $103,600,000 for FY 74 and $130,000,000 for FY 75. Such sums as may be necessary authorized for FY 73.

Sec. 304 and Sec. 305

Sec. 304(a)(1). The compromise amendment retains language contained in the Senate bill, but not in House amendment, authorizing the Commissioner on Aging to prescribe regulations regarding division of states into planning and service areas pursuant to state plan requirements.

Sec. 304(a)(1). Compromise amendment combines provisions of the Senate bill and the House amendment regarding the mandatory designation as planning and service areas of units of government meeting certain population criteria.

Sec. 304(c)(3) and Sec. 305(a)(7). The compromise amendment adopts a modified version of language in the House amendment regarding the requirement that state and area plans provide for the establishment or maintenance of information and referral services for older persons.

Sec. 304(c)(5) and Sec. 305(a)(10). The compromise amendment deletes provisions of the Senate bill requiring state and area plans to specify the disposition of projects funded under the Older Americans Act prior to the enactment of these amendments.

Sec. 306

Sec. 306(a)(1). The compromise amendment incorporates authorization for state planning and administration under Sec. 306 into the authorization for grants to the states under Sec. 303.

Sec. 306(a)(3). The compromise amendment adopts provisions contained in the Senate bill covering the manner in which federal funds may be used for planning and administration in states which designate a single planning and service area covering all or most of the state.

Sec. 306(b)(1). The compromise amendment provides that no state shall receive less than $160,000 under the allotment formula for state planning and administration. The comparable Senate and House figures are $150,000 and $200,000 respectively.

Sec. 307

Agreed amendment adopts language of the Senate bill placing a one year limitation on the period during which the Commissioner may make payments to states which do not have an approved state plan.

Sec. 308

Sec. 308(a)(2). The compromise amendment deletes the provisions in both the Senate and the House versions directing that special consideration be given in making model project grants to projects involving transportation project authority provided in Sec. 412.

Sec. 308(a)(3). The compromise amendment also deletes the model project designation for community service employment projects for older persons in view of the provisions of Title IX authorizing the Department of Labor to conduct such projects.

TITLE IV

Sec. 412

Provisions contained in the Senate bill, but not in the House amendment, relating to special research and demonstration projects in transportation adopted in the compromise amendment.

TITLE V

Sec. 501–507

Sec. 501. The compromise amendment adopts the Senate language authorizing grants and contracts for acquisition, alteration, or renovation of multi-purpose senior centers, but not for the construction of such centers as provided in the House amendment. The agreed amendment also authorizes mortgage insurance and interest subsidies for such projects. The agreed amendment further adopt the language of the House amendment defining "multi-purpose senior centers."

TITLE VI

Sec. 604

Compromise amendment adopts the authorization structure provided in the Senate bill which requires that initial funds appropriated, up to stated levels, must be used for the existing Foster Grandparents program, with a modification providing that any carryover balances may be applied to such requirement. Authorization figures reduced as indicated in the following table.

TITLE VIII

Sec. 802

Technical matter. The compromise amendment adopts the House rather than the Senate language for amending the National Commission on Libraries and Information Sciences Act.

TITLE IX

Sec. 908

The compromise amendment provides authorization of $60 million for FY 74 and $100 million for FY 75, a total reduction of $90 million less than the Senate bill and a total increase of $10 million more than the House amendment.

TITLE X

The compromise amendment deletes all of Title X for a total reduction of $100 million from the Senate bill.

Authorization figures

In lieu of the authorization figures contained in the House and Senate bills, there is substituted an authorization for such sums as may be necessary in all titles except portions of Title III, Title VI, and Title IX. The attached table illustrates these figures.

S. 50—AUTHORIZATIONS

Title and fiscal year	House	Compromise figures	Senate
Title II:			
National information and resource clearinghouse:			
1973	$750,000	(1)	$750,000
1974	1,000,000	(1)	1,000,000
1975	1,250,000	(1)	1,250,000
Administration of the act[1]			
Title III:			
Area planning and social service:			
1973	$85,000,000	(1)	$100,000,000
1974	150,000,000	$103,600,000	150,000,000
1975	200,000,000	130,000,000	200,000,000

Footnotes at end of table.

S. 50—AUTHORIZATIONS—Continued

Title and fiscal year	House	Compromise figures	Senate
Title III—Continued			
Planning, coordination, evaluation, and administration of State plan:			
1973	$20,000,000	(2)	$20,000,000
1974	20,000,000	(2)	20,000,000
1975	20,000,000	(2)	20,000,000
Model projects:			
1973	40,000,000	(1)	20,000,000
1974	75,000,000	(1)	25,000,000
1975	100,000,000	(1)	30,000,000
Title IV:			
Training:			
1973	11,000,000	(1)	10,000,000
1974	15,000,000	(1)	15,000,000
1975	20,000,000	(1)	20,000,000
Research:			
1973	15,000,000	(1)	15,000,000
1974	25,000,000	(1)	20,000,000
1975	30,000,000	(1)	25,000,000
Special transportation R. & D.:			
1973		(1)	7,500,000
1974		(1)	15,000,000
1975		(1)	20,000,000
Title V:			
Multipurpose senior centers:			
1973	10,000,000	(1)	10,000,000
1974	15,000,000	(1)	15,000,000
1975	20,000,000	(1)	20,000,000
Loan insurance for centers [1]			
Annual interest grants:			
1973	1,000,000	(1)	1,000,000
1974	3,000,000	(1)	3,000,000
1975	5,000,000	(1)	5,000,000
Personnel staffing grants:			
1973	10,000,000	(1)	10,000,000
1974	10,000,000	(1)	10,000,000
1975	10,000,000	(1)	10,000,000
Title VI:			
RSVP:			
1973	20,000,000	$15,000,000	20,000,000
1974	30,000,000	17,500,000	30,000,000
1975	40,000,000	20,000,000	40,000,000
Foster grandparents and other senior volunteer programs:			
1973	$41,000,000	$25,000,000	$41,000,000
1974	52,000,000	32,500,000	52,000,000
1975	63,000,000	40,000,000	63,000,000
Title VII:			
Nutrition Program, authorized in Public Law 92-258			
Title VIII:			
Older Readers Services:			
1973	11,700,000	(1)	11,700,000
1974	12,900,000	(1)	12,300,000
1975	12,000,000	(1)	12,900,000
1976	13,700,000	(1)	13,700,000
Special programs (title I, Higher Education Act:			
1973	5,000,000	(1)	5,000,000
1974	5,000,000	(1)	5,000,000
1975	5,000,000	(1)	5,000,000
1976	5,000,000	(1)	5,000,000
1977	5,000,000	(1)	5,000,000
Senior opportunities and services:			
1973	7,000,000	(1)	7,000,000
1974	7,000,000	(1)	7,000,000
1975			
Title IX:			
Community service employment:			
1973			100,000,000
1974	50,000,000	60,000,000	150,000,000
1975	100,000,000	100,000,000	
Title X:			
Middle-aged and older workers training:			
1973		(3)	
1974		(3)	150,000,000
1975		(3)	
Fiscal year totals:			
1973	277,450,000	40,000,000	378,950,000
1974	470,300,000	213,600,000	680,300,000
1975	627,150,000	290,000,000	472,150,000
1976	18,700,000		18,700,000
1977	5,000,000		5,000,000
Cumulative totals	1,398,600,000	543,600,000	1,555,100,000

[1] Such sums as may be necessary.
[2] Included in figures for area planning and social services.
[3] Deleted.

Mr. EAGLETON. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, we face the classic issue all the time of whether the whole is greater than the parts. Like the Senator from Missouri, who has taken a very fine leadership role in this measure, and like the Senator from Maryland (Mr. BEALL), the ranking minority member on this particular subcommittee, I deplore what we had to yield, especially in these authorizations and the necessity for dropping a title of the bill, but it is still of tremendous benefit to older Americans to have this measure become law instead of an issue being argued in Congress.

Therefore, having studied it and having had my staff study it, with the concurrence of the Senator from Maryland, I, too, recommend to the Senate that the agreement which has been reached with the White House now be consummated by appropriate action.

Mr. President, most older Americans seek from the Government only that which they cannot obtain for themselves. They want to be treated as full citizens and welcomed as participants in the mainstream of American life. S. 50 as amended is a salutory effort to restore first class citizenship to all older Americans. By strengthening the Older Americans Act and providing more adequate support for ongoing and future programs under the act, we will have made a great stride forward to assure that quality of life that we owe to our elderly citizens.

Mr. EAGLETON. I thank the Senator from New York. I wish to underscore and reiterate the fact that virtually every program of this bill, the one we are currently working on, was contained in last year's bill which the President vetoed, with the single major exception of title X. That is the only substantive distinction between last year's vetoed bill, which we have been assured will not be vetoed.

Mr. President, I move that the Senate concur in the amendment of the House of Representatives with an amendment, which I send to the desk.

The PRESIDING OFFICER. Without objection, the amendment will not be stated but, instead, printed in the RECORD.

The amendment reads as follows:

In lieu of the matter proposed to be inserted by the House engrossed amendment, insert:

Resolved, That the Senate agree to the amendment of the House of Representatives to the bill (S. 50) entitled "An Act to strengthen and improve the Older Americans Act of 1965, and for other purposes", with the following

SENATE AMENDMENT TO HOUSE AMENDMENT

In lieu of the matter proposed to be inserted by the House engrossed amendment insert:

That this Act may be cited as the "Older Americans Comprehensive Services Amendments of 1973".

TITLE I—DECLARATION OF OBJECTIVES

FINDINGS AND PURPOSES

SEC. 101. The Congress finds that millions of older citizens in this Nation are suffering unnecessary harm from the lack of adequate services. It is therefore the purpose of this Act, in support of the objectives of the Older Americans Act of 1965, to—

(1) make available comprehensive programs which include a full range of health, education, and social services to our older citizens who need them,

(2) give full and special consideration to older citizens with special needs in planning such programs, and, pending the availability of such programs for all older citizens, give priority to the elderly with the greatest economic and social need.

(3) provide comprehensive programs which will assure the coordinated delivery of a full range of essential services to our older citizens, and, where applicable, also furnish meaningful employment opportunities for many individuals, including older persons, young persons, and volunteers from the community, and

(4) insure that the planning and operation of such programs will be undertaken as a partnership of older citizens, community agencies, and State and local governments, with appropriate assistance from the Federal Government.

SEC. 102. Section 101(8) of the Older Americans Act of 1965 is amended by inserting after "services" the following: ", including access to low-cost transportation,".

TITLE II—ADMINISTRATION ON AGING

SEC. 201. (a) Section 201 of the Older Americans Act of 1965 is amended to read as follows:

"ESTABLISHMENT OF ADMINISTRATION ON AGING

"SEC. 201. (a) There is established in the Office of the Secretary an Administration on Aging (hereinafter in this Act referred to as the 'Administrator') which shall be headed by a Commissioner on Aging (hereinafter in this Act referred to as the 'Commissioner'). Except for title VI and as otherwise specifically provided by the Older Americans Comprehensive Services Amendments of 1973 the Administration shall be the principal agency for carrying out this Act. In the

performance of his functions, the Commissioner shall be directly responsible to the Office of the Secretary. The Secretary shall not approve any delegation of the functions of the Commissioner to any other officer not directly responsible to the Commissioner unless the Secretary shall first submit a plan for such delegation to the Congress. Such delegation is effective at the end of the first period of sixty calendar days of continuous session of Congress after the date on which the plan for such delegation is transmitted to it: *Provided, however*, That within thirty days of such transmittal, the Secretary shall consult with the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives respecting such delegation. For the purpose of this section, continuity of session is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day and sixty-day periods. Under provisions contained in a reorganization plan, a provision of the plan may be effective.

"(b) The Commissioner shall be appointed by the President by and with the advice and consent of the Senate."

(b) (1) Section 202(4) of the Older Americans Act of 1965 is amended to read as follows:

"(4) develop plans, conduct and arrange for research in the field of aging, and assist in the establishment of and carry out programs designed to meet the needs of older persons for social services, including nutrition, hospitalization, preretirement training, continuing education, low-cost transportation and housing, and health services;"

(2) Section 202 of the Older Americans Act of 1956 is amended by striking out "and" at the end of paragraph (7), by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; and", and by adding at the end thereof the following new paragraphs:

"(9) develop basic policies and set priorities with respect to the development and operation of programs and activities conducted under authority of this Act;

"(10) provide for the coordination of Federal programs and activities related to such purposes;

"(11) coordinate, and assist in, the planning and development by public (including Federal, State, and local agencies) and nonprofit private organizations of programs for older persons, wtih a view to the establishment of a nationwide network of comprehensive, coordinated services and opportunities for such persons;

"(12) convene conferences of such authorities and officials of public (including Federal, State, and local agencies) and nonprofit private organizations concerned with the development and operation of programs for older persons as the Commissioner deems necessary or proper for the development and implementation of policies related to the purposes of this Act;

"(13) develop and operate programs providing services and opportunities as authorized by this Act which are not otherwise provided by existing programs for older persons;

"(14) carry on a continuing evaluation of the programs and activities related to the purposes of this Act, with particular attention to the impact of medicare and medicaid, the Age Discrimination Act of 1967, and the programs of the National Housing Act relating to housing for the elderly and the setting of standards for the licensing of nursing homes, intermediate care homes, and other facilities providing care for older people;

"(15) provide information and assistance to private nonprofit organizations for the establishment and operation by them of programs and activities related to the purposes of this Act; and

"(16) develop, in coordination with other agencies, a national plan for meeting the needs for trained personnel in the field of aging, and for training persons for carrying out programs related to the purposes of this Act, and conduct and provide for the conducting of such training."

(3) Section 202 of the Act (as amended by the preceding provisions of this subsection) is further amended by inserting "(a)" after "Sec. 202.", and by adding at the end thereof the following new subsection:

"(b) In executing his duties and functions under this Act and carrying out the programs and activities provided for by this Act, the Commissioner, in consultation with the Director of Action, shall take all possible steps to encourage and permit voluntary groups active in social services, including youth organizations active at the high school or college levels, to participate and be involved individually or through representative groups in such programs or activities to the maximum extent feasible, through the performance of advisory or consultative functions, and in other appropriate ways."

(c) Title II of the Older Americans Act of 1965 is further amended by adding at the end thereof the following new sections:

"FEDERAL AGENCY COOPERATION

SEC. 203. Federal agencies proposing to establish programs substantially related to the purposes of this Act shall consult with the Administration on Aging prior to the establishment of such services, and Federal agencies administering such programs shall cooperate with the Administration on Aging in carrying out such services.

"THE NATIONAL INFORMATION AND RESOURCE CLEARING HOUSE FOR THE AGING

"SEC. 204. (a) The Commissioner is authorized and directed to establish and operate a National Information and Resource Clearing House for the Aging which shall—

"(1) collect, analyze, prepare, and disseminate information related to the needs and interests of older persons;

"(2) obtain information concerning older persons from public and private agencies and other organizations serving the needs and interests of older persons and furnish, upon request, information to such agencies and organizations, including information developed by Federal, State, and local public agencies with respect to programs of such agencies designed to serve the needs and interests of older persons;

"(3) encourage the establishment of State and local information centers and provide technical assistance to such centers, including sources established under section 304 (c)(3) and section 305 (a)(7), to assist older persons to have ready access to information; and

"(4) carry out a special program for the collection and dissemination of information relevant to consumer interests of older persons in order that such older persons may more readily obtain information concerning goods and services needed by them.

"(b) The Commissioner shall take whatever action is encessary to achieve coordination of activities carried out or assisted by all departments, agencies, and instrumentalities of the Federal Government with respect to the collection, preparation, and dissemination of information relevant to older persons. To the extent practicable, the Commissioner shall carry out his functions under this subsection through the National Information and Resource Clearing House for the Aging.

"(c) There are authorized to be appropriated to carry out the purposes of this section during the fiscal year ending June 30, 1973, the fiscal year ending June 30, 1974, and $1,250,000 for the fiscal year ending June 30, 1975 such sums as may be necessary.

"FEDERAL COUNCIL ON THE AGING

"SEC. 205. (a) There is established a Federal Council on the Aging to be composed of fifteen members appointed by the President with the advice and consent of the Senate for terms of three years without regard to the provisions of title 5, United States Code. Members shall be appointed so as to be representative of older Americans, national organizations with an interest in aging, business, labor, and the general public. At least five of the members shall themselves be older persons.

"(b)(1) Of the members first appointed, five shall be appointed for a term of one year, five shall be appointed for a term of two years, and five shall be appointed for a term of three years, as designated by the President at the time of appointment.

"(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

"(3) Any vacancy in the Council shall not affect its powers, but shall be filled in the same manner by which the original appointment was made.

"(4) Members of the Council shall, while serving on business of the Council, be entitled to receive compensation at a rate not to exceed the daily rate specified for grade GS–18 in section 5332 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

"(c) The President shall designate the Chairman from among the members appointed to the Council. The Council shall meet at the call of the Chairman but not less often than four times a year. The Secretary and the Commissioner on Aging shall be ex officio members of the Council.

"(d) The Council shall—

"(1) advise and assist the President on matters relating to the special needs of older Americans;

"(2) assist the Commissioner in making the appraisal of needs required by section 402;

"(3) review and evaluate, on a continuing basis, Federal policies regarding the aging and programs and other activities affecting the aging conducted or assisted by all Federal departments and agencies for the purpose of appraising their value and their impact on the lives of older Americans; and

"(4) serve as a spokesman on behalf of older Americans by making recommendations to the President, to the Secretary, the Commissioner, and to the Congress with respect to Federal policies regarding the aging and federally conducted or assisted programs and other activities relating to or affecting them;

"(5) inform the public about the problems and needs of the aging, in consultation with the National Information and Resource Clearing House for the Aging, by collecting and disseminating information, conducting or commissioning studies and publishing the results thereof, and by issuing publications and reports; and

"(6) provide public forums for discussing and publicizing the problems and needs of the aging and obtaining information relating thereto by conducting public hearings, and by conducting or sponsoring conferences, workshops, and other such meetings.

"(e) The Secretary and the Commissioner shall make available to the Council such

staff, information, and other assistance as it may require to carry out its activities.

"(f) Beginning with the year 1974 the Council shall make such interim reports as it deems advisable and an annual report of its findings and recommendations to the President not later than March 31 of each year. The President shall transmit each such report to the Congress together with his comments and recommendations.

"(g) The Council shall undertake a study of the interrelationships of benefit programs for the elderly operated by Federal, State, and local government agencies. Following the completion of this study, but no later than eighteen months after enactment of this Act, the President shall submit to Congress recommendations for bringing about greater uniformity of eligibility standards, and for eliminating the negative impact that one program's standards may have on another.

"(h) The Council shall undertake a study of the combined impact of all taxes on the elderly—including but not limited to income, property, sales, social security taxes. Upon completion of this study, but no later than eighteen months after enactment of this Act, the President shall submit to Congress, and to the Governor and legislatures of the States, the results thereof and such recommendations as he deems necessary.

"(i) The Council shall undertake a study or studies concerning the effects of the formulae specified in section 303 for allotment among the States of sums appropriated for area planning and social service programs authorized under title III of this Act. Upon completion of this study, but no later than January 1, 1975, the results of such study, together with recommendations for such changes, if any, in such formulae as may be determined to be desirable, and the justification for any changes recommended, shall be submitted to the Commissioner, the Secretary of Health, Education, and Welfare, the Committee on Labor and Public Welfare of the Senate, and the Committee on Education and Labor of the House of Representatives.

"ADMINISTRATION OF THE ACT

"SEC. 206. (a) In carrying out the purposes of this Act, the Commissioner is authorized to:

"(1) provide consultative services and technical assistance to public or nonprofit private agencies and organizations;

"(2) provide short-term training and technical instruction;

"(3) conduct research and demonstrations;

"(4) collect, prepare, publish, and disseminate special educational or informational materials, including reports of the projects for which funds are provided under this Act; and

"(5) provide staff and other technical assistance to the Federal Council on the Aging.

"(b) In administering his functions under this Act, the Commissioner may utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or organization, in accordance with agreements between the Commissioner and the head thereof, and is authorized to pay therefor, in advance or by way of reimbursement, as may be provided in the agreement.

"(c) For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary.

"EVALUATION

"SEC. 207. (a) The Secretary shall measure and evaluate the impact of all programs authorized by this Act, their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services, including, where appropriate, comparisons with appropriate control groups composed of persons who have not participated in such programs. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.

"(b) The Secretary may not make grants or contracts under section 308 or title IV of this Act until he has developed and published general standards to be used by him in evaluating the programs and projects assisted under such section or title. Results of evaluations, conducted pursuant to such standards shall be included in the reports required by section 208.

"(c) In carrying out evaluations under this section, the Secretary shall, whenever possible, arrange to obtain the opinions of program and project participant about the strengths and weaknesses of the programs and projects.

"(d) The Secretary shall annually publish summaries of the results of evaluative research and evaluation of program and project impact and effectiveness, the full contents of which shall be available to Congress and the public.

"(e) The Secretary shall take the necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds shall become the property of the United States.

"(f) Such information as the Secretary may deem necessary for purposes of the evaluations conducted under this section shall be made available to him, upon request, by the departments and agencies of the executive branch.

"(g) The Secretary is authorized to use such sums as may be required, but not to exceed 1 per centum of the funds appropriated under this Act, or $1,000,000 whichever is greater, to conduct program and project evaluations (directly, or by grants or contracts) as required by this title. In the case of allotments from such an appropriation, the amount available for such allotments (and the amount deemed appropriated therefor) shall be reduced accordingly.

"REPORTS

"SEC. 208. Not later than one hundred and twenty days after the close of each fiscal year, the Commissioner shall prepare and submit to the President for transmittal to the Congress a full and complete report on the activities carried out under this Act. Such annual reports shall include statistical data reflecting services and activities provided individuals during the preceding fiscal year.

"JOINT FUNDING OF PROJECTS

"SEC. 209. Pursuant to regulations prescribed by the President, and to the extent consistent with the other provisions of this Act, where funds are provided for a single project by more than one Federal agency to any agency or organization assisted under this Act, the Federal agency principally involved may be designated to act for all in administering the funds provided. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and any such agency may waive any technical grant or contract requirement (as defined by such regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose.

"ADVANCE FUNDING

"SEC. 210. (a) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

"(b) In order to effect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the suceeding fiscal year."

SEC. 202. Title VIII of the Older Americans Act of 1965 is hereby repealed.

TITLE III—GRANTS FOR STATE AND AREA PROGRAMS

SEC. 301. The Older Americans Act of 1965 is amended by striking out title III and inserting in lieu thereof the following new title:

"TITLE III—GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING

"PURPOSE

"SEC. 301. It is the purpose of this title to encourage and assist State and local agencies to concentrate resources in order to develop greater capacity and foster the development of comprehensive and coordinated service systems to serve older persons by entering into new cooperative arrangements with each other and with providers of social services for planning for the provision of, and providing, social services and, where necessary, to reorganize or reassign functions, in order to—

"(1) secure and maintain maximum independence and dignity in a home environment for older persons capable of self-care with appropriate supportive services; and

"(2) remove individual and social barriers to economic and personal independence for older persons.

"DEFINITIONS

"SEC. 302. For purposes of this title—

"(1) The term 'social services' means any of the following services which meet such standards as the Commissioner may prescribe:

"(A) health, continuing education, welfare, informational, recreational, homemaker, counseling, or referral services;

"(B) transportation services where necessary to facilitate access to social services;

"(C) services designed to encourage and assist older persons to use the facilities and services available to them;

"(D) services designed to assist older persons to obtain adequate housing;

"(E) services designed to assist older persons in avoiding institutionalization, including preinstitutionalization evaluation and screening, and home health services; or

"(F) any other services;

if such services are necessary for the general welfare of older persons.

"(2) The term 'unit of general purpose local government' means (A) a political subdivision of the State whose authority is broad and general and is not limited to only one function or a combination of related functions, or (B) an Indian tribal organization.

"(3) The term 'comprehensive and coordinated system' means a system for providing all necessary social services in a manner designed to—

"(A) facilitate accessibility to and utilization of all social services provided within the geographic area served by such system by any public or private agency or organization;

"(B) develop and make the most efficient use of social services in meeting the needs of older persons; and

"(C) use available resources efficiently and with a minimum of duplication.

"AREA PLANNING AND SOCIAL SERVICE PROGRAMS

"SEC. 303. (a) There are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, $103,600,000 for the fiscal year ending June 30, 1974, and $130,000,000 for the fiscal year ending June 30, 1975, to enable the Commissioner to make grants to each State with a State plan approved under section 305 (except as provided in section 307(a)) for paying part of the cost (pursuant to subsection (e) of this section and section 306) of—

"(1) the administration of area plans by area agencies on aging designated pursuant to section 304(a)(2)(A), including the preparation of area plans on aging consistent with section 304(c) and the evaluation of activities carried out under such plans;

"(2) the development of comprehensive and coordinated systems for the delivery of social services; and

"(3) activities carried out pursuant to section 306.

"(b)(1) From the sums authorized to be appropriated for the fiscal year ending June 30, 1973, under subsection (a) of this section, (A) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of such sum, (B) each other State shall be allotted an amount equal to one-half of 1 per centum of such sum, and (C) from the remainder of the sum so appropriated, each State shall be allotted an additional amount which bears the same ratio to such remainder as the population aged sixty or over in such State bears to the population aged sixty or over in all States.

"(2) From the sums appropriated for the fiscal year ending June 30, 1974, and for the fiscal year ending June 30, 1975, each State shall be allotted an amount which bears the same ratio to such sum as the population aged sixty or over in such State bears to the population aged sixty or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted no less than one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and (C) no State shall be allotted an amount less than that State received for the fiscal year ending June 30, 1973. For the purpose of the exception contained in clause (A) of this paragraph only, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(3) The number of persons aged sixty or over in any State and in all States shall be determined by the Commissioner on the basis of the most recent and satisfactory data available to him.

"(c) Whenever the Commissioner determines that any amount allotted to a State for a fiscal year under this section will not be used by such State for carrying out the purpose for which the allotment was made, he shall make such amount available for carrying out such purpose to one or more other States to the extent he determines such other States will be able to use such additional amount for carrying out such purpose. Any amount made available to a State from an appropriation for a fiscal year pursuant to the preceding sentence shall, for purposes of this title, be regarded as part of such State's allotment (as determined under the preceding provisions of this section) for such year.

"(d) The allotment of a State under this section for the fiscal year ending June 30, 1973, shall remain available until the close of the following fiscal year.

"(c) From a State's allotment under this section for a fiscal year—

"(1) such amount as the State agency determines, but not more than 15 per centum thereof, shall be available for paying such percentage as such agency determines, but not more than 75 per centum, of the cost of administration of area plans; and

"(2) such amount as the State agency determines, but (beginning with the fiscal year ending June 30, 1975) not more than 20 per centum thereof, shall be available for paying such percentage as such agency determines, but not more than 75 per centum, of the cost of social services which are not provided as a part of a comprehensive and coordinated system in planning and service areas for which there is an area plan approved by the State agency.

The remainder of such allotment shall be available to such State only for paying such percentage as the State agency determines, but not more than 90 per centum of the cost of social services provided in the State as a part of comprehensive and coordinated systems in planning and service areas for which there is an area plan approved by the State agency.

"ORGANIZATION

"State Organization

"SEC. 304. (a) In order for a State to be eligible to participate in the programs of grants to States from allotments under section 303 and section 306—

"(1) the State shall, in accordance with regulations of the Commissioner, designate a State agency as the sole State agency (hereinafter in this title referred to as 'the State agency') to: (A) develop the State plan to be submitted to the Commissioner for approval under section 305, (B) administer the State plan within such State, (C) be primarily responsible for the coordination of all State activities related to the purposes of this Act, (D) review and comment on, at the request of any Federal department or agency, any application from any agency or organization within such State to such Federal department or agency for assistance related to meeting the needs of older persons; and (E) divide the entire State into distinct areas (hereinafter in this title referred to as 'planning and service areas'), in accordance with regulations of the Commissioner, after considering the geographical distribution of individuals aged sixty and older in the State, the incidence of the need for social services (including the numbers of older persons with low incomes residing in such areas), the distribution of resources available to provide such services, the boundaries of existing areas within the State which were drawn for the planning or administration of social services programs, the location of units of general purpose local government within the State, and any other relevant factors: *Provided*, That any unit of general purpose local government which has a population aged sixty or over of fifty thousand or more or which contains 15 per centum or more of the State's population aged sixty or over shall be designated as a planning and service area; except that the State may designate as a planning and service area, any region within the State recognized for purposes of areawide planning which includes one or more such units of general purpose local government when the State determines that the designation of such a regional planning and service area is necessary for, and will enhance, the effective administration of the programs authorized by this title; the State may include in any planning and service area designated pursuant to this provision such additional areas adjacent to the unit of general purpose local government or region so designated as the State determines to be necessary for, and will enhance, the effective administration of the programs authorized by this title; and

"(2) the State agency designated pursuant to paragraph (1) shall—

"(A) determine for which planning and service areas an area plan will be developed, in accordance with subsection (c) of this section, and for each such area designate, after consideration of the views offered by the unit or units of general purpose local government in such area, a public or nonprofit private agency or organization as the area agency on aging for such area; and

"(B) provide assurances, satisfactory to the Commissioner that the State agency will take into account, in connection with matters of general policy arising in the development and administration of the State plan for any fiscal year, the views of recipients of social services provided under such plan.

"Area organization

"(b) An area agency on aging designated under subsection (a) must be—

"(1) an established office of aging which is operating within a planning and service area designated pursuant to subsection (a) of this section, or

"(2) any office or agency of a unit of general purpose local government, which is designated for this purpose by the chief elected official or officials of such unit, or

"(3) any office or agency designated by the chief elected official or officials of a combination of units of general purpose local government to act on behalf of such combination for this purpose, or

"(4) any public or nonprofit private agency in a planning and service area which is under the supervision or direction for this purpose of the designated State agency and which can engage in the planning or provision of a broad range of social services within such planning and service area,

and must provide assurance, found adequate by the State agency, that it will have the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program pursuant to the plan within the planning and service area. In designating an area agency on aging, the State agency shall give preference to an established office on aging, unless the State agency finds that no such office within the planning and service area will have the capacity to carry out the area plan.

"Area plans

"(c) In order to be approved by the State agency, an area plan for a planning and service area shall be developed by the area agency on aging designated with respect to such area under subsection (a) and shall—

"(1) provide for the establishment of a comprehensive and coordinated system for the delivery of social services within the planning and service area covered by the plan, including determining the need for social services in such area (taking into consideration, among other things, the numbers of older persons with low incomes residing in such area), evaluating the effectiveness of the use of resources in meeting such need, and entering into agreements with providers of social services in such area, for the provision of such services to meet such need;

"(2) in accordance with criteria established by the Commissioner by regulation relating to priorities, provide for the initiation, expansion, or improvement of social services in the planning and service area covered by the area plan;

"(3) provide for the establishment or maintenance of information and referral sources in sufficient numbers to assure that all older persons within the planning and service area covered by the plan will have reasonably convenient access to such sources. For purposes of this section and section 305(a)(7), an information and referral source is a location where the State or other public or private agency or organization (A) maintains current information with respect to the opportunities and services available to older persons, and develops current lists of older persons in need of services and opportunities, and (B) employs a specially trained staff to inform older persons of the opportunities and services which are available, and assists such persons to take advantage of such opportunities and services; and

"(4) provide that the area agency on aging will—

"(A) conduct periodic evaluations of activities carried out pursuant to the area plan;

"(B) render appropriate technical assistance to providers of social services in the

planning and service area covered by the area plan;

"(C) where necessary and feasible, enter into arrangements, consistent with the provisions of the area plan, under which funds under this title may be used to provide legal services to older persons in the planning and service area carried out through federally assisted programs or other public or nonprofit agencies;

"(D) taken into account, in connection with matters of general policy arising in the development and administration of the area plan, the views of recipients of services under such plan;

"(E) where possible, enter into arrangements with organizations providing day care services for children so as to provide opportunities for older persons to aid or assist, on a voluntary basis, in the delivery of such services to children; and

"(F) establish an advisory council, consisting of representatives of the target population and the general public, to advise the area agency on all matters relating to the administration of the plan and operations conducted thereunder.

"STATE PLANS

"SEC. 305. (a) In order for a State to be eligible for grants for a fiscal year from its allotments under section 303 and section 306, except as provided in section 307(a), it shall submit to the Commissioner a State plan for such year which meets such criteria as the Commissioner may prescribe by regulation and which—

"(1) provides that the State agency will evaluate the need for social services within the State and determine the extent to which existing public or private programs meet such need;

"(2) provides for the use of such methods of administration (including methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Commissioner shall exercise no authority with respect to the selection, tenure of office, or compensation of an individual employed in accordance with such methods) as are necessary for the proper and efficient administration of the plan;

"(3) provides that the State agency will make such reports, in such form, and containing such information, as the Commissioner may from time to time require, and comply with such requirements as the Commissioner may impose to assure the correctness of such reports;

"(4) provides that the State agency will conduct periodic evaluations of activities and projects carried out under the State plan;

"(5) establishes objectives, consistent with the purposes of this title, toward which activities under the plan will be directed, identifies obstacles to the attainment of those objectives, and indicates how it proposes to overcome those obstacles;

"(6) provides that each area agency on aging designated pursuant to section 304(a)(2)(A) will develop and submit to the State agency for approval an area plan which complies with section 304(c);

"(7) provides for establishing or maintaining information and referral sources in sufficient numbers to assure that all older persons in the State who are not furnished adequate information and referral sources under section 304(c)(3) will have reasonably convenient access to such sources;

"(8) provides that no social service will be directly provided by the State agency or an area agency on aging, except where, in the judgment of the State agency, provision of such service by the State agency or an area agency on aging is necessary to assure an adequate supply of such service; and

"(9) provides that, subject to the requirements of merit employment systems of State and local governments preference shall be given to persons aged sixty or over for any staff positions (full time or part time) in State and area agencies for which such persons qualify.

"(b) The Commissioner shall approve any State plan which he finds fulfills the requirements of subsection (a) of this section.

"(c) The Commissioner shall not make a final determination disapproving any State plan, or any modification thereof, or make a final determination that a State is ineligible under section 304, without first affording the State reasonable notice and opportunity for a hearing.

"(d) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency, finds that—

"(1) the State is not eligible under section 304,

"(2) the State plan has been so changed that it no longer complies with the provisions of subsection (a), or

"(3) in the administration of the plan there is a failure to comply substantially with any such provision of subsection (a),

the Commissioner shall notify such State agency that no further payments from its allotments under section 303 and section 306 will be made to the State (or, in his discretion, that further payments to the State will be limited to projects under or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments shall be made to such State from its allotments under section 303 and section 306 (or payments shall be limited to projects under or portions of the State plan not affected by such failure). The Commissioner shall, in accordance with regulations he shall prescribe, disburse the funds so withheld directly to any public or nonprofit private organization or agency or political subdivision of such State submitting an approved plan in accordance with the provisions of section 304 and section 306. Any such payment or payments shall be matched in the proportions specified in sections 303 and 306.

"(e) A State which is dissatisfied with a final action of the Commissioner under subsection (b), (c), or (d) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner, or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Commissioner may modify or set aside his order. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioners' action.

"PLANNING, COORDINATION, EVALUATION, AND ADMINISTRATION OF STATE PLANS

"SEC. 306(a)(1) Amounts appropriated as authorized by section 303 may be used to make grants to States for paying such percentages as each State agency determines, but not more than 75 per centum, of the cost of the administration of its State plan, including the preparation of the State plan, the evaluation of activities carried out under such plan, the collection of data and the carrying out of analyses related to the need for social services within the State, the dissemination of information so obtained, the provision of short-term training to personnel of public or nonprofit private agencies and organizations engaged in the operation of programs authorized by this Act, and the carrying out of demonstration projects of statewide significance relating to the initiation, expansion, or improvement of social service.

"(2) Any sums allotted to a State under this section for covering part of the cost of the administration of its State plan which the State determines is not needed for such purpose may be used by such State to supplement the amount available under section 303(e)(1) to cover part of the cost of the administration of area plans.

"(3) Any State which has designated a single planning and service area pursuant to section 304(a)(1)(E) covering all, or substantially all, of the older persons in such State, as determined by the Commissioner, may elect to pay part of the costs of the administration of State and area plans either out of sums allotted under this section or out of sums made available for the administration of area plans pursuant to section 303(e)(1), but shall not pay such costs out of sums allotted under both such sections.

"(b)(1) From the sums appropriated for any fiscal year under Section 303 for carrying out the purposes of this section, each State shall be allotted an amount which bears the same ratio to such sum as the population aged sixty or over in such State bears to the population aged sixty or over in all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or $160,000, whichever is greater, and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted no less than one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made, or $50,000, whichever is greater. For the purpose of the exception contained in clause (A) of this paragraph, the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(2) The number of persons aged sixty or over in any State and in all States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(c) The amounts of any State's allotment under subsection (b) for any fiscal year which the Commissioner determines will not be required for that year shall be reallotted, from time to time and on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (b) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced.

Such reallotments shall be made on the basis of the State plan so approved, after taking into consideration the population aged sixty or over. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (b) for that year.

"(d) The allotment of a State under this section for the fiscal year ending June 30, 1973, shall remain available until the close of the following fiscal year.

"PAYMENTS

"SEC. 307. (a) Payments of grants or contracts under this title may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments, as the Commissioner may determine. From a State's allotment for a fiscal year which is available pursuant to section 306 the Commissioner may pay to a State which does not have a State plan approved under section 305 such amounts as he deems appropriate for the purpose of assisting such State in developing a State plan. From a State's allotment for a fiscal year which is available pursuant to section 303, the Commissioner may, during the period ending one year after the date of enactment of the Older Americans Comprehensive Services Amendments, pay, in accordance with such regulations as he may prescribe, to a State which does not have a State plan approved under section 305, such amounts as he deems appropriate for the purpose of continuing Federal financial assistance for activities assisted under the plan of such State approved under section 303 of this Act prior to enactment of the Older Americans Comprehensive Services Amendments.

"(b) Beginning with the fiscal year ending June 30, 1975, not less than 25 per centum of the non-Federal share (pursuant to section 303(e)) of the total expenditures under the State plan shall be met from funds from State or local public sources.

"(c) A State's allotment under section 303 for a fiscal year shall be reduced by the percentage (if any) by which its expenditures for such year from State sources under its State plan approved under section 305 are less than its expenditures from such sources for the preceding fiscal year.

"MODEL PROJECTS

"SEC. 308. (a) The Commissioner may, after consultation with the State agency, make grants to any public or nonprofit private agency or organization or contracts with any agency or organization within such State for paying part or all of the cost of developing or operating statewide, regional, metropolitan area, county, city, or community model projects which will expand or improve social services or otherwise promote the well-being of older persons. In making grants and contracts under this section, the Commissioner shall give special consideration to projects designed to—

"(1) assist in meeting the special housing needs of older persons by (A) providing financial assistance to such persons, who own their own homes, necessary to enable them to make the repairs and renovations to their homes which are necessary for them to meet minimum standards, (B) studying and demonstrating methods of adapting existing housing, or construction of new housing, to meet the needs of older persons suffering from physical disabilities, and (C) demonstrating alternative methods of relieving older persons of the burden of real property taxes on their homes;

"(2) provide continuing education to older persons designed to enable them to lead more productive lives by broadening the educational, cultural, or social awareness of such older persons, emphasizing, where possible, free tuition arrangements with colleges and universities;

"(3) provide preretirement education, information, and relevant services (including the training of personnel to carry out such programs and the conducting of research with respect to the development and operation of such programs) to persons planning retirement; or

(4) provide services to assist in meeting the particular needs of the physically and mentally impaired older persons including special transportation and escort services, homemaker, home health and shopping services, reader services, letterwriting services, and other services designed to assist such individuals in leading a more independent life.

"(b) For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, the fiscal year ending June 30, 1974, and the fiscal year ending June 30, 1975."

TITLE IV—TRAINING AND RESEARCH

SEC. 401. The Older Americans Act of 1965 is amended by striking out titles IV and V and by inserting immediately after title III the following new title:

"TITLE IV—TRAINING AND RESEARCH

"PART A—TRAINING

"STATEMENT OF PURPOSE

"SEC. 401. The purpose of this part is to improve the quality of service and to help meet critical shortages of adequately trained personnel for programs in the field of aging by (1) developing information on the actual needs for personnel to work in the field of aging, both present and long range; (2) providing a broad range of quality training and retraining opportunities, responsive to programs in the field of aging; (3) attracting a greater number of qualified persons into the field of aging; and (4) helping to make personnel training programs more responsive to the need for trained personnel in the field of the aging.

"APPRAISING PERSONNEL NEEDS IN THE FIELD OF AGING

"SEC. 402. (a) The Commissioner shall from time to time appraise the Nation's existing and future personnel needs in the field of aging, at all levels and in all types of programs, and the adequacy of the Nation's efforts to meet these needs. In developing information relating to personnel needs in the field of aging, the Commissioner shall consult with, and make maximum utilization of statistical and other related information of the Department of Labor, the Veterans' Administration, the Office of Education, Federal Council on the Aging, the National Foundation on the Arts and Humanities, State educaitonal agencies, other State and local public agencies and offices dealing with problems of the aging, State employment security agencies, and other appropriate public and private agencies.

"(b) The Commissioner shall prepare and publish annually as a part of the annual report provided in section 208 a report on the professions dealing with the problems of the aging, in which he shall present in detail his view on the state of such professions and the trends which he discerns with respect to the future complexion of programs for the aging throughout the Nation and the funds and the needs for well-educated personnel to staff such programs. The report shall indicate the Commissioner's plans concerning the allocation of Federal assistance under this title in relation to the plans and programs of other Federal agencies.

"ATTRACTING QUALIFIED PERSONS TO THE FIELD OF AGING

"SEC. 403. The Commissioner may make grants to State agencies referred to in section 304, State or local educational agencies, institutions of higher education, or other public or nonprofit agencies, organizations, or institutions, and he may enter into contracts with any agency, institution, or organization for the purpose of—

"(1) publicizing available opportunities for careers in the field of aging;

"(2) encouraging qualified persons to enter or reenter the field of aging;

"(3) encouraging artists, craftsmen, artisans, scientists, and persons from other professions and vocations and homemakers, to undertake assignments on a part-time basis or for temporary periods in the field of aging; or

"(4) preparing and disseminating materials, including audiovisual materials and printed materials, for use in recruitment and training of persons employed or preparing for employment in carrying out programs related to the purposes of this Act.

"TRAINING PROGRAMS FOR PERSONNEL IN THE FIELD OF AGING

"SEC. 404. (a) The Commissioner may make grants to any public or nonprofit private agency, organization, or institution or with State agencies referred to in section 304, or contracts with any agency, organization, or institution, to assist them in training persons who are employed or preparing for employment in fields related to the purposes of this Act—

"(1) to assist in covering the cost of courses of training or study (including short-term or regular session institutes and other inservice and preservice training programs),

"(2) for establishing and maintaining fellowships to train persons to be supervisors or trainers of persons employed or preparing for employment in fields related to the purposes of this Act,

"(3) for seminars, conferences, symposiums, and workshops in the field of aging, including the conduct of conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this Act,

"(4) for the improvement of programs for preparing personnel for careers in the field of aging, including design, development, and evaluation of exemplary training programs, introduction of high quality and more effective curricula and curricula materials, and

"(5) the provision of increased opportunities for practical experience.

"(b) The Commissioner may include in the terms of any contract or grant under this part provisions authorizing the payment, to persons participating in training programs supported under this part, of such stipends (including allowances for subsistence and other expenses for such persons and their dependents) as he determines to be consistent with prevailing practices under comparable federally supported programs. Where the Commissioner provides for the use of funds under this section for fellowships, he shall (in addition to stipends for the recipients) pay to colleges or universities in which the fellowship is being pursued such amounts as the Commissioner shall determine to be consistent with prevailing practices under comparable federally supported programs.

"PART B—RESEARCH AND DEVELOPMENT PROJECTS

"DESCRIPTION OF ACTIVITIES

"SEC. 411. The Commissioner may make grants to any public or nonprofit private agency, organization, or institution and contracts with any agency, organization, or institution or with any individual for the purpose of—

"(1) studying current patterns and conditions of living of older persons and identifying factors which are beneficial or detrimental to the wholesome and meaningful living of such persons;

"(2) developing or demonstrating new approaches, techniques, and methods (including the use of multipurpose centers) which hold promise of substantial contri-

bution toward wholesome and meaningful living for older persons;

"(3) developing or demonstrating approaches, methods, and techniques for achieving or improving coordination of community services for older persons;

"(4) evaluating these approaches, techniques, and methods, as well as others which may assist older persons to enjoy wholesome and meaningful lives and to continue to contribute to the strength and welfare of our Nation;

"(5) collecting and disseminating, through publications and other appropriate means, information concerning research findings, demonstration results, and other materials developed in connection with activities assisted under this part; or

"(6) conducting conferences and other meetings for the purposes of facilitating exchange of information and stimulating new approaches with respect to activities related to the purposes of this part.

"SPECIAL STUDY AND DEMONSTRATION PROJECTS ON THE TRANSPORTATION PROBLEMS OF OLDER AMERICANS

"SEC. 412. (a) The Commissioner shall, after consultation with the Secretary of Transportation and the Secretary of Housing and Urban Development, conduct a comprehensive study and survey of the transportation problems of older Americans with emphasis upon solutions that are practicable and can be implemented in a timely fashion. In conducting the study and survey, the Commissioner shall consider—

"(1) the use of all community transportation facilities, particularly public transportation systems, the possible use of school buses, and excess Department of Defense vehicles; and

"(2) the need for revised and improved procedures for obtaining motor vehicle insurance by older Americans to be implemented for use in a coordinated transportation system.

"(b) In connection with the study required by subsection (a), the Commissioner, in coordination with the Secretary of Transportation and the Secretary of Housing and Urban Development, shall conduct research and demonstration projects, either directly or by grants or contracts with public or private nonprofit agencies and organizations, in order to—

"(1) demonstrate possible solutions of economic and service aspects of furnishing adequate transportation to older persons in rural and urban areas including transportation services furnished by social service agencies;

"(2) demonstrate improvement of transportation services available to older persons with emphasis on (A) establishing special transportation subsystems for older persons or similar groups with similar mobility restrictions, (B) providing portal-to-portal service and demand actuated services, (C) making payments directly to older persons to enable them to obtain reasonable and necessary transportation services;

"(3) demonstrate improved coordination between transportation systems and social service delivery systems; and

"(4) demonstrate innovative solutions for other special transportation problems confronting older Americans.

"(c) At least half of the projects authorized under subsection (b) of this section shall be conducted in States that are predominantly rural in character.

"(d) Not later than January 1, 1975, the Commissioner shall prepare and transmit to the Secretary, to the President, and to the Congress, a report on his findings and recommendations, including a plan for implementation of improved transportation services for older Americans and recommendations for additional legislation, administrative and other measures to provide solutions to the transportation problems of older Americans not later than January 1, 1975, as he deems advisable.

"(e) In carrying out the study and survey, and the demonstration and research project under this section, the Commissioner is authorized to—

"(1) procure temporary or intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, and

"(2) secure directly from any executive department, bureau agency, board, commission, office, independent establishment or instrumentality information, suggestions, estimates, and statistics for the purpose of this section; and each such department, bureau agency, board, commission, office, independent establishment or instrumentality is authorized and directed, to the extent permitted by law, to furnish such information, suggestions, estimates, and statistics directly to the Commissionser upon request made by him.

"PART C—MULTIDISCIPLINARY CENTERS OF GERONTOLOGY

"SEC. 421. The Commissioner may make grants to public and private nonprofit agencies, organizations, and institutions for the purpose of establishing or supporting multidisciplinary centers of gerontology. A grant may be made under this section only if the application therefor—

"(1) provides satisfactory assurance that the applicant will expand the full amount of the grant to establish or support a multidisciplinary center of gerontology which shall—

"(A) recruit and train personnel at the professional and subprofessional levels,

"(B) conduct basic and applied research on work, leisure, and education of older people, living arrangements of older people, social services for older people, the economics of aging, and other related areas,

"(C) provide consultation to public and voluntary organizations with respect to the needs of older people and in planning and developing services for them,

"(D) serve as a repository of information and knowledge with respect to the areas for which it conducts basic and applied research,

"(E) stimulate the incorporation of information on aging into the teaching of biological, behavioral, and social sciences at colleges or universities,

"(F) help to develop training programs on aging in schools of social work, public health, health care administration, education, and in other such schools at colleges and universities, and

"(G) create opportunities for innovative, multidisciplinary efforts in teaching, research, and demonstration projects with respect to aging;

"(2) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for funds paid to the applicant under this section; and

"(3) provides for making such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and cerification of such reports.

"PART D—AUTHORIZATION OF APPROPRIATIONS

"AUTHORIZATION

"SEC. 431. There are authorized to be appropriated for the purposes of carrying out this title such sums as may be necessary for the fiscal year ending June 30, 1973, the fiscal year ending June 30, 1974, and the fiscal year ending June 30, 1975.

"PAYMENTS OF GRANTS

"SEC. 432. (a) To the extent he deems it appropriate, the Commissioner shall require the recipient of any grant or contract under this title to contribute money, facilities, or services for carrying out the project for which such grant or contract was made.

"(b) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Commissioner may determine.

"(c) The Commissioner shall make no grant or contract under this title in any State which has established or designated a State agency for purposes of title III of this Act unless the Commissioner has consulted with such State agency regarding such grant or contract."

TITLE V—MULTIPURPOSE SENIOR CENTERS

SEC. 501. The Older Americans Act of 1965 is further amended by inserting immediately after title IV the following new title:

"TITLE V—MULTIPURPOSE SENIOR CENTERS

"PART A—ACQUISITION, ALTERATION, OR RENOVATION OF MULTIPURPOSE SENIOR CENTERS

"GRANTS AUTHORIZED

"SEC. 501. (a) In order to provide a focal point in communities for the development and delivery of social services and nutritional services designed primarily for older persons, the Commissioner may make grants to units of general purpose local government or other public or nonprofit private agencies or organizations and may make contracts with any agency or organization to pay not to exceed 75 per centum of the cost of acquiring, altering, or renovating existing facilities to serve as multipurpose senior centers (including the initial equipment of such facilities). Facilities assisted by grants or contracts under this part shall be in close proximity to the majority of individuals eligible to use the multipurpose senior center, and within walking distance where possible.

"(b) The total payments made pursuant to grants or contracts under this section in any State for any fiscal year shall not exceed 10 per centum of the total amount appropriated for the year for the purposes of carrying out this part.

"(c) The term 'multipurpose senior center' means a community facility for the organization and provision of a broad spectrum of services (including provision of health, social, and educational services and provision of facilities for recreational activities) for older persons.

"REQUIREMENTS FOR APPROVAL OF APPLICATIONS

"SEC. 502. (a) A grant or contract for purchase under this part may be made only if the application therefor is approved by the Commissioner upon his determination that—

"(1) the application contains or is supported by reasonable assurances that (A) for not less than ten years after purchase, the facility will be used for the purposes for which it is to be purchased, (B) sufficient funds will be available to meet the non-Federal share of the cost of purchase of the facility, (C) sufficient funds will be available, when purchase is completed, for effective use of the facility for the purpose for which it is being purchased, and (D) the facility will not be used and is not intended to be used for sectarian instruction or as a place for religious worship;

(2) the application contains or is supported by reasonable assurances that there are no existing facilities in the community suitable for leasing as a multipurpose senior center;

"(3) the plans and specifications are in accordance with regulations relating to minimum standards of construction and equipment (promulgated with particular emphasis

on securing compliance with the requirements of the Architectural Barriers Act of 1968 (Public Law 90-480)); and

"(4) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractors or subcontractors in the performance of work on the facility will be paid wages at rates not less than those prevailing for similar work in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

"(b) In making grants or contracts under this part, the Commissioner shall—

"(1) give preference to the acquisition of multipurpose senior centers in areas where there is being developed a comprehensive and coordinated system under title III of this Act; and

"(2) consult with the Secretary of Housing and Urban Development with respect to the technical adequacy of any proposed alteration or renovation.

"PAYMENTS

"SEC. 503. Upon approval of any application for a grant or contract under this part, the Commissioner shall reserve, from any appropriation available therefor, the amount of such grant or contract. The amount so reserved may be paid in advance or by way of reimbursement, and in such installments consistent with progress in alteration or renovation, as the Commissioner may determine. The Commissioner's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application or upon revision of the estimated cost of altering or renovating the facility.

"RECAPTURE OF PAYMENTS

"SEC. 504. If, within ten years after purchase of any facility for which funds have been paid under this part—

"(a) the owner of the facility ceases to be a public or nonprofit private agency or organization, or

"(b) the facility ceases to be used for the purposes for which it was purchased (unless the Commissioner determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so),

the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 505. (a) There are authorized to be appropriated for the purpose of making grants or contracts under section 501 such sums as may be necessary for the fiscal year ending June 30, 1973, the fiscal year ending June 30, 1974, and the fiscal year ending June 30, 1975.

"(b) Sums appropriated for any fiscal year under subsection (a) of this section and remaining unobligated at the end of such year shall remain available for such purpose for the next fiscal year.

"MORTGAGE INSURANCE FOR MULTIPURPOSE SENIOR CENTERS

"SEC. 506. (a) It is the purpose of this section to assist and encourage the provision of urgently needed facilities for programs for the elderly.

"(b) For the purpose of this part the terms 'mortgage', 'mortgagor', 'mortgagee', 'maturity date', and 'State' shall have the meanings respectively set forth in section 207 of the National Housing Act.

"(c) The Secretary of Health, Education, and Welfare is authorized to insure any mortgage (including advances on such mortgage during acquisition, alteration, or renovation) in accordance with the provisions of this section upon such terms and conditions as he may prescribe and make commitments for insurance of such mortgage prior to the date of its execution or disbursement thereon.

"(d) In order to carry out the purpose of this section, the Secretary is authorized to insure any mortgage which covers a new multipurpose senior center, including equipment to be used in its operation, subject to the following conditions:

"(1) The mortgage shall be executed by a mortgagor, approved by the Secretary, who demonstrates ability successfully to operate one or more programs for the elderly. The Secretary may in his discretion require any such mortgagor to be regulated or restricted as to minimum charges and methods of financing, and, in addition thereto, if the mortgagor is a corporate entity, as to capital structure and rate of return. As an aid to the regulation or restriction of any mortgagor with respect to any of the foregoing matters, the Secretary may make such contracts with and acquire for not to exceed $100 such stock interest in such mortgagor as he may deem necessary. Any stock or interest so purchased shall be paid for out of the Multipurpose Senior Center Insurance Fund, and shall be redeemed by the mortgagor at par upon the termination of all obligations of the Secretary under the insurance.

"(2) The mortgage shall involve a principal obligation in an amount not to exced $250,000 and not to exceed 90 per centum of the estimated replacement cost of the property or project, including equipment to be used in the operation of the multipurpose senior center, when the proposed improvements are completed and the equipment is installed.

"(3) The mortgage shall—

"(A) provide for complete amortization by periodic payments within such term as the Secretary shall prescribe, and

"(B) bear interest (exclusive of premium charges for insurance and service charges, if any) at not to exceed such per centum per annum on the principal obligation outstanding at any time as the Secretary finds necessary to meet the mortgage market.

"(4) The Secretary shall not insure any mortgage under this section unless he has determined that the center to be covered by the mortgage will be in compliance with minimum standards to be prescribed by the Secretary.

"(5) In the plans for such multipurpose senior center, due consideration shall be given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project).

"(e) The Secretary shall fix and collect premium charges for the insurance of mortgages under this section which shall be payable annually in advance by the mortgagee, either in cash or in debentures of the Multipurpose Senior Center Insurance Fund (established by subsection (h)) issued at par plus accrued interest. In the case of any mortgage such charge shall be not less than an amount equivalent to one-fourth of 1 per centum per annum nor more than an amount equivalent to 1 per centum per annum of the amount of the principal obligation of the mortgage outstanding at any one time, without taking into account delinquent payments or prepayments. In addition to the premium charge herein provided for, the Secretary is authorized to charge and collect such amounts as he may deem reasonable for the appraisal of a property or project during acquisition, alteration, or renovation; but such charges for appraisal and inspection shall not aggregate more than 1 per centum of the original principal face amount of the mortgage.

"(f) The Secretary may consent to the release of a part or parts of the mortgaged property or project from the lien of any mortgage insured under this section upon such terms and conditions as he may prescribe.

"(g)(1) The Secretary shall have the same functions, powers, and duties (insofar as applicable) with respect to the insurance of mortgages under this section as the Secretary of Housing and Urban Development has with respect to the insurance of mortgages under title II of the National Housing Act.

"(2) The provisions of subsections (e), (g), (h), (i), (j), (k), (l), and (n) of section 207 of the National Housing Act shall apply to mortgages insured under this section; except that, for the purposes of their application with respect to such mortgages, all references in such provisions to the General Insurance Fund shall be deemed to refer to the Multipurpose Senior Center Insurance Fund, and all references in such provisions to 'Secretary' shall be deemed to refer to the Secretary of Health, Education, and Welfare.

"(h)(1) There is hereby created a Multipurpose Senior Center Insurance Fund which shall be used by the Secretary as a revolving fund for carrying out all the insurance provisions of this section. All mortgages insured under this section shall be insured under and be the obligation of the Multipurpose Senior Center Insurance Fund.

"(2) The general expenses of the operations of the Department of Health, Education, and Welfare relating to mortgages insured under this section may be charged to the Multipurpose Senior Center Insurance Fund.

"(3) Moneys in the Multipurpose Senior Center Insurance Fund not needed for the current operations of the Department of Health, Education, and Welfare with respect to mortgages insured under this section shall be deposited with the Treasurer of the United States to the credit of such fund, or invested in bonds or other obligations of, or in bonds or other obligations guaranteed as to principal and interest by, the United States. The Secretary may, with the approval of the Secretary of the Treasury, purchase in the open market debentures issued as obligations of the Multipurpose Senior Center Insurance Fund. Such purchases shall be made at a price which will provide an investment yield of not less than the yield obtainable from other investments authorized by this section. Debentures so purchased shall be canceled and not reissued.

"(4) Premium charges, adjusted premium charges, and appraisal and other fees received on account of the insurance of any mortgage under this section, the receipts derived from property covered by such mortgages and from any claims, debts, contracts, property, and security assigned to the Secretary in connection therewith, and all earnings as the assets of the fund, shall be credited to the Multipurpose Senior Center Insurance Fund. The principal of, and interest paid and to be paid on, debentures which are the obligation of such fund, cash insurance payments and adjustments, and expenses incurred in the handling, management, renovation, and disposal of properties required, in connection with mortgages insured under this section, shall be charged to such fund.

"(5) There are authorized to be appropriated to provide initial capital for the Multipurpose Senior Center Insurance Fund, and to assure the soundness of such fund thereafter, such sums as may be necessary.

"ANNUAL INTEREST GRANTS

"SEC. 507. (a) To assist nonprofit private agencies to reduce the cost of borrowing from other sources for the acquisition, alteration or renovation of facilities, the Secretary may make annual interest grants to such agencies.

"(b) Annual interest grants under this section with respect to any facility shall be made over a fixed period not exceeding forty years, and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount not greater than the difference between (1) the average annual debt service which would be required to be paid, during the life of the loan, on the amount borrowed from other sources for the acquisition, alteration or renovation of such facilities, and (2) the average annual debt service which the institution would have been required to pay, during the life of the loan, with respect to such amounts if the applicable interest rate were 3 per centum per annum: *Provided*, That the amount on which such grant is based shall be approved by the Secretary.

"(c)(1) There are hereby authorized to be appropriated to the Secretary such sums as many be necessary for payment of annual interest grants in accordance with this section.

"(2) Contracts for annual interest grants under this section shall not be entered into in an aggregate amount greater than is authorized in appropriation acts.

"(d) Not more than 12½ per centum of the funds provided for in this section for grants may be used within any one State.

"PART B—INITIAL STAFFING OF MULTIPURPOSE SENIOR CENTERS

"PERSONNEL STAFFING GRANT PROGRAM AUTHORIZED

"SEC. 511. (a) For the purpose of assisting in the establishment and initial operation of multipurpose senior centers the Commissioner may, in accordance with the provisions of this part, make grants to meet, for the temporary periods specified in this part, all or part of the costs of compensation of professional and technical personnel for the initial operation of new multipurpose senior centers and for the delivery of social services established therein.

"(b) Grants for such costs of any center under this title may be made only for the period beginning with the first day of the first month for which such grant is made and ending with the close of three years after such first day. Such grants with respect to any center may not exceed 75 per centum of such costs for the first year of the project, 66⅔ per centum of such costs for the second year of the project, and 50 per centum of such costs for the third year of the project.

"(c) In making such grants, the Secretary shall take into account the relative needs of the several States or community centers for senior citizens, their relative financial needs, and their population of persons over sixty years of age.

"(d) For the purpose of this part, there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, and for each of the next two succeeding fiscal years."

TITLE VI—NATIONAL OLDER AMERICANS VOLUNTEER PROGRAM

SEC. 601. Section 601 of the Older Americans Act of 1965 is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding any other provision of law, no compensation provided to individual volunteers under this part shall be considered income for any purpose whatsoever."

SEC. 602. Section 603 of the Older Americans Act of 1965 is amended by inserting immediately before the period at the end thereof the following: "and $15,000,000 for the fiscal year ending June 30, 1973, $17,500,000 for the fiscal year ending June 30, 1974, and $20,000,000 for the fiscal year ending June 30, 1975".

SEC. 603. (a) The heading of part B of title VI of the Older Americans Act of 1965 is amended to read as follows:

"FOSTER GRANDPARENT PROGRAM AND OLDER AMERICANS COMMUNITY SERVICE PROGRAMS".

(b) Section 611 of such Act is amended to read as follows:

"SEC. 611. (a) The Commissioner is authorized to make grants to or contracts with public and nonprofit private agencies and organizations to pay part or all of the cost of development and operation of projects designed to provide opportunities for low-income persons aged sixty or over to render supportive person-to-person services in health, education, welfare, and related settings to children having exceptional needs, including services as 'Foster Grandparents' to children receiving care in hospitals, homes for dependent and neglected children, or other establishments providing care for children with special needs.

"(b) The Commissioner is also authorized to make grants or contracts to carry out the purposes described in subsection (a) in the case of persons (other than children) having exceptional needs, including services as 'senior health aides' to work with persons receiving home health care and nursing care, and as 'senior companions' to persons having developmental disabilities.

"(c) Payments under this part pursuant to a grant or contract may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions as the Commissioner may determine.

"(d) Notwithstanding any other provision of law, no compensation provided to individual volunteers under this part shall be considered income from any purpose whatsoever."

(c) The first sentence of section 613 of such Act is amended to read as follows:

"In administering this part, the Commissioner shall consult with the Office of Economic Opportunity, the Departments of Labor and Health, Education, and Welfare and any other Federal agencies administering relevant programs with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this part with other public or private programs or projects carried out at State and local levels."

SEC. 604. Section 614 of the Older Americans Act is amended to read as follows:

"SEC. 614. (a)(1) There are authorized to be appropriated for grants or contracts under subsections (a) and (b) of section 611, $25,000,000 for the fiscal year ending June 30, 1973, $32,500,000 for the fiscal year ending June 30, 1974, and $40,000,000 for the fiscal year ending June 30, 1975, respectively, of which (A) $25,000,000 for the fiscal year ending June 30, 1973, $26,500,000 for the fiscal year ending June 30, 1974, and $32,000,000 for the fiscal year ending June 30, 1975, respectively, shall be available for such years for grants or contracts under subsection (a) of section 611, and (B) $6,000,000 for the fiscal year ending June 30, 1974, and $8,000,000 for the fiscal year ending June 30, 1975, respectively, shall be available for such years for grants or contracts under subsection (b) of such section.

"(2) If the sums authorized to be appropriated under paragraph (1) of this subsection for fiscal years beginning after June 30, 1973, are not appropriated and made available for each such fiscal year, then such sums as are so appropriated and made available for each such fiscal year shall be allocated so that—

"(A) any amounts appropriated not in excess of a sum which when added to carryover balances otherwise available for obligation under subsection (a) of section 611 equals $25,000,000 shall be used for grants or contracts under such subsection; and

"(B) any amounts appropriated in excess of a sum which when added to carryover balances otherwise available for obligation under subsection (a) of section 611 equals $31,000,000 for the fiscal year ending June 30, 1974, and $33,000,000 for the fiscal year ending June 30, 1975, respectively, shall be used for grants or contracts for such fiscal years under subsection (a) of such section."

SEC. 605. The authorities conferred upon the Commissioner of the Administration on Aging by the amendments made in this title shall be carried out pursuant to delegations of authority, reorganization plans, and transfers made effective prior to the date of enactment of this Act with respect to authorities conferred upon the Secretary of the Department of Health, Education, and Welfare under title VI of the Older Americans Act of 1965, as amended.

TITLE VII—NUTRITION PROGRAM

AVAILABILITY OF SURPLUS COMMODITIES

SEC. 701. Section 707 of the Older Americans Act of 1965 is amended to read as follows:

"AVAILABILITY OF SURPLUS COMMODITIES

"SEC. 707. (a) Agricultural commodities and products purchased by the Secretary of Agriculture under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) may be donated to a recipient of a grant or contract to be used for providing nutritional services in accordance with the provisions of this title.

"(b) The Commodity Credit Corporation may dispose of food commodities under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) by donating them to a recipient of a grant or contract to be used for providing nutritional services in accordance with the provisions of this title.

"(c) Dairy products purchased by the Secretary of Agriculture under section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446a–1) may be used to meet the requirements of programs providing nutritional services in accordance with the provisions of this title."

SEC. 702. Section 705(a) of the Older Americans Act of 1965 is amended by adding at the end thereof the following new paragraph:

"(5) provide that, when mutually agreed upon by recipients of grants and contracts and area planning and service areas agencies, nutrition projects assisted under this title shall be made a part of the comprehensive and coordinated systems established under title III of this Act."

STATE PLANNING

SEC. 703. Section 705(a)(2)(B) of the Older Americans Act of 1965 is amended by inserting "for the fiscal year ending June 30, 1973" following "administrative cost,"; by striking out "any fiscal year" in this section and substituting in lieu thereof "such fiscal year"; and by adding at the end of the first sentence thereof the following sentence: "For the fiscal years ending after June 30, 1973, funds allotted to a State for State planning and administration pursuant to section 306 of this Act may be used for the administration of the State plan submitted pursuant to this section, except that wherever the governor of the State designates an agency other than the agency designated under section 304(a)(1) of this Act, then the Commissioner shall determine that portion of a State's allotment under section 306 which shall be available to the agency designated under section 705(a)(1) for planning and administration."

CONFORMING AMENDMENT

SEC. 704. (a) The first sentence of section 705(a) of the Older Americans Act of 1965 is amended by striking out "303" the first time it appears in such sentence and inserting in lieu thereof "304" and by striking out "303" the second time it appears in such sentence and inserting in lieu thereof, "305".

(b) Section 705(a)(1) of the Older Americans Act of 1965 is amended by striking out "303" and inserting in lieu thereof "304".

(c) Title VII of the Older Americans Act of 1965 is amended by striking out "Secretary" wherever in such title the term refers to the Secretary of Health, Education, and Welfare, and inserting in lieu thereof "Commissioner".

TITLE VIII—AMENDMENTS TO OTHER ACTS

AMENDMENT TO LIBRARY SERVICES AND CONSTRUCTION ACT

SEC. 801. (a) The Library Services and Construction Act (20 U.S.C. 351 et seq.) is amended by adding at the end thereof the following new title:

"TITLE IV—OLDER READERS SERVICES

"GRANTS TO STATES FOR OLDER READERS SERVICES

"SEC. 401. The Commissioner shall carry out a program of making grants to States which have an approved basic State plan under section 6 and have submitted a long-range program and an annual program under section 403 for library services for older persons.

"USES OF FEDERAL FUNDS

"SEC. 402. (a) Funds appropriated pursuant to paragraph (4) of section 4(a) shall be available for grants to States from allotments under section 5(a) for the purpose of carrying out the Federal share of the cost of carrying out State plans submitted and approved under section 403. Such grants shall be used for (1) the training of librarians to work with the elderly; (2) the conduct of special library programs for the elderly; (3) the purchase of special library materials for use by the elderly; (4) the payment of salaries for elderly persons who wish to work in libraries as assistants on programs for the elderly; (5) the provision of in-home visits by librarians and other library personnel to the elderly; (6) the establishment of outreach programs to notify the elderly of library services available to them; and (7) the furnishing of transportation to enable the elderly to have access to library services.

"(b) For the purposes of this title, the Federal share shall be 100 per centum of the cost of carrying out the State plan.

"STATE ANNUAL PROGRAM FOR LIBRARY SERVICES FOR THE ELDERLY

"SEC. 403. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for that fiscal year an annual program for library services for older persons. Such program shall be submitted at such time, in such form, and contain such information as the Commissioner may require by regulation and shall—

"(1) set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (4) of section 4(a) will be used, consistent with its long-range program for the purposes set forth in section 402, and

"(2) include an extension of the long-range program taking into consideration the results of evaluations.

"COORDINATION WITH PROGRAMS FOR OLDER AMERICANS

"SEC. 404. In carrying out the program authorized by this title, the Commissioner shall consult with the Commissioner of the Administration on Aging and the Director of ACTION for the purpose of coordinating where practicable, the programs assisted under this title with the programs assisted under the Older Americans Act of 1965."

(b) Section 4(a) of the Library Services and Construction Act is amended by adding at the end thereof the following new paragraph:

"(4) For the purpose of making grants to States to enable them to carry out public library service programs for older persons authorized by title IV, there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, the fiscal year ending June 30, 1974, the fiscal year ending June 30, 1975, and the fiscal year ending June 30, 1976."

(c)(1) Section 5(a)(1) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(2) Section 5(a)(2) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(3) Section 5(a) of such Act is amended by striking out the word "and" at the end of such paragraph (B) thereof, by striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon and the word "and", by inserting after subparagraph (C) thereof the following:

"(D) with respect to appropriations for the purposes of title IV, $40,000 for each State, except that it shall be $10,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands."

(4) The last sentence of section 5(a)(3) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(5) Section 5(b) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(c) Section 6(a) of such Act is amended by striking out "and III" and inserting in lieu thereof "III and IV".

(d)(1) Section 7(a) of such Act is amended by striking out "or (3)" and inserting in lieu thereof "(3), or (4)".

(2) Section 7(b)(1) of such Act is amended by inserting "and title IV" after "title III".

(e) The amendments made by subsections (a), (b), and (c) of this section shall be effective after June 30, 1973.

AMENDMENT TO NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE ACT

SEC. 802. (a) Section 5(a)(2) of the National Commission on Libraries and Information Science Act is amended by striking out "and" after "areas" and inserting a comma in lieu thereof, and by inserting after "deprived persons," the following: "and of elderly persons.".

(b) The second sentence of section 6(a) (20 U.S.C. 1505(a)) of such Act is amended by inserting before the period at the end thereof the following: ", and at least one other of whom shall be knowledgeable with respect to the library and information service and science needs of the elderly".

AMENDMENT TO HIGHER EDUCATION ACT OF 1965

SEC. 803. Ttitle I of the Higher Education Act of 1965 is amended by redesignating sections 110, 111, and 112 (and cross references thereto) as 111, 112, and 113, respectively, and by inserting after section 109 the following new section:

"SPECIAL PROGRAMS AND PROJECTS RELATING TO PROBLEMS OF THE ELDERLY

"SEC. 110. (a) The Commissioner is authorized to make grants to institutions of higher education (and combinations thereof) to assist such institutions in planning, developing, and carrying out, consistent with the purposes of this title, programs specifically designed to apply the resources of higher education to the problems of the elderly, particularly with regard to transportation and housing problems of elderly persons living in rural and isolated areas.

"(b) For purposes of making grants under this section, there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1977.

"(c) In carrying out the program authorized by this section, the Commissioner shall consult with the Commissioner of the Administration on Aging for the purpose of coordinating, where practicable, the programs assisted under this section with the programs assisted under the Older Americans Act of 1965."

AMENDMENT TO ADULT EDUCATION ACT

SEC. 804. (a) The Adult Education Act (20 U.S.C. 1201 et seq.) is amended by redesignating sections 310, 311, and 312 (and cross references thereto) as sections 311, 312, and 313, respectively, and by inserting after section 309 the following new section:

"SPECIAL PROJECTS FOR THE ELDERLY

"SEC. 310. (a) The Commissioner is authorized to make grants to State and local educational agencies or other public or private nonprofit agencies for programs to further the purpose of this Act by providing educational programs for elderly persons whose ability to speak and read the English language is limited and who live in an area with a culture different than their own. Such programs shall be designed to equip such elderly persons to deal successfully with the practical problems in their everyday life, including the making of purchases, meeting their transportation and housing needs, and complying with governmental requirements such as those for obtaining citizenship, public assistance and social security benefits, and housing.

"(b) For the purpose of making grants under this section there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1975.

"(c) In carrying out the program authorized by this section, the Commissioner shall consult with the Commissioner of the Administration on Aging for the purpose of coordinating, where practicable, the programs assisted under this section with the programs assisted under the Older Americans Act of 1965."

(b) Section 313(a) of such Act, as redesignated, is amended by inserting before the period at the end thereof the following: "(other than section 310)".

ADDITIONAL AUTHORIZATION FOR SENIOR OPPORTUNITIES AND SERVICES

SEC. 805. In addition to the amounts authorized to be appropriated and allocated pursuant to the Economic Opportunity Amendments of 1972, there is further authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, and the succeeding fiscal year, to be used for the Senior Opportunities and Services program described in section 222(a)(7) of the Economic Opportunity Act of 1964.

TITLE IX—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

SHORT TITLE

SEC. 901. This title may be cited as the "Older American Community Service Employment Act".

OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

SEC. 902. (a) In order to foster and promote useful part-time work opportunities in community service activities for unemployed low-income persons who are fifty-five years old or older and who have poor employment prospects, the Secretary of Labor (hereinafter referred to as the "Secretary") is authorized to establish an older American

community service employment program (hereinafter referred to as the "program").

(b) In order to carry out the provisions of this title, the Secretary is authorized—

(1) to enter into agreements with public or private nonprofit agencies or organizations, agencies of a State government or a political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, or Indian tribes on Federal or State reservations in order to further the purposes and goals of the program. Such agreements may include provisions for the payment of costs, as provided in subsection (c), of projects developed by such organizations and agencies in cooperation with the Secretary in order to make the program effective or to supplement it. No payments shall be made by the Secretary toward the cost of any project established or administered by any such organization or agency unless he determines that such project—

(A) will provide employment only for eligible individuals, except for necessary technical, administrative, and supervisory personnel, but such personnel shall, to the fullest extent possible, be recruited from among eligible individuals;

(B) will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities;

(C) will employ eligible individuals in services related to publicly owned and operated facilities and projects, or projects sponsored by organizations exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code of 1954 (other than po listing of job vacancies with the employconstruction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship;

(D) will contribute to the general welfare of the community;

(E) will provide employment for eligible individuals whose opportunities for other suitable public or private paid employment are poor;

(F) will result in an increase in employment opportunities for eligible individuals, and will not result in the displacement of employed workers or impair existing contracts;

(G) will utilize methods of recruitment and selection (including, but not limited to, listing of job vacancies with the employment agency operated by any State or political subdivision thereof) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project;

(H) will include such training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and will provide for the payment of the reasonable expenses of individuals being trained, including a reasonable subsistence allowance;

(I) will assure that safe and healthy conditions of work will be provided, and will assure that persons employed in public service jobs assisted under this title shall be paid wages which shall not be lower than whichever is the highest of (i) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (ii) the State or local minimum wage for the most nearly comparable covered employment, or (iii) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

(J) will be established or administered with the advice of persons competent in the field of service in which employment is being provided, and of persons who are knowledgeable with regard to the needs of older persons;

(K) will authorize pay for necessary transportation costs of eligible individuals which may be incurred in employment in any project funded under this title in accordance with regulations promulgated by the Secretary; and

(L) will assure that to the extent feasible such projects will serve the needs of minority, Indian, and limited English-speaking eligible individuals in proportion to their numbers in the State;

(2) to make, issue, and amend such regulations as may be necessary to effectively carry out the provisions of this title.

(c)(1) The Secretary is authorized to pay not to exceed 90 per centum of the cost of any project which is the subject of an agreement entered into under subsection (b), except that the Secretary is authorized to pay all of the costs of any such project which is (A) an emergency or disaster project or (B) a project located in an economically depressed area as determined in consultation with the Secretary of Commerce and the Director of the Office of Economic Opportunity.

(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair market value to services and facilities contributed from non-Federal sources.

ADMINISTRATION

SEC. 903. (a) In order to effectively carry out the purposes of this title, the Secretary is authorized to consult with agencies of States and their political subdivisions with regard to—

(1) the localities in which community service projects of the type authorized by this title are most needed;

(2) consideration of the employment situation and the types of skills possessed by available local individuals who are eligible to participate; and

(3) potential projects and the number and percentage of eligible individuals in the local population.

(b)(1) The Secretary is authorized and directed to require agencies and organizations administering community service projects and other activities assisted under this title to coordinate their projects and activities with agencies and organizations conducting related manpower and unemployment programs receiving assistance under this Act and under other authorities such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, and the Emergency Employment Act of 1971. In carrying out the provisions of this paragraph, the Secretary is authorized to make necessary arrangements to include projects and activities assisted under this title within a common agreement and a common application with projects assisted under this Act and other provisions of law such as the Economic Opportunity Act of 1964, the Manpower Development and Training Act of 1962, the Emergency Employment Act of 1971.

(2) The Secretary is authorized to make whatever arrangements that are necessary to carry out the programs assisted under this title as part of any general manpower legislation hereafter enacted, except that appropriations for programs assisted under this title may not be expended for programs assisted under that title.

(c) In carrying out the provisions of this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies, and instrumentalities in the use of services, equipment, and facilities.

(d) The Secretary shall establish criteria designed to assure equitable participation in the administration of community service projects by agencies and organizations eligible for payment under section 902(b).

(e) Payments under this title may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

(f) The Secretary shall not delegate his functions and duties under this title to any other department or agency of Government.

PARTICIPANTS NOT FEDERAL EMPLOYEES

SEC. 904. (a) Eligible individuals who are employed in any project funded under this title shall not be considered to be Federal employees as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code.

(b) No contract shall be entered into under this title with a contractor who is, or whose employees are, under State law, exempted from operation of the State workmen's compensation law, generally applicable to employees, unless the contractor shall undertake to provide either through insurance by a recognized carrier, or by self insurance, as allowed by State law, that the persons employed under the contract, shall enjoy workmen's compensation coverage equal to that provided by law for covered employment. The Secretary must establish standards for severance benefits, in lieu of unemployment insurance coverage, for eligible individuals who have participated in qualifying programs and who have become unemployed.

INTERAGENCY COOPERATION

SEC. 905. The Secretary shall consult and cooperate with the Office of Economic Opportunity, the Administration on Aging, the Department of Health, Education, and Welfare, and any other related Federal agency administering related programs, with a view to achieving optimal coordination with such other programs and shall promote the coordination of projects under this title with other public and private programs or projects of a similar nature. Such Federal agencies shall cooperate with the Secretary in disseminating information about the availability of assistance under this title and in promoting the identification and interests of individuals eligible for employment in projects funded under this title.

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 906. (a)(1) From the sums appropriated for any fiscal year under section 908 there shall be initially allotted for projects within each State an amount which bears the same ratio to such sum as the population, aged fifty-five or over in such State bears to the population aged fifty-five or over in all States except that (A) no State shall be allotted less than one-half of 1 per centum of the sum appropriated for the fiscal year for which the determination is made; and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount equal to one-fourth of 1 per centum of the sum appropriated for the fiscal year for which the determination is made. For the purpose of the exception contained in this paragraph, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(2) The number of persons aged fifty-five or over in any State and for all States shall be determined by the Secretary on the basis of the most satisfactory data available to him.

(b) The amount allotted for projects within any State under subsection (a) for any fiscal year which the Secretary determines will not be required for that year shall be reallotted, from time to time and on such dates during such year as the Secretary may fix, to projects within other States in proportion to the original allotments to projects within such States under subsection (a) for that year, but with such proportionate amount for any of such other

States being reduced to the extent it exceeds the sum the Secretary estimates that projects within such State need and will be able to use for each year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

(c) The amount apportioned for projects within each State under subsection (a) shall be apportioned among areas within each such State in an equitable manner, taking into consideration the proportion which eligible persons in each such area bears to such total number of such persons, respectively, in that State.

DEFINITIONS

SEC. 907. As used in this title—

(a) "State" means any of the several States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands;

(b) "eligible individual" means an individual who is fifty-five years old or older, who has a low income, and who has or would have difficulty in securing employment, except that pursuant to regulations prescribed by the Secretary any such individual who is sixty years old or older shall have priority for the work opportunities provided for under this Act;

(c) "community service" means social, health, welfare, educational, library, recreational, and other similar services; conservation, maintenance or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; economic development; and such other services which are essential and necessary to the community as the Secretary by regulation may prescribe.

AUTHORIZATION OF APPROPRIATIONS

SEC. 908. There are hereby authorized to be appropriated $60,000,000 for the fiscal year ending June 30, 1973, and $100,000,000 for fiscal year ending June 30, 1974, to carry out the provisions of this title.

OLDER AMERICANS COMPREHENSIVE SERVICES AMENDMENTS OF 1973

Mr. CHURCH. Mr. President, I strongly support the enactment of the Older Americans Comprehensive Services Amendments, S. 50.

No legislation is now more deserving of the attention of the Senate nor more important from the standpoint of the elderly than this vital measure.

For nearly 6 months the field of aging has struggled in confusion and uncertainty because of the President's ill-conceived veto of the Older Americans Comprehensive Services Amendments last October.

But passage of this legislation can help to resolve this mounting doubt, as well as permit the orderly development of programs under the Older Americans Act.

The bill now before us represents a compromise which should, in my judgment, be acceptable to the administration.

As chairman of the Committee on Aging, I am especially gratified that the modified version of S. 50 includes every substantive program—with the exception of the title X Middle-Aged and Older Workers Training Act—included in the proposal approved by the Senate in February. And, I am hopeful that the basic thrust of the Middle-Aged and Older Workers Training Act can be enacted soon, either as separate legislation or incorporated in another manpower proposal. The need for a comprehensive mid-career development services program for unemployed or underemployed mature workers is still urgently needed, and it is long overdue.

For the Nation's elderly, this bill represents potentially landmark legislation. Particularly significant, S. 50 would provide an effective means for delivering vitally needed social services to enable the aged to live independently in their homes, rather than being prematurely and oftentimes unnecessarily institutionalized at a much higher public cost.

These services—such as homemaker, home health, and many others—have proved to be particularly helpful for older Americans. And they should continue to be expanded because the need is so great.

One of the major innovations in this legislation is provision for multipurpose senior centers to provide a focal point for a wide range of social and nutritional services. These services can, of course, enable senior citizens to remain active participants in their communities.

Another new feature in S. 50 is authority for model programs to focus on several everyday problems of aged and aging Americans, including housing, continuing education, and preretirement counseling. Housing, for example, now represents the elderly's number one expenditure, accounting for about one-third of their limited incomes.

Mr. President, I am also pleased that the compromise bill retained title IX, which would establish a national senior service corps to provide new job opportunities in a wide range of service activities for older Americans. A major purpose of this legislation is to build upon the enormously successful Mainstream pilot projects, such as Green Thumb, Senior Aides and others.

To my way of thinking, these demonstration projects have proved beyond any doubt that they are a smashing success, not only for the elderly participants but also the communities being served. What is needed now is a genuine commitment to move beyond the pilot stage to a national program.

And that is precisely what title IX would do.

No one will benefit—least of all the elderly—if the administration insists on a divisive confrontation over the Older Americans Act Amendments. And the aged will be the big losers if the administration persists in its earlier attempts to undercut the programs under this legislation.

Many of these proposals have been enthusiastically embraced by the delegates at the White House Conference on Aging. Every leading organization in the field of aging has reaffirmed its strong support for these provisions.

This bill has received widespread bipartisan support in both the Senate and House. In fact, 67 Senators—or nearly two-thirds of the membership of this body—have cosponsored the legislation which is the basis for the compromise proposal now before us.

And, it is high time that the administration get back into the mainstream on this bill.

Mr. President, for these reasons I again reaffirm my strong support for early enactment of S. 50, the Older Americans Comprehensive Services Amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Missouri.

The motion was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. EAGLETON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the Senate amendment to the House amendment to S. 50.

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

Mr. EAGLETON. I thank the Senator from Wyoming and the Senator from West Virginia for yielding.

Mr. McGEE. Mr. President, I suggest the absence of a quorum, with the understanding that I not lose my right to the the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded, with the understanding that I do not lose my right to floor.

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

Mr. McGEE. Mr. President, I yield to my distinguished colleague from Wyoming (Mr. HANSEN).

Mr. HANSEN. Mr. President, I thank my distinguished colleague.

THE PRESIDENT'S ENERGY MESSAGE

Mr. HANSEN. Mr. President, I ask unanimous consent that I may insert in the RECORD, a statement I issued on the President's energy message.

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

Senator Cliff Hansen applauded the President's energy message to Congress and said he agreed generally with his legislative recommendations and actions taken under executive authority.

It is indeed, a timely and comprehensive message and faces up to the threats of energy shortages that could seriously threaten our national security, continued economic growth and the U.S. role as a leader toward world peace, Hansen said.

He said he was especially pleased with the proposal to decontrol the producer price of newly discovered natural gas.

"Under the unrealistic Federal Power Commission regulation of the price of natural gas sold in interstate commerce, we have been using far more gas for the past several years than has been discovered in new reserves," Hansen said.

"It is ridiculous to be paying three and four times the price paid to domestic producers for imported liquified gas or synthetic gas manufactured from oil or coal," Hansen said, "when by the most reliable estimates we still have enough undiscovered gas in the United States, Alaska, and offshore to take care of our needs for many years."

The President's proposals for tax incentives and accelerated offshore leasing will undoubtedly stimulate exploration and development of new sources of both oil and gas and help reverse the dangerous trend to substantial dependence on insecure and costly foreign sources of both oil and gas.

The message recognizes the long-term energy needs of the country in proposals for stepped-up development of oil shale, coal gasification, geothermal energy, nuclear power, and solar energy. At the same time he has emphasized the short-term energy needs of the country with recommendations for Congressional action to supplement moves he is taking toward an immediate program to increase domestic oil and gas production and refining capacity.

He urged quick Congressional action to get the court-stalled Alaska pipeline built. "Five years after discovery of the largest oil field in the U.S., not a barrel of oil has entered the market from the huge Prudhoe Bay reserve and each day we delay adds a potential two million barrels a day to the oil we must import," Hansen said.

"Our balance of payments problem is bad enough as it is," Hansen said. "And even at the best we can do, it will take five years at present rates of increase in energy consumption to reverse the trend and stop the dollar drain and what would surely be a sequential dollar devaluation."

Hansen said he had some reservations about the changes in the mandatory oil import program. "By practically eliminating quotas and tariffs on crude oil and with very modest tariffs or license fees on products—residual, No. 2 heating oil and gasoline—the value of import tickets to small inland refiners may not be enough to encourage major coastal refiners to exchange domestic oil for the import allocations of the smaller refiners."

"It is essential," Hansen said, "especially in view of the domestic refinery capacity shortage, that every available barrel of refinery capacity be kept in operation. I hope the President's proposals will accomplish this."

The message also included a plan to encourage energy conservation. One of the most important measures the President said is to ensure that energy prices reflect their true costs. I agree with this conclusion.

Under Federal regulation, natural gas has been priced far below its competitive value and, as a result, used for purposes such as boiler fuel.

The President's executive order formalizing an Energy Committee and his reassertion of the need for the creation of a Department of Energy and Natural Resources would provide the executive organization to quickly implement the various legislative proposals, Hansen said.

"There has been enough foot dragging now on a number of the recommendations that I and other members have been advocating for several years, and that includes the Alaska pipeline" Hansen said. "The energy crunch is certainly no partisan matter and unless Congress wants to shoulder the blame for a real energy crisis, it is time to act quickly and decisively on the President's recommendations."

QUORUM CALL

Mr. McGEE. Mr. President, I suggest the absence of a quorum, without losing my right to the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McGEE. 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. McGEE. Mr. President, I ask unanimous consent to yield to the distinguished Senator from Kentucky (Mr. HUDDLESTON) for the purpose of including a matter in the RECORD, with the understanding that I do not lose my right to the floor.

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

FARM PROGRAMS AND THE COST OF FOOD

Mr. HUDDLESTON. Mr. President, one of the most important and far-reaching issues which the Congress will have before it during this session is the general farm program. The Agricultural Adjustment Act of 1970, which authorizes the principal support programs for wheat, feed grains, cotton, wool and dairy products, expires this year. There is much concern throughout our land over farm programs, concern bred, to a large extent, by confusion and misunderstanding of the purposes of these programs and the role they have played in providing this Nation with abundant and comparatively inexpensive foods for many years.

There is no finer spokesman for our farm interests, no one who understands better the various and complex interrelationships between our farm programs, the cost of food to the American people and our foreign agricultural trade than the able chairman of the Senate Committee on Agriculture and Forestry (Mr. TALMADGE). The distinguished chairman presented a comprehensive and knowledgeable evaluation of the existing farm situation in an address on April 16 to the Newspaper Farm Editors of America. His warning that "If we drive the family farmer off the farm and leave the production of the Nation's food supplies to a few large corporations that can command any price they want, the consumer will, indeed, pay through the nose" is one we all should heed.

I commend this informative address to all my colleagues who are concerned about the future of agriculture in our Nation, the future of our farm programs, and the future availability of sufficient, high-quality foodstuffs; and I ask unanimous consent that the address be printed at this point in the RECORD.

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

REMARKS OF SENATOR HERMAN E. TALMADGE

Ladies and Gentlemen, I must confess that it is a rare privilege for me to be able to address an audience of journalists that understands American agriculture and appreciates the problems of its farmers.

With the exception of people like Linda Vance, Bernie Brenner, Bill Blair and a hardy handful of additional reporters, there are few who come to us with any background in this field at all.

As a matter of fact, with the exception of these few professionals, it is a rare occasion when a reporter takes the time to correlate farming and national food supply. And when he does, our backgrounding sessions with him have to go back to the organic act which set up USDA in Lincoln's time.

Now, like you, I am accustomed to a new Congress getting off to a relatively slow start, but as you know, we have been under the gun ever since the Russian grain sale with a multitude of pressures ranging from various program cutbacks and terminations to the Flanigan Report.

But despite the various pressures on my Committee, we have attempted to proceed with our work on the renewal of general farm legislation in an orderly and systematic way.

I felt it was vital to get an early start on the consideration of a farm bill this year because the present law expires with this crop year. All farmers need to know well in advance what kind of program they can count on for 1974, and winter wheat producers must know by August of this year what kind of program to expect.

I remember that it took us 18 months to pass the Agricultural Act in 1970. Since we do not have that long this year, I wrote to Secretary Butz and asked him to deliver the Agriculture Committee a draft of the Administration's farm bill by February 1st. However, the Secretary indicated that he did not wish to submit a bill, but that he would offer some general proposals.

This was fine with me, for I believe that the Committee should proceed to pass the kind of farm bill that farmers want and the kind of farm bill that we must have to protect the income of farmers and provide stability of supply for consumers.

With this in mind, I scheduled eight days of hearings for public witnesses and emphasized that the Committee was especially anxious to hear from real practicing "dirt farmers". All too often Committees, in writing legislation, hear only from national organizations and paid lobbyists rather than the people that the legislation is designed to help.

I must say that I was quite pleased with the witnesses who appeared before the Committee. We heard from 110 witnesses in eight days and many of them were in truth typical practicing farmers.

The message that these farmers brought to Washington came through loud and clear—they are reasonably satisfied with the present farm program and would like a continuation of the Agricultural Act of 1970. It has been my experience that farmers are basically conservative people. They don't like drastic change. They like proven programs that work. The record high farm income in 1972 demonstrates clearly that the Agricultural Act of 1970 does work.

For the first time, farm organizations and other witnesses that testified on farm legislation were virtually unanimous in their view of the kind of farm program we need. This is quite a different situation from the one that prevailed in 1969 and 1970.

It would seem that with this kind of unanimity, it would be relatively easy to pass farm legislation this year. However, there was one important witness who testified before the Committee on Agriculture and Forestry on March 29 who took strong exception to the 1970 Act. This witness was Secretary of Agriculture Butz. While the Secretary agrees that the Agricultural Act of 1970 has worked and while he says the Administration wants an extension of the 1970 Act, what he in fact proposes to do is to eliminate the most basic features of the Act. The Secretary wants to eliminate income supplement payments over a three-year period. He wishes to eliminate individual farm allotments. The only government program that would be left is some kind of price support loan program and a general cropland retirement program under which the

government would pay farmers to set aside a certain percentage of their total cropland.

Of course, we have not received the details on any of these proposals and there is no way for me to gauge their impact fully. However, we do have some studies which indicate what would happen should basic farm programs be terminated.

Realizing that many people are opposed to any kind of government farm program and realizing that it might be more difficult to secure passage of good farm legislation this year, I wrote to Secretary Butz in December of 1972 to request that the USDA provide us with the current analysis of the probable effect on farm income and the major group of producers if all price support and acreage adjustment payments were discontinued.

In February of this year the Secretary did supply me with an analysis done by Mr. Paarlberg, the Director of Agricultural Economics. I am sure that many of you have read this analysis. It indicated that the impact of eliminating farm programs could be disastrous in terms of farm prices and farm incomes. In the first year of the elimination of the program, corn prices would probably drop below a dollar a bushel. I don't believe that the majority of our corn producers can afford to operate on such a price. Cotton prices might range from 25 to 27 cents per pound. This would have the effect of eliminating all but a fraction of the cotton production in the United States.

Recently, the USDA provided me with the second phase of their study, the impact of a free market system on dairy, rice, peanuts and tobacco. The impact of eliminating price support programs in these commodities would be equally disastrous. For example, net incomes of peanut farmers during the initial years of a free market would be reduced to a half of recent levels.

Of course, the Administration is not proposing an elimination of all farm programs. They are proposing the elimination of income supplement payments. Because I was curious as to what was meant by an income supplement payment, I asked Secretary Butz to define them when he appeared before the Committee on March 29. His response was that in the absence of a set aside program, the 15 cents per pound cotton payment is an income supplement, the wheat certificate payment is an income supplement and the feed grain payment is an income supplement. Thus, the Administration would eliminate Federal payments that, in the main, make the difference between a profit and a loss in farming operations. When the cotton producers testified before my Committee, I asked them how much it cost to produce a pound of cotton and whether they could produce it without the 15 cents per pound payment. The response I received was that it cost more than 32 cents per pound to produce cotton and farmers would be unable to produce cotton at the market price of 27 cents. Therefore, the Administration's proposal would effectively kill cotton production in the United States.

Another aspect of the Administration's plan which disturbs me greatly is the proposal to eliminate individual crop allotments. The Administration has proposed that individual allotments for the crops covered by the Agricultural Act of 1970—cotton, wheat and feed grains—be eliminated. In addition, it has called for a change in the peanut and rice programs and the Administration's plan currently being circulated calls for the elimination of peanut and rice allotments. One of the reasons given for changing the peanut program by an Administration spokesman was that peanut land currently has too high a value.

Ladies and Gentlemen, you know that farm real estate values have increased sharply in the past decade. From 1962 to 1972 the average price of an acre of land has increased from $124 to $217—an increase of 75 percent. However, farm debt, both long-term and short-term credit, has increased even more dramatically. In the past decade farm debt has increased from $26.8 billion to $70 billion, an increase of 262 percent. The young full-time aggressive farmers who are trying to make a living solely from farming these days are especially heavily in debt. They find it necessary to borrow everything they can to make a crop. In many cases they are able to borrow additional money only because the price of farm land has increased so sharply.

The elimination of allotments for peanuts, rice, cotton, corn and wheat would drive the value of real estate down dramatically. This would have the immediate impact of cutting off sources of credit for farmers and precipitating a great wave of farm foreclosures.

I don't feel that I am being over-dramatic to say that the elimination of income supplement payments and cutting off of traditional sources of credit for American agriculture would result in economic depression in many rural areas in this country.

And I don't need to remind you ladies and gentlemen that the Great Depression of the 1930's was felt first on the farm level.

You as farm editors realize that there are a number of stumbling blocks in the way of passing a good farm bill this year.

Consumer resistance to rising food prices is at an all time high. It is impossible to bring any bill concerning agriculture to the floor of the Senate these days without an attempt being made to impose a freeze on the price of all raw agricultural products.

Daily newspapers around the country are responding to an organized propaganda effort and they are including on their editorial pages a great deal of anti-farm opinion. They are calling for an end to the farm program.

Many so-called friends of farmers are using one year of high income as a good excuse for getting the government out of agriculture altogether.

There is a great deal of reference these days to the myth of a free market. We are told that farmers should take their chances in the market place without government help just as everyone else. But, do people really mean this? I think not. Right now, and I defy any contradiction, cattle and calves, hogs, sheep and lambs, poultry and turkeys, all of our meats do exist in a free market! Yet, because prices are high, there are boycotts. We hear Mr. Dunlop, Chairman of the Cost of Living Council, threatening farmers unless they deliver their livestock, and we hear repeatedly from just plain citizens. I take it that for agriculture a free market means low prices! But, for a fact, farmers do not operate in a totally free market! I, too, would favor a free market for farmers if large business concentrations were not able to set just about any price they please on their manufactured goods, if the working man didn't have a minimum wage and if organized labor did not have collective bargaining laws. However, the special benefits that other segments of the economy receive are a fact of life. Therefore, it is the height of folly to insist that agriculture exist in a simon-pure free market.

However, the outlook for farm legislation this year is not completely bleak. We have a number of assets. The first asset is the membership of the Committee I am honored to Chair. The Senate Agricultural Committee is composed of seven Democrats and six Republicans. They may differ on a number of issues in the United States Senate, but when it comes to enacting legislation that will protect farm prices and farm income there is no allegiance to political party or Administration. The Members of the Senate Committee on Agriculture and Forestry listen to their farmers rather than to party leaders or to the Administration in power. Therefore, I am confident that we can report out of the Senate Committee on Agriculture an extension of the Agricultural Act of 1970. I believe that we can report a bill that will protect farm income.

Know that the time is short, I have scheduled farm bill mark-ups beginning April 26. Some of the Members of the Committee, including myself, are going to hold farm hearings in our own States during the Easter recess. This will be an additional effort to obtain for the Committee's benefit the views and opinions of real "dirt farmers".

Immediately after the Easter recess the Committee will begin meeting on the farm bill and we intend to meet every day until a bill is agreed upon. Hopefully, we can report to the Senate floor a good bill that can receive prompt approval by the full Senate.

Although some Members of the Senate have become increasingly critical of farm programs, I believe that there are a sufficient number of Senators who will listen to the farmers in their State so that we will be able to pass a good farm bill in short order. However, there are a number of imponderables, I don't know how hard the Administration intends to fight the extension of the 1970 Act. A concerted effort to end farm subsidies by the Administration could cost us many votes in the Senate. And, of course, in the House of Representatives, the Administration impact will be much greater.

The road to enactment of a good farm bill that will preserve the agricultural base of rural America is a long and rocky one. However, there are some things that you, the newspaper farm editors of America, can do to help.

You can help us carry the message to the American consumer and to the American labor movement.

You can let them know that if farm programs are abandoned, that our food supply will be subject to wide fluctuations in prices. If we abandon income supplement payments and drive thousands of family farmers off the farm, if we destroy the equity that thousands of farmers have in their land, then the ultimate losers will be the consumers. They will experience for the first time real shortages and real gluts of food, greater ups and downs in food prices. They will no longer have a stable low-cost supply to which they have grown accustomed.

If we drive the family farmer off the farm and leave the production of the Nation's food supplies to a few large corporations that can command any price they want, then the consumer will, indeed, pay through the nose.

You can carry the message to the Nation's farmers that we should attempt to make friends, not enemies, with other segments of the economy. The politics of confrontation and division gain the farmer nothing but ill will. Attacks on organized labor do little more than further alienate this powerful political and economic force and add ammunition to those Members of the Congress who wish to impose a freeze on raw agricultural products. Moreover, attacks on labor and consumers make it that much more difficult to pass a good farm bill.

As journalists you can help to correct a false impression that I see frequently in the pages of major metropolitan dailies—the impression that the American farmer is getting rich. It is true that the $19.2 billion of farm income which farmers enjoyed in 1972 is a record. It has been a good year in farm income. However, the articles and editorials that I see fail to mention that many farmers have suffered through lean years and have lost money for several years. They fail to point out that even those farmers who are considered to be big commercial farmers actually receive very little return on their investment.

For example, a witness who testified before the Senate Committee on Agriculture and Forestry stated that his investment in his farming operation was conservatively valued at over $250,000. After paying himself

a salary of $7,200, he had a net return on his investment of only $4,231. If he had not received government payments, he would have a net loss of approximately $12,000.

Most people think that anyone who has a gross income of $30,000 is doing pretty well. However, a Georgia farmer who testified before the Committee had a gross income of $30,000 and a net income of only $5,000—and this was the best year he had ever had.

I hope that you Ladies and Gentlemen will help to carry the word that the farmers of this country are toiling from dawn to dusk, six to seven days a week, and have a huge investment in land and equipment, yet they are barely able to scrape out a decent living even in good years such as 1972.

Ladies and Gentlemen, those of us who are interested in the welfare of American agriculture are in a minority. Farm people are in a minority. They are less than five percent of the total population. We have got to work together if we want to preserve the kind of American agriculture that we know. I am confident that you, as journalists who know and understand the farm problem, will do your best to get this message across.

MEXICO-UNITED STATES INTERPARLIAMENTARY MEETINGS—APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. ROTH). The Chair, on behalf of the Vice President, pursuant to Public Law 86–420, appoints the following Senators to the Mexico-United States Interparliamentary Meetings, Mexico, May 24–29, 1973: the Senator from Montana (Mr. MANSFIELD), the Senator from New Mexico (Mr. MONTOYA), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Texas (Mr. BENTSEN), the Senator from Georgia (Mr. NUNN), the Senator from Colorado (Mr. HASKELL), the Senator from Delaware (Mr. BIDEN), the Senator from New Hampshire (Mr. COTTON), the Senator from Michigan (Mr. GRIFFIN), the Senator from Illinois (Mr. PERCY), and the Senator from Kentucky (Mr. COOK).

QUORUM CALL

Mr. McGEE. Mr. President, I suggest the absence of a quorum, with the understanding that I do not lose my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. McGEE. Mr. President, I yield to the majority whip for projecting a possible unanimous-consent proposal and without my losing the right to the floor.

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

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator from Wyoming (Mr. McGEE).

I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives on House Joint Resolution 393; that there be a time limitation for a discussion thereof of not to exceed 2 minutes to a side; and that upon disposition thereof the Senate proceed to the consideration of the conference report on the Urgent Supplemental Appropriation Resolution, with the understanding that there be a time limitation on that measure of 5 minutes to a side; that upon disposition of the conference report, the distinguished Senator from Wyoming (Mr. McGEE) retain his right to the floor; that time on the House message be divided between the distinguished Senator from Rhode Island (Mr. PELL) and the distinguished Senator from North Dakota (Mr. YOUNG); that time of the conference report on the Urgent Supplemental Appropriation Resolution be controlled by and divided between the Senator from Rhode Island (Mr. PELL) and the Senator from Arkansas (Mr. MCCLELLAN); and that rule XII be waived with respect to the adoption of the House message.

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

EXTENSION OF AUTHORIZATION OF THE NATIONAL COMMISSION ON THE FINANCING OF POSTSECONDARY EDUCATION

The PRESIDING OFFICER laid before the Senate a message from the House on House Joint Resolution 393, a joint resolution to amend the Education Amendments of 1972 to extend the authorization of the National Commission on the Financing of Postsecondary Education and the period within which it must make its final report, which was read twice by its title.

The Senate proceeded to consider the House joint resolution.

Mr. PELL. Mr. President, I send an amendment to the desk to the House joint resolution.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk proceeded to read the amendment.

Mr. PELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Insert at the end of the joint resolution the following new sections:

SEC. 2. If the appropriation for the fiscal year 1973 for making payments under subpart 1 of part A of title IV of the Higher Education Act of 1965 does not exceed $385,000,000, payments under such subpart from such appropriation shall not be paid on the basis of any entitlement for any student (1) who was in attendance, as a regular student (as defined by the Commissioner of Education), at an institution of higher education prior to July 1, 1973, or (2) who is in attendance at such an institution on less than a full-time basis.

SEC. 3. The provisions of this joint resolution shall be effective on and after May 1, 1973, and such provisions shall be deemed to be enacted immediately before such date.

Mr. PELL. Mr. President, on March 5 the House passed this joint resolution, which extends the life of the National Commission on the Financing of Postsecondary Education from April 30, 1973 until December 31, 1973. The National Commission on the Financing of Postsecondary Education was established by section 140 of the Education Amendments of 1972, which became law on June 23, 1972.

When section 140 of that act was drawn up in the conference on the Education Amendments of 1972, the conferees were constrained by the rules of the conference to place the termination date for the Commission at April 30, 1973. We suspected at that time that April 30 would be too soon to finish the business of the Commission. However, because of the rules of the conference, that date was established.

The Commission has been working diligently to carry out its mandate under the law, and I am convinced that the work of the Commission will be severely impaired by its termination on April 30. It is for this reason that I recommend to the Senate that the life of the Commission be extended to the end of this year.

The amendment I am proposing to the House Joint Resolution relates to another matter relating to higher Education. As you know, the allowance made in the urgent supplemental appropriation for basic grants was so small that the size of the basic grants will make the basic grant program ineffective at best. Therefore, after consultation with my colleagues on the Committee on Labor and Public Welfare and our colleagues on the House side, it would appear that it may be well to limit the BOG's to first-year students in our colleges and universities and to full-time students.

If this amendment is adopted, the basic grants will be concentrated on fewer students, but the size of the grants will be proportionately larger, so that the students will receive grants of sufficient size to make a substantial amount of assistance available to them.

I would also contend that, if this amendment is not adopted, we could well be charged with gross inefficiency in the expenditure of Federal funds. As the law now stands, the grants would amount to approximately $80 apiece. It will cost approximately $10 to make each grant. This ratio of administrative costs is highly inefficient. Therefore, I hope the Senate would agree to this amendment to House Joint Resolution 393.

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

Mr. PELL. I yield.

Mr. YOUNG. Mr. President, when the Senate and House conferees met last evening on the urgent supplemental appropriations matter, this amendment was proposed The House conferees were sympathetic to it. However, their problem was that they would have to take it back in technical agreement and they thought it would cause no end of trouble if a point of order were made, and it was subject to a point of order. They further thought that they might not have a quorum.

I can see no objection to the amendment. I think it is a good amendment.

Mr. PELL. Mr. President, I thank the Senator. I point out that it would have

been subject to a point of order in either body as legislation on an appropriation bill.

Mr. YOUNG. I understand.

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

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

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Rhode Island.

The amendment 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 of the amendment and 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. 393) was read the third time and passed.

Mr. McGEE. Mr. President, I suggest the absence of a quorum with the understanding that I retain my right to the floor and that the time not be charged against either side.

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

The legislative clerk proceeded to call the roll.

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

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

SUPPLEMENTAL APPROPRIATIONS, 1973—CONFERENCE REPORT

Mr. McCLELLAN. Mr. President, I submit a report of the committee of conference on House Joint Resolution 496, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. HELMS). The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 496) making supplemental appropriations for the fiscal year ending June 30, 1973, for the Civil Aeronautics Board and the Veterans' Administration, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of April 17, 1973, at page 12793.)

Mr. McCLELLAN. Mr. President, the conferees met last evening on this resolution. The Senate position was thoroughly presented to the House conferees, but they took an unyielding position against the modified Pell amendment which the Senate adopted yesterday by a vote of 62 to 19. This amendment would have reapportioned funds among the several education programs included in the appropriation for higher education.

As I indicated yesterday prior to the vote, I was and am fully prepared to support that amendment, but it was made clear to us before the vote that the House would not accept the Pell amendment.

This matter was originally scheduled to be handled in the regular supplemental appropriations bill and Chairman MAGNUSON indicated that it will be further considered by his subcommittee during the early part of May.

The net result—if the Senate had insisted on this amendment and not yielded to the House—would likely have been no bill at all. The innocent victims of that impasse would have been the veterans, their children, wives and widows whose readjustment benefits would have been terminated on April 25, during the recess, for lack of funds. Another innocent group of victims of such a stalemate would have been the local service air carriers, since funds to pay subsidy rate orders issued by the Civil Aeronautics Board have already been exhausted, and many of these lines need the funds provided in this resolution to survive.

I am pleased to advise that the House did accede to the Senate amendment offered by the senior Senator from North Dakota, MILTON YOUNG, to provide additional aid to schools in Federally impacted areas. This amendment authorizes the Secretary of Health, Education, and Welfare to provide increased funding for fiscal 1973 for the education of 3–A students under Public Law 874. It has two provisions: it would continue the 100-percent funding for 3–A students where they represent 25 percent or more of the enrollment in a school district, and would provide 90-percent entitlement for all other 3–A students. 3–A students are those whose parents live on military bases or other Federal land.

Mr. President, I urge the adoption of the conference report.

Mr. PELL. Mr. President, I am very concerned at the action taken in this conference. In fact, I think it is truly startling. Yesterday on the Senate floor the Senate twice affirmed its belief in the original law that had been passed by Congress and signed by the President to the effect that the main thrust of Federal funds to higher education should be in the form of four basic grants.

The House of Representatives, by a floor vote and not by a rollcall vote, had turned this emphasis completely around so that it would be in the opposite direction.

We corrected in the Senate the incorrect action of the House. Then in the conference, late last night the House prevailed. I know that the Senator from Arkansas has been completely fair and sympathetic in giving my views very fair hearings. However, the fact remains that last evening the House prevailed over the Senate amendment which had 62 supporting votes in the Senate.

I think this action is very poor because it shows a tendency to accept the House responsibility for money bills and we take second place to them.

We tend too often in conference to succumb to the House position. One thing that we do not want to be is an upper house, a House of Lords. The President is seeking to do that in every way possible to the whole Congress. We should not let the House of Representatives make the Senate a House of Lords.

Mr. President, I yield the floor.

Mr. McCLELLAN. Mr. President, I yield to the Senator from North Dakota.

Mr. YOUNG. Mr. President, I can understand the concern of the Senator from Rhode Island over the deletion of his amendment in a relatively short time in conference.

The chairman of the committee, the Senator from Arkansas, strenuously objected to that. However, others wanted to accept the House provision, and with good reason. The other members of the conference committee are not present and I cannot speak for them. However, the House provision was adopted by a vote of 367 to 0, and the Senate provision was adopted by a vote of 62 to 19.

One of the House conferee's proposals was to drop the whole bill except veterans assistance which is something that we have to approve before April 25. They were prepared to send this item over in a separate resolution and let the rest of it go. This would foreclose getting any prompt aid to students. It is something that we would not want to do.

I note that there has been some criticism with regard to the House accepting an amendment I had proposed regarding impacted aid to schools. This was in the HEW's appropriations bill which was vetoed last year. The same provision appeared in the bill for at least 3 years straight.

There is nothing new about it at all. It is urgently needed. One school is already closed because of lack of finances. It relates to the education of the children of military people who live on military bases. It was an urgent matter. There is nothing new about it.

I can understand the Senator's concern about the relatively short time which the conference committee took to reach agreement. However, I am sure that the Senate conferees felt that if we had stayed there for 2 days or 2 weeks, the result would not have been any different.

THE ADMINISTRATION MISINTERPRETS THE IMPACTED AID AMENDMENT

Mr. McGOVERN. Mr. President, the Douglas school system at Ellsworth Air Force Base has 3,325 students, 87 percent of whom are federally impacted students and approximately 75 percent of whom live on base. Consequently, the school cannot, as a practical matter, operate without full Federal funding under Public Law 81–874, as amended. Because of the amount of federally owned land, the school district has a low property base which has been taxed to the limit permitted by the South Dakota constitution.

Prior to the 1966–67 school year, title I of Public Law 874 was fully funded. Subsequent to that time, entitlements

have been prorated each year, with each year's deficit carried into the following year's district operating budget. At the close of the 1971–72 school year, the district showed a deficit of about $530,000, which was carried forward and became part of the general operating budget of $3.5 million for the 1972–73 school year. From 1966 to 1972 the school had financed those deficits by borrowing from a bank against next year's entitlement.

Briefly, the situation for the 1972–73 school year was as follows: The schools needed approximately $3 million for this year's operations and $530,000 to pay last year's deficit. Anticipated revenues were $2,300,000 entitlement from the Federal Government for this year, $355,000 due from the Federal Government for last year's operations, and $655,000 from State and local sources. Thus the schools faced the prospect of a deficit of $175,000.

At this point we were faced with the second veto of the DHEW appropriations bill, which contained funding for Public Law 874. This threw the funding for that program back on the continuing resolution, which provided funding at a level not less than 95 percent of the amount provided in the last congressional appropriation.

The administration, through the Office of Management and Budget and the Office of Education, Department of Health, Education, and Welfare, then announced that they would fund class A students at a 54-percent level, despite the congressional rule requiring funding at a minimum of 95 percent under a continuing resolution.

Last fall Douglas received all of the State and local funds and $1.6 million in Federal funds. Approximately $1.1 million of the Federal funds were received during the fall under the OMB formula. These funds were not, however, sufficient and the schools determined that they would have to close at the end of December unless further funds were immediately made available.

After negotiations among the school officials, members of Senator ABOUREZK's and my staffs and the Department, Douglas received another payment of about $500,000. The crux of the present problem is what these funds represented. In our communications with the Department we were told that despite the fact that OMB refused to permit additional funding, they had "found" the half million through a "reinterpretation" of the law. At no time during that period or subsequently were we advised that the December funds were considered to be under the administratively decided quota. All the participants in those discussions except the administration official remember that. The words, "hidden funds," "emergency funding," and "crisis money" were used frequently during these discussions.

And the bank turned down the loan this year, because the President's budget does not provide for sufficient funding for the bank to be paid back next year.

So in reliance on the Department's word, Senator YOUNG and I and other Senators prepared and passed in the Senate earlier this week an amendment to the urgent supplemental appropriation bill that would provide 100 percent funding for impacted area schools where the Federal student enrollment was in excess of 25 percent.

After that bill had passed the Senate, the Department then said that Douglas had received full funding and that his legislation would not be helpful. Our position is that the schools have not received full entitlement under the law—and that the administration is now trying to back away from the commitments they made last December as to the identity of the funds received at that time.

I have contacted Chairman MAGNUSON with the request that if the administration insists on their position as to the identity of the December payment—which I believe is morally and legally incorrect—that we come back again in the Senate after Easter with specific funding for Douglas in the supplemental appropriations bill that will be considered at that time. Senator ABOUREZK and I have also asked Chairman MAGNUSON to contact Dr. Ottina and urge a reevaluation of this problem. I ask unanimous consent that the text of those letters be printed at this point in the RECORD.

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

U.S. SENATE,
Washington, D.C., April 17, 1973.

Hon. WARREN G. MAGNUSON,
Chairman, Subcommittee on Labor, Health, Education, and Welfare, Committee on Appropriations, U.S. Senate.

DEAR MR. CHAIRMAN: We deeply appreciate your efforts in assisting us to obtain sufficient funds from the Office of Education for the Douglas School System at Ellsworth Air Force Base in South Dakota to reopen its schools for the balance of this year.

Unfortunately, since the Senate passed the impacted aid amendment this afternoon, the Office of Education has decided that certain emergency funds made available to the Douglas schools last December should be counted toward 100% entitlement. Consequently, the Administration will interpret the amendment as not requiring sufficient additional funding to reopen the Douglas schools.

We would appreciate your contacting the Office of Education and urging that the December funds be reclassified as emergency aid or to make additional funds available so that the schools can reopen. The amount needed is only $540,421.50 and could be obtained under either of the approaches outlined above.

In the event that the Administration continues to remain unresponsive to the needs of the students in the Douglas schools, we will again be contacting your subcommittee with respect to an amendment to the Supplemental Appropriations Bill which the Senate will consider after the Easter recess. Any additional assistance in that bill, however, will be only partially effective since the students will have missed at least one month of school time by the time it becomes law.

In light of this situation, emergency funds are desperately needed. Your further help will be invaluable and deeply appreciated.

Sincerely yours,

GEORGE MCGOVERN.
JAMES ABOUREZEK.

APRIL 17, 1973.

Hon. JOHN OTTINA,
The Commissioner of Education, Department of Health, Education, and Welfare, Washington, D.C.

DEAR DR. OTTINA: I am sure that you share my deep concern over the recent closing of the Douglas School System at Ellsworth Air Force Base, South Dakota.

While I understand that there is a disagreement on whether the amendment adopted by the Senate this afternoon would provide additional funds to these schools or merely ratify emergency funds you made available last December, the fact remains that 3,500 students are out of school and 200 seniors will not get their high school diplomas unless further funds are made available.

I would hope that the Office of Education will examine every possible avenue to see that sufficient aid is made available to reopen the schools. I understand the amount necessary is only $540,421.50. I would also appreciate your apprising me of your efforts in this regard

Sincerely yours,

WGM.

Mr. MCGOVERN. Mr. President, I understand that the conference report on the urgent supplemental appropriations bill contains language which reflect the administration's view on the Douglas schools entitlement to further funding.

Mr. President, the administration tortured interpretation of the facts is wrong and I hope that the Senate will not go on record in support of it.

I pray that the administration will change its mind on this matter and release the funds under the amendment we adopted yesterday. For unless the funds are made available, the schools will not open again this year and 200 seniors will not get their diplomas.

But if the funds are not made available, I will offer an amendment to the second supplemental appropriation bill which we will consider upon our return from the Easter recess which would specifically appropriate the funds needed to reopen the schools this year.

It will be interesting to see whether the administration will again be able to misinterpret the law in the face of a clear mandate to aid these schoolchildren in completing their education.

Mr. ABOUREZK. Mr. President, I wish to associate myself with the remarks of the senior Senator from South Dakota (Mr. MCGOVERN). I, too, feel that the extent to which the Douglas school system has received payments to the full extent possible is a question on which reasonable men may disagree.

While I am pleased that the conferees agree to accept the Young amendment, which has a great deal of merit and which will provide desperately needed aid to many school districts throughout the country, this will not reopen the Douglas school system. It will not return nearly 3,500 students to class. It will not enable these seniors to obtain their diplomas.

The conferees are concerned about this tragic situation. That, too, is good. The school needs all the help it can get. I hope that this concern will express itself in an effort to seek the funding that is needed.

However, I must stress again that I do not accept the contention of the conferees that payments have been made to the full extent. This is an emergency situation and emergency remedies are needed. The Office of Education must be urged to pursue every possible channel, every possible interpretation, to find the funds that are needed.

This is, as the report suggests, a tragic situation. Tragedy demands compassion. The students at Douglas deserve every consideration.

Mr. BIDEN. Mr. President, I have a question on the conferees' report which I would like to ask on behalf of the senior Senator from South Dakota (Mr. McGOVERN), who has returned to his State as a consequence of the financial crisis at the Douglas school system at Ellsworth Air Force Base. Is it the view of the conferees that the amendment the Senate adopted yesterday, and the House conferees accepted, would not provide additional funding to reopen these schools?

Mr. MAGNUSON. Mr. President, that is my understanding of the administration's position. The senior Senator from South Dakota (Mr. McGOVERN) has informed me that the Office of Education has taken the position that funds provided to the schools last December should be counted toward their entitlement under the amendment we adopted yesterday. Senator McGOVERN says that that interpretation is wrong and brought certain information to my attention which indicates there is some merit in differing with the administration's interpretation.

The facts are that the Douglas schools are closed and cannot reopen without further assistance from the Federal Government. At Senator McGOVERN's request, I have written to the Commissioner of Education and asked him to make the funds available. I hope that he will do so and let these children go back to school.

But Senator McGOVERN has told me that if the administration persists in its present position, he will offer an amendment to the second supplemental appropriation bill which we will consider when we return from the Easter recess which would appropriate the necessary funds to reopen the schools. And I will give every consideration possible to that amendment.

Mr. BIDEN. Mr. President, so it is not the Senator's understanding that the amendment does not provide for assistance to the Douglas schools.

Mr. MAGNUSON. Mr. President, I do not think a determination is made one way or another.

Mr. PELL. Mr. President, how much time remains?

The PRESIDING OFFICER. All time of the Senator from Arkansas has expired. The Senator from Rhode Island has 1 minute remaining.

Mr. PELL. Mr. President, I am delighted that the amendment of the Senator from North Dakota was accepted. It should have been accepted. However, I am disappointed that we lost on an even more controversial point.

I would like to add that in the debate yesterday I was much impressed with, and conscious of, the depth of feeling and conviction of the Senator from Washington for the basic opportunity grant. It was my own decision not to object at this time, basically because of his belief in this program and his statement of yesterday. He looked forward to a substantial and increased and heavy financing of this program. For this reason, this would seem to me the best course to be followed. And I intend to vote for the conference report.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the conference report.

The report was agreed to.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, April 18, 1973, he presented to the President of the United States the enrolled bill (S. 1315) to extend diplomatic privileges to the Liaison Office of the People's Republic of China and to members thereof, and for other purposes.

QUORUM CALL

Mr. McGEE. Mr. President, I suggest the absence of a quorum, with the understanding that I do not lose my right to the floor.

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

The legislative clerk proceeded to call the roll.

Mr. McGEE. 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. McGEE. Mr. President, I yield to the distinguished majority whip, with the understanding that I do not lose my right to the floor.

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

Mr ROBERT C. BYRD. Mr. President, I am embarrassed, in that I asked the distinguished Senator from Wyoming to yield, and now I have a telephone call awaiting me which might affect the request that I was about to make. Therefore, I ask that he request another quorum call.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McGEE. 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. McGEE. Mr President, I yield to the distinguished Senator from West Virginia, the acting majority leader, with the understanding that I do not lose my right to the floor.

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

VOTER REGISTRATION ACT

Mr McGEE. Mr. President, in view of all of the parliamentary maneuvers that have occurred this afternoon in an effort to bring up some worthwhile legislation before our Easter recess, I think it is incumbent upon me as one of the Senators who has not appeared to be entirely cooperative to make the record very clear.

I favor a speedy enactment of all of the bills we have been discussing today. I am particularly happy that the urgent appropriation bill, the rice bill, and the wheat bill have been approved today before our recess. I favor the extension of the Economic Stabilization Act; but as every Member of this body knows, the debate on voter registration has dragged on for days and days and days; and those who oppose that legislation have not consented to any time limit or any date certain for a vote on the merits of that legislation.

It is my judgment that if the administration wants the Economic Stabilization Act, it has but to lift its finger and notify those in its party who oppose voter registration to permit a vote to occur. If the administration is not willing to permit members of its party to reach a vote on the merits of a bill to improve voter participation in the United States, then I can only reach the conclusion that they do not want more people voting, and they do not value the rule of the majority in the Congress as much as I do.

Every aspect of this bill has been debated exhaustively. A host of dilatory tactics has been used to delay. If I were to surrender the floor now for a vote on the conference report on economic stabilization I could do so only upon the assurance of the minority leader and a sufficient number of his party, and this administration's party, that they will vote to shut off debate on April 30 or will not object to the establishment of a time limitation on further debate. All I want is a vote on the merits.

If we can reach such an agreement today or a week from Monday. I will immediately surrender the floor.

It is my hope that the administration will remove its opposition to majority rule in the Senate so that the business at hand can be expedited.

ORDER TO LAY ASIDE UNFINISHED BUSINESS — TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the unfinished business (S. 352) be temporarily laid aside, and that it remain in a temporarily laid-aside status until the close of a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 5 minutes each, with the understanding that no business be transacted during that period, with the exception of delivery of speeches.

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON THE CENTRAL ARIZONA PROJECT

A letter from the Assistant Secretary of the Department of the Interior certifying that an adequate soil survey and land classification has been made of the lands in the

central Arizona project (with accompanying papers). Referred to the Committee on Appropriations.

REPORT OF THE INDIANS CLAIMS COMMISSION CONCERNING THE COWLITZ TRIBE OF INDIANS VERSUS UNITED STATES OF AMERICA

A letter from the Chairman of the Indian Claims Commission transmitting, pursuant to law, its report to the Congress of its final determination in respect to the case of the Cowlitz Tribe of Indians versus United States of America (with an accompanying report). Referred to the Committee on Appropriations.

PROPOSED LEGISLATION BY THE CIVIL AERONAUTICS BOARD

A letter from the Chairman of the Civil Aeronautics Board transmitting a draft of a proposed bill to amend the Federal Aviation Act of 1958 so as to specifically provide that remedial orders issued by the Civil Aeronautics Board in enforcement proceedings may require the repayment of charges in excess of those in lawfully filed tariffs (with accompanying papers). Referred to the Committee on Commerce.

PROPOSED LEGISLATION BY THE CIVIL AERONAUTICS BOARD

A letter from the Chairman of the Civil Aeronautics Board transmitting a draft of a proposed bill to amend the Federal Aviation Act of 1958 so as to clarify the powers of the Civil Aeronautics Board in respect of consolidation of certain proceedings (with accompanying papers). Referred to the Committee on Commerce.

PROPOSED LEGISLATION BY THE DEPARTMENT OF THE INTERIOR

A letter from the Acting Secretary of the Interior transmitting a draft of proposed legislation to amend the Natural Gas Act to extend its application to the direct sale of natural gas in interstate commerce, and to provide that provisions of the act shall not apply to certain sales in interstate commerce (with accompanying papers). Referred to the Committee on Commerce.

REPORT BY THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary of Health, Education, and Welfare transmitting pursuant to law, a report concerning grants approved by HEW financed wholly with Federal funds (with an accompanying report). Referred to the Committee on Finance.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Revisions Needed in Financial Management Policies of the Federal Government's Automatic Data Processing Fund" (with an accompanying report). Referred to the Committee on Government Operations.

REPORT OF THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary of Health, Education, and Welfare transmitting, pursuant to law, a report on the results of an investigation of youth camp safety (with an accompanying report). Referred to the Committee on Labor and Public Welfare.

REPORT OF THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary of Health, Education, and Welfare transmitting, pursuant to law, a report on efforts to assign Public Health Service physicians to counties that are currently without the services of a resident physician (with an accompanying report). Referred to the Committee on Labor and Public Welfare.

REFERRAL OF COMMUNICATION TO THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS AND THE COMMITTEE ON ARMED SERVICES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a communication from the Department of the Interior relative to certain leases issued pursuant to the Outer Continental Shelf Lands Act and to explore Naval Petroleum Reserve No. 4 be jointly referred to the Committee on Interior and Insular Affairs and the Armed Services Committee.

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

REFERRAL OF COMMUNICATION TO THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS AND THE COMMITTEE ON PUBLIC WORKS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a communication from the Department of the Interior on the Outer Continental Shelf Lands Act and to regulate the construction and operation of deepwater port facilities be jointly referred to the Committee on Interior and Insular Affairs and the Committee on Public Works.

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

PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

A resolution of the Senate of the State of Montana. Referred to the Committee on Labor and Public Welfare:

S. RES. 29

"A resolution of the Senate of the State of Montana beseeching the President of the United States, the Secretary of Health, Education, and Welfare, and the Congress of the United States to protect and preserve the effectiveness and integrity of the regional medical programs

"Whereas, regional medical programs serving the people of Montana are fulfilling previously unmet rural health care needs, and

"Whereas, these programs are administered and managed at the local level with local nongovernmental personnel responsible to the regional advisory council, and the regional advisory council, as well as task force and/or committee members involved are donating their time on a voluntary basis to solve health problems at a local level, and

"Whereas, these programs build on existing strength and work with the private sector of health professionals to assist them in improving the quality and quantity of health become the most effective local force to care closer to the patient's home, and have and health care personnel in raising the quality of health care; by training new types planning and health care needs to hospitals assist the existing system to improve health care, and

"Whereas, these programs have contributed significantly to improvement of health care throughout Montana by demonstration of more effective rural health care arrangements; by assistance to community of health manpower and improving the skills of existing health care practitioners and the understanding of health care consumers through public education activities, and

"Whereas, these programs in Montana have demonstrated a marked ability to improve health care in underserved and rural areas by support and training of health workers by assisting in the development of intensive coronary care units, oral cancer clinics, and consumer education projects, diabetes management and stroke rehabilitation, heart-kidney prevention, early recognition of cancer and other health problems, and

"Whereas, the regional medical programs in Montana have effectively cooperated with each other, state health agencies, comprehensive planning, voluntary health organizations, and public as well as private, education institutions to provide assistance and consultation and establish cooperative arrangements in the regions.

Now, therefore, be it resolved by the Senate of the State of Montana: That the president of the United States, the secretary of health, education and welfare, and the congress of the United States are requested to provide sufficient funding for the fiscal year 1973 to permit continuation of the effective regional medical programs in Montana, and

"Be it further resolved, that the legislature of the state of Montana calls upon the congress of the United States to pass appropriate legislation extending authority for the regional medical programs on a continuing basis and appropriating sufficient funds for the fiscal year 1974, and

"Be it further resolved, that the legislature of the state of Montana calls upon the congressional delegation from the state of Montana to work avidly for the implementation of this resolution, and

"Be it further resolved, that copies of this resolution be sent to the president of the United States, the secretary of health, education and welfare, to the senate and house of representatives of the United States and to the senators and representatives representing the state of Montana in the United States congress."

A joint memorial of the Legislature of the State of Washington. Referred to the Committee on Commerce:

"HOUSE JOINT MEMORIAL NO. 14

"To the Honorable Richard M. Nixon, President of the United States, and to the President of the Senate and the Speaker of the House of Representatives, to the Senate and House of Representatives of the United States, in Congress Assembled, and to the Secretary of the Interior:

"We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

"Whereas, A broad cross section of interests represented by citizens, as well as State, local, and Federal agencies, under the aegis of the Governor's Task Force for Nisqually Basin carefully studied this important part of Washington State; and

"Whereas, This Task Force spent more than one year in studying and preparing their recommendations; and

"Whereas, the Nisqually Delta was considered to be an especially fragile and significant segment of the Nisqually Basin; and

"Whereas, Early action to preserve and protect this delta was stressed by the Task Force; and

"Whereas, The initial recommendation of

the Task Force specifically addressed the delta in the following language:

"That the State of Washington provide whatever support is necessary to assist the U.S. Bureau of Sport Fisheries and Wildlife to obtain funding and develop its proposed Wildlife Refuge on the Nisqually Delta area"; and

"Whereas, the State of Washington has already clearly indicated its interest, obligations, and support through acquisition of substantial acreage of the delta by its Department of Game; and

"Whereas, The United States Department of Interior has already recognized the Nisqually estuary, delta, and environs by its designation of this area as a registered National Natural Landmark;

"Now, therefore, your Memorialists respectfully pray that the Congress of the United States and the Department of Interior make available the necessary funds to immediately secure lands and waters for the Wildlife Refuge on the Nisqually Delta.

"Be it further resolved, That copies of this Memorial be immediately transmitted by the Secretary of State to the Secretary of the Interior, the secretary of the Senate of the United States, the clerk of the House of the Representatives of the United States, and to each member of the Congress from this state."

A joint memorial of the Legislature of the State of Washington. Referred to the Committee on Post Office and Civil Service:

"SENATE JOINT MEMORIAL No. 102

"To the President of the Senate and the Speaker of the House of Representatives and to the Senate and House of Representatives of the United States, in Congress assembled:

"We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

"Whereas, The State of Washington presently engages in certain public assistance programs cooperatively with the federal government, or has undertaken local phases of certain federal public assistance programs; and

"Whereas, Certain of these programs involve the mailing at first class rates of a large volume of mail to many individual recipients, for example food stamp authorizations and public assistance warrants; and

"Whereas, The annual cost to the state of Washington for postage for these federally-related mailings is approximately $329,000.00; and

"Whereas, The benefits derived from these mailings accrue in substantial part to the federal government; and

"Whereas, Charges for use of the mails are set by the Congress;

"Now, therefore, your Memorialists respectfully ask that the *Congress act to permit use of the franking privilege* for federally-related public assistance mail, or to permit such mail to go out at negotiated rates lower than the first class rate.

"Be it further resolved. That copies of this Memorial be immediately transmitted by the Secretary of State to the Secretary of the Senate of the United States, the clerk of the House of Representatives of the United States and to each member of the Congress from this state."

ENROLLED BILLS SIGNED

The ACTING PRESIDENT pro tempore (Mr. HATHAWAY) on today, April 18, 1973, signed the following enrolled bills which had previously been signed by the Speaker of the House of Representatives:

S. 1493. An act to amend title 37, United States Code, relating to promotion of members of the uniformed services who are in a missing status; and

H.R. 1975. An act to amend the emergency loan program under the Consolidated Farm and Rural Development Act, and for other purposes.

REPORT OF COMMITTEES

The following reports of committees were submitted:

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

S. 1379. A bill to authorize further appropriations for the Office of Environmental Quality, and for other purposes (Rept. No. 93–126).

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare, with an amendment:

S. 4. A bill to strengthen and improve the protections and interests of participants and beneficiaries of employee pension and welfare benefit plans (Rept. No. 93–127).

By Mr. TALMADGE, from the Committee on Agriculture and Forestry, with amendments:

S. 1572. A bill to provide equity in the feed grain set aside program by allowing participants in plan B to switch to plan A. Considered and passed.

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. TAFT (for himself, Mr. SAXBE, and Mr. COOK):

S. 1625. A bill to extend until November 1, 1978, the existing exemption of the steamboat *Delta Queen* from certain vessel laws. Referred to the Committee on Commerce.

By Mr. HASKELL:

S. 1626. A bill for the relief of Nasser Kadkhodazadeh. Referred to the Committee on the Judiciary.

By Mr. BIDEN:

S. 1627. A bill relative to Federal withholding of municipal and county income taxes. Referred to the Committee on Finance.

By Mr. SPARKMAN:

S. 1628. A bill for the relief of Antonio L. Azores. Referred to the Committee on the Judiciary.

By Mr. GURNEY (for himself and Mr. BURDICK):

S. 1629. A bill to encourage and assist the improvement of the judicial machinery through the establishment of a Division of State Court Assistance in the Federal Judicial Center, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. SPARKMAN (for himself and Mr. BROCK):

S. 1630. A bill to amend the Truth in Lending Act to protect consumers against inaccurate and unfair billing practices, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. HANSEN (for Mr. CURTIS) (for himself, Mr. HANSEN, Mr. BENNETT, Mr. DOMINICK, and Mr. FANNIN):

S. 1631. A bill to strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing retirement plans, by allowing deductions to individuals for their contributions to retirement plans, by increasing contribution limitations for self-employed individuals and shareholder-employees of electing small business corporations, by imposing an excise tax on prohibited transactions, and for other purposes. Referred to the Committee on Finance.

By Mr. JAVITS (by request):

S. 1632. A bill to extend for three years the programs for comprehensive State and areawide health planning, and for comprehensive public health service and health services development, and to repeal a requirement that at least 15 per centum of a State's formula allotment for public health services be available only for mental health services. Referred to the Committee on Labor and Public Welfare.

S. 1633. A bill to make permanent the program of research and demonstrations relating to health facilities and services. Referred to the Committee on Labor and Public Welfare.

By Mr. JAVITS:

S. 1634. A bill to amend the Drug Abuse Office and Treatment Act of 1972 to modify the authorization of appropriations for the program of special project grants and contracts, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. RANDOLPH (for himself, Mr. CRANSTON, and Mr. HARTKE):

S. 1635. A bill to amend section 9 of the Military Selective Service Act relating to reemployment rights of members and former members of the Armed Forces of the United States. Referred to the Committee on Armed Services.

By Mr. SPARKMAN (for himself, Mr. TOWER, Mr. STEVENSON, and Mr. PACKWOOD):

Sr. 1636. A bill to amend the International Economic Policy Act of 1972. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BAYH:

S. 1637. A bill to discourage the use of painful devices in the trapping of animals and birds. Referred to the Committee on Commerce.

By Mr. BIBLE (for himself, Mr. CANNON, and Mr. JACKSON):

S. 1638. A bill to authorize the Secretary of the Interior to make certain Federal lands available to State and local governments for park and recreation purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MAGNUSON:

S. 1639. A bill for the relief of Arnold J. Follett and his wife, Elsie M. Follett; and

S. 1640. A bill for the relief of Daisy M. Tharp. Referred to the Committee on the Judiciary.

By Mr. McCLELLAN (for himself, Mr. YOUNG, Mr. STENNIS, Mr. HRUSKA, Mr. PASTORE, Mr. BIBLE, Mr. COTTON, Mr. TALMADGE, Mr. HARTKE, Mr. FULBRIGHT, Mr. BENNETT, Mr. CURTIS, Mr. FANNIN, Mr. ROTH, Mr. PROXMIRE, Mr. PERCY, Mr. BROCK, Mr. LONG, Mr. DOMINICK, and Mr. JAVITS):

S. 1641. A bill to amend the Rules of the House of Representatives and the Senate to improve congressional control over budgetary outlay and receipt totals, to provide for a Legislative Budget Director and Staff, and for other purposes. Referred to the Committee on Government Operations, by unanimous consent.

By Mr. JAVITS:

S. 1642. A bill to establish a Commission on the Reform of the Federal Income Tax laws. Referred to the Committee on Finance.

S. 1643. A bill to provide minimum standards in connection with certain Federal financial assistance to State and local correctional, penal, and pretrial detention institutions and facilities. Referred to the Committee on the Judiciary.

S. 1644. A bill to assist urban criminal justice systems on an emergency basis in those cities where personal security, economic stability, peace and tranquility are most impaired and threatened by the alarming rise in the commission of serious crime. Referred to the Committee on the Judiciary.

S. 1645. A bill to provide assistance to State and local criminal justice departments and agencies in alleviating critical shortages in qualified professional and paraprofessional personnel, particularly in the corrections components of such systems, in developing the most advanced and enlightened personnel recruitment training and employment standards and programs, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. BAYH:

S. 1646. A bill to amend the Controlled Substances Act of 1970 to discharge obligations under the Convention on Psychotropic Substances relating to regulatory controls on the manufacture, distribution, importation, and exportation, of psychotropic substances, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. NELSON:

S. 1647. A bill to extend the Environmental Education Act for three years. Referred to the Committee on Labor and Public Welfare.

By Mr. MAGNUSON (for himself, Mr. JACKSON, Mr. BIBLE, Mr. ROBERT C. BYRD, Mr. CANNON, Mr. CHURCH, Mr. COTTON, Mr. CURTIS, Mr. DOLE, Mr. EASTLAND, Mr. GOLDWATER, Mr. GRAVEL, Mr. HART, Mr. HOLLINGS, Mr. HUGHES, Mr. INOUYE, Mr. MANSFIELD, Mr. McGEE, Mr. McGOVERN, Mr. MONDALE, Mr. MOSS, Mr. NELSON, Mr. PASTORE, Mr. PELL, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SCOTT of Pennsylvania, Mr. SCOTT of Virginia, Mr. SPARKMAN, Mr. STEVENS, Mr. THURMOND, and Mr. WILLIAMS):

S. 1648. A bill to establish the calendar year as the fiscal year of the Government, to provide for separate periods during sessions of the Congress for the consideration of appropriations bills, and to provide for the establishment of annual appropriations and expenditure ceilings. Referred to the Committee on Government Operations.

By Mr. RANDOLPH:

S. 1649. A bill for the relief of Mostafa Ibrahim Shaaban and his wife, Aziza Shaaban. Referred to the Committee on the Judiciary.

By Mr. BURDICK (for himself and Mr. YOUNG):

S. 1650. A bill to declare that certain Federally owned land is held by the United States of America in trust for the Turtle Mountain Band of Chippewa Indians of the Turtle Mountain Chippewa Indian Reservation. Referred to the Committee on Interior and Insular Affairs.

By Mr. MATHIAS:

S. 1651. A bill for the relief of Jorge N. Birnios. Referred to the Committee on the Judiciary.

S. 1652. A bill to authorize the burial of the remains of Marie E. Newman in Arlington National Cemetery, Virginia. Referred to the Committee on Veterans' Affairs.

By Mr. SCHWEIKER:

S. 1653. A bill to prohibit the importation into the United States of commercially produced domestic dog and cat animal products; and to prohibit dog and cat animal products moving in interstate commerce. Referred to the Committee on Finance.

By Mr. JAVITS:

S. 1654. A bill to provide for the extension of the Developmental Disabilities Services and Facilities Construction Act and for other purposes. Referred to the Committee on Labor and Public Welfare.

S. 1655. A bill to add an additional judgeship in the western district of New York. Referred to the Committee on the Judiciary.

By Mr. ABOUREZK:

S.J. Res. 96. A joint resolution designating June 3 through June 9 as "Custodian Engineers Week, 1973." Referred to the Committee on the Judiciary.

By Mr. SCHWEIKER:

S.J. Res. 97. A joint resolution to authorize and request the President to issue annually a proclamation designating the week beginning on the fourteenth day of May as "Diabetes Week." Referred to the Committee on the Judiciary.

By Mr. HUMPHREY:

S.J. Res. 98. Joint resolution relating to nationwide gasoline and oil shortages. Referred to the Committee on Banking, Housing and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TAFT (for himself, Mr. SAXBE, and Mr. COOK):

S. 1625. A bill to extend until November 1, 1978, the existing exemption of the steamboat *Delta Queen* from certain vessel laws. Referred to the Committee on Commerce.

Mr. TAFT. Mr. President, I am today introducing on behalf of Senators SAXBE, COOK, and myself, a bill to extend until November 1, 1978, the existing exemption of the steamboat *Delta Queen* from the 1966 safety at sea law. I feel that this measure is necessary and appropriate to protect an important and historic vessel.

By definition and intent the *Delta Queen* was not intended to have been included in the safety at sea law to begin with.

Recognizing the great popularity and value of the *Delta Queen*, Congress has acted on three occasions to extend its life as an overnight passenger packet. Most recently, after unanimous approval by the Senate, the House of Representatives voted 295 to 73 to exempt the *Delta Queen* from the safety at sea law until November 1, 1973.

For those not familar with the *Delta Queen*, she is a shallow draft vessel whose operation is limited entirely to the inland rivers—specifically the Mississippi and its tributaries. It is never more than a few minutes from shore and never encounters the hazards of the open sea. Most of her staterooms open on to the outside decks for added safety advantage. It is worth noting that in the more than 80 years during which the *Delta Queen*'s owners have operated 28 riverboats, they have never experienced a single passenger fatality.

It is even more impressive to note that the *Delta Queen*'s owners have conscientiously lived up in good faith to the confidence which Congress implied in granting last year's 3-year exemption.

Her owners have spent approximately $500,000 on repairs, renovation and remodeling to make her safer and more comfortable. Safety improvements included removing 45 years' accumulation of oil base paints on the exterior and applying on the overheads and bulkheads of the superstructure three coats of fire retardent and fire resistent paint. The interiors of all staterooms were similarly treated. All canvas covered decks were stripped bare and covered with a fire proof flexible compound.

A complete new diesel electric generator system was installed. All auxiliary and support systems may now be operated even in the event steam is shut off. New electrical pumps for the automatic sprinkler system and the fire mains can also be operated by the new diesel generator. There were numerous other safety improvements made during the winter layup including the installation of an automatic fire detection system in crew and work areas. The owners have installed a modern sanitation system that far exceeds recommendations proposed by the Environmental Protection Agency.

At a cost of $200,000, the *Delta Queen* is equipped with an experimental sewage disposal plant aboard, considered to be the most sophisticated sewage disposal system in use on American rivers. It is designed to collect all of the boat's wastes and to dispose of them entirely on board, leaving virtually nothing to be emptied ashore or into the air or water. The system filters out solid wastes and routes them to an incinerator, which burns them quickly at temperatures high enough to minimize escape of gases.

Gases and ash from the boilers go through filter traps installed in the boat's stack some time ago to collect soot and change the plume of heavy black smoke that was a traditional characteristic of steamboats into a small whisp of white steam.

The owners of the *Delta Queen* have carefully met every requirement set by the U.S. Coast Guard in annual and quarterly inspections. Further, they have met and exceeded safety recommendations by independent experts and the National Aeronautics and Space Administration.

Recognizing the fact that the *Delta Queen* is the last overnight steamboat operating on the Ohio, Mississippi, and Tennessee Rivers, the Department of Interior has listed the *Delta Queen* in the National Register of Historic Places. Dedicated citizens and preservation groups such as the National Trust for Historic Preservation have widely acclaimed the *Delta Queen* as one of the few living monuments to a bygone era and have been most vocal in recommending to Senators and Congressmen that the vessel be permanently exempted from the safety at sea law.

The *Delta Queen*'s owners have assured me that they have made, and will continue to make, every possible effort to meet the requirements of the Coast Guard, the Environmental Protection Agency and other interested Federal authorities. The expense to the owners is and has been substantial, but they, as I believe it is important that the *Delta Queen* be above reproach in every way.

By Mr. BIDEN:

S. 1627. A bill relative to Federal withholding of municipal and county income taxes. Referred to the Committee on Finance.

"UNCLE SAM—THE TAX SCOFFLAW"

Mr. BIDEN. Mr. President, payroll withholding of Federal and State income taxes is an idea whose time has largely come—but not in all sectors. Specifically, I refer to the matter of municipal and county income taxes. It would greatly facilitate matters if the Federal Government would also deduct local in-

come taxes of Federal employes in Wilmington and many other communities which levy a wage or income tax.

This would assist the cities in obtaining a more orderly and more complete flow of tax revenues, as the Wilmington (Delaware) Evening Journal recently said in an editorial.

In furtherance of this proposal, I send to the desk for introduction a bill, similar to one now pending before the House Ways and Means Committee under the sponsorship of Representative WILLIAM GREEN of Pennsylvania, that would require the Treasury Department to withhold a local wage-tax from employes of the Federal Government in those localities where it is required of other employers.

Finally, Mr. President, I also ask that there be printed with these remarks and the text of the bill an editorial from the Wilmington (Delaware) Evening Journal for April 6, 1973.

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

S. 1627

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Act entitled "An Act relating to withholding for State income tax purposes, on the compensation of Federal employees", approved July 17, 1952, as amended by Public Law 86-371 (73 Stat. 653; 5 U.S.C. 84b, 84c), is amended—

(1) by striking out "or territory" each place it appears in the first section and inserting in lieu thereof "or city";

(2) by striking out the last sentence of section 2 and inserting in lieu thereof the following: "However, no department or agency of the United States shall accept compensation from any State or city for services rendered in withholding State or city income taxes from the salaries of employees of such department or agency."; and

(3) by adding at the end thereof the following new section:

"SEC. 3. For purposes of this Act, the term 'city' means only a city which is incorporated under the law of a State and which had a population (according to the last decennial census) of sixty thousand or more individuals."

(b) The amendments made by subsection (a) shall apply only in respect of agreements entered into after the date of the enactment of this Act.

UNCLE SAM, THE TAX SCOFFLAW

About one-tenth of the population of the United States lives in cities that have municipal income taxes—and in those cities the most notorious lawbreaker is a scofflaw known as Uncle Sam. He refuses to obey ordinances that say he should collect the taxes from his employes.

City income taxes have been on the scene for 34 years—ever since Philadelphia enacted the first one in 1939. A couple of years after that, during World War II, the federal government invented the pay-as-you-earn income tax. Employers were required by law to withhold federal income taxes from each paycheck, as they had been doing with Social Security deductions since 1936.

The withholding method quickly became the only sensible way to collect income taxes from multitudes of people. So the states got on the bandwagon and decreed that employers must withhold state income taxes also from paychecks. For several years, Uncle Sam balked. He said there was no way the states could require him to make deductions from the salaries of federal employes unless he felt like it—and he felt that he just couldn't be bothered. So the states had to collect by mail from federal employes within their borders.

Eventually the states raised a loud enough fuss and Congress passed a law requiring Uncle Sam to obey state taxwithholding laws. But the law neglected to mention city or county income taxes. So the Civil Service Commission and the Treasury Department go right on pretending that city income taxes do not exist.

By now, Wilmington is one of 46 cities of more than 50,000 people that levy local income or wage taxes. They range in size from New York City and Philadelphia to Lima, Ohio, and Gadsden, Ala., but most of them use withholding systems.

A majority of them collect a flat 1 per cent of gross income, but the rates range up to Philadelphia's 3.125 per cent and New York's maximum of 3.5 per cent.

In all those cities, the result of Uncle Sam's intransigence is similar. While everybody else is having the wage tax deducted more or less painlessly from paychecks, employes of the federal government must mail quarterly form and checks to City Hall.

Two years ago, U.S. Rep. Bill Green of Philadelphia introduced a bill to require Uncle Sam to deduct local income taxes where it is required of other employers. The bill passed the House but stalled in the Senate on a procedural tangle. It died with the outgoing Congress last December.

This year, Rep. Green has offered the same proposal as an amendment to an omnibus tax-reform bill that is being considered by the House Ways and Means Committee, of which he is a member. It is given a good chance of ultimate passage.

It should happen soon. Uncle Sam is not at his best in the role of a deliberate lawbreaker.

By Mr. GURNEY (for himself and Mr. BURDICK):

S. 1629. A bill to encourage and assist the improvement of the judicial machinery through the establishment of a Division of State Court Assistance in the Federal Judicial Center, and for other purposes. Referred to the Committee on the Judiciary.

Mr. GURNEY. Mr. President, on behalf of myself and my distinguished colleague from North Dakota (Mr. BURDICK), I am pleased to introduce the State Court Assistance Act of 1973.

The basic purpose of this bill is to provide necessary assistance to our State and local court systems for the improvement of their administration and procedures for the delivery of justice. A program for such improvements will be the function of a new Division of State Court Assistance to be established in the Federal Judicial Center. This will place meaningful responsibility for the improvement of State judicial machinery where it belongs: in the judicial branch of government.

The bill contemplates direct assistance going to the States through grants-in-aid, for which an application procedure is outlined. For a 4-year period, the new Division will assist in providing supportive personnel to State and local court systems as a means of stimulating State efforts to cope with existing backlog problems.

In addition to these specific activities of direct assistance, the Division will also provide a broad range of programs designed to study and evaluate the needs of State and local court systems, to collect and disseminate pertinent information relative to court assistance, and to conduct educational programs for those involved in court administration. These educational programs will be a particular boon to court personnel, since they will provide a cohesive and comprehensive means of obtaining the most current information on techniques and technology of court reform, sharing the experiences and suggestions of court systems across the country. These educational objectives include special college courses in court administration.

The bill sets up a specific framework for administration of the Division, and calls for the necessary funds to be authorized. For the grant programs, the bill sets specific authorization levels for the 4-year period as follows: $50,500,000 for fiscal year 1974, $73,500,000 for fiscal year 1975, $93,500,000 for fiscal year 1976, and $132,000,000 for fiscal year 1977. These figures have been carefully calculated to provide sufficient funding for each year, without providing too much money, which would lead to waste or insufficient funding, which would lead to inability to achieve the objectives of the act.

I would like to make specific reference to one section of the bill which refers to Federal control over State and local courts. The bill specifically states that the Division, or any of its personnel, may not control the administration or procedure of any court, nor can it make any study of a court system, without prior approval of the highest judicial authority in the State. Thus the bill specifically provides for adherence to the principles of federalism upon which our governmental framework has been organized.

In considering the effectiveness of our justice delivery system, we must take into account the needs of its three basic components: law enforcement agencies, the courts, and the corrections system. Like a giant machine, these three elements must work together to keep the flow of justice steady.

After decades of overwork and lack of repair, our machine has begun to break down. The crisis came in stages. Law enforcement suffered heavily in the late 1960's. Particularly in urban areas, many people lived in increasing and constant fear of being robbed, assaulted or even murdered as they went about their city. In 1 year—1968—the crime rate shot up an incredible 19 percent.

Then too, prisons erupted in violence after long years of neglect, low budgets, rising costs, untrained staff and overcrowded, time-worn facilities unsuitable for adequate treatment programs. As militant and politically conscious minorities became aware of the potential effectiveness of collective protest and dramatic public exposure, smoldering feelings of prison unrest and frustration resulted in the prison riots such as Attica in September 1971. The tensions ensuing from Attica reached into prisons throughout the country, causing a rash of smaller riots which has not yet fully receded.

The judicial system reflects its own crisis. Because the courts represent the "processing" stage of the machinery of justice, their problems are particularly

crucial and important. Overcrowding, backlogs and delays are themselves a source of injustice, whether it takes the form of incomplete judicial consideration of a case, or hurried consideration of a case without the fullest application of patience and compassion.

I believe we are beginning to make progress in repairing our justice delivery system. In response to the crime problem, we have reacted with various legislative efforts, such as the Omnibus Crime Control and Safe Streets Act, and the recent amendments to the omnibus crime bill, S. 800, to provide additional penalties for the criminal use of firearms, and to provide mandatory sentences for convicted pushers of hard narcotics. As a result of these continuing efforts, which I have vigorously supported, we recorded, during the first 9 months of last year a crime increase of only 1 percent—the smallest increase since the FBI began issuing quarterly crime reports 12 years ago, and for the first time in 17 years, we had an actual decrease in the incidence of crime. During 1972, 94 major cities reported actual decreases in serious crimes, compared with 53 cities in 1971, 22 cities in 1970, and 17 cities in 1969. Nationally, serious crime declined by some 8 percent in the final quarter of the year, after registering its 1-percent increase for the first 9 months.

Congress has been dealing with major efforts to bring about reforms in our prison systems, to insure decent conditions and to encourage rehabilitation rather than blind retribution. In 1970 we saw the first jail census, conducted by the Law Enforcement Assistance Administration, which disclosed at least 4,037 jails existing in our Nation. On an average day the prison and jail population of the country exceeds 160,000. To finance the penalizaton of these individuals, nationally in 1969 some $324,278,000 was spent on these 4,037 jails, funding which amounts to over $80,000 per jail per year.

We have made progress in recent years in prison and penal reform. According to a 1972 survey by the National Clearinghouse for Criminal Justice Planning and Architecture, 25 States now have established operational standards for local jails, and 18 others administer standards for facility planning and construction. The Federal Government has contributed to improved jail conditions. The Federal system contracts with some 800 jails for the detention of Federal prisoners awaiting trial or transportation to a Federal institution. Although the Federal system has no standards for jail inspection, in many instances these contractual arrangements serve as an impetus to local officials to comply with standards suggested by Federal officials. Perhaps we will begin to make even greater progress in this important area.

Of the three elements in our justice delivery system, crime and prison conditions are often the more obvious to the average citizen. The need for court reform may not, however, be so readily apparent to the public eye. For one thing, there have been no incidents of violent protest to dramatize the plight of the courts. The judges continually complain of their conditions, but their listeners are usually lawyers, their forums bar conventions or meetings, and their results few. The lawyers sympathize, but they are caught in the same mire of public indifference or unconcern. Also, discussions of court problems are too often technical and statistical in nature, not readily assimilated by the casual lay observor, unless, of course, he happens to be one of the statistics. To the layman, the law is mysterious and arcane, and, unfortunately, so too are its problems.

The fact of the matter is simply this: our court systems are incredibly bogged down by staggering caseloads, largely as a result of archaic procedures and a lack of adequate staffing or facilities. The brunt of this burden is felt by State and local court systems, the marketplace of justice, with the excess of cases of concurrent jurisdiction spilling over into the Federal courts.

One disturbing result of this situation has been a weakening of the sixth amendment's guarantee of a speedy trial for the criminally accused. In Philadelphia, for example, a "speedy trial" may take over 5 months to begin; in Ohio the average delay is over 6 months; and in Chicago it may be 9 months or more before a case comes to trial. These are average figures, and there are many civil cases which have taken up to 5 years from date of filing to termination.

During the time of the delay, an innocent man may be held in jail longer than the time many convicted criminals stay incarcerated, while a criminal may be free on bail to perpetuate further crimes against society. The system of backward justice must stop. The Supreme Court of the United States held the sixth amendment's speedy trial right applicable to the States in 1967, in Klopfer against North Carolina, and thus there has devolved upon the Federal Government a species of responsibility for insuring the fullest realization of the substance of that right. While we may be making progress toward protection of that right at the Federal level, through such measures as S. 754, the Speedy Trial Act of 1973 which hopefully will be passed this year, we have taken negligible action to improving the reality of that right at the State level.

Other aspects of backward justice must also be considered. As President Nixon pointed out in a recent radio address:

> When we fail to make the criminal pay for his crime, we encourage him to think that crime will pay.

Caseload statistics and other examples continue to emphasize the need for reform in our State and local systems. Last fall, for example, the backlog in the Los Angeles Superior Court increased by 600 cases in 1 month alone. At the end of September, this backlog amounted to 40,610 civil cases. For criminal cases the number of defendants awaiting trial was a "mere" 6,315, a lesser number which indicates some propriety of priorities but no less a problem. In other words, in this one county alone it would take 57 extra judges working for 1 year to catch up with the civil case backlog, using current annual calendar case disposal criteria.

In Virginia, the Fairfax County court, geographically proximate to the Nation's Capital, was actually ordered closed recently for 2 days to clear up the paperwork. According to news reports, "Many of the records in the court clerk's office have not been filed since last April, and others have been lying in the same disheveled stacks since the fall of 1969."

The problem is not confined to coastlines. In the Kansas court system, there are 1,597 cases which have been pending over 24 months.

We can cite a number of reasons for this problem of case backlogs. There is an obvious cause and effect relationship between our population growth, increased economic transactions, the number of new laws enacted, and increased litigation. The courts simply have more business to handle, not altogether due to, as DeToqueville put it, Americans' tendencies to translate every problem into a lawsuit.

Procedurally, cases may be put off indefinitely through the granting of continuances. In Cook County, Ill., for example, one judge has allowed 53 continuances for one murder case, pending since 1969. Sometimes a defense counsel will request a delay purposely, hoping to increase his client's chances for success as memories of witnesses dim through the passage of time, or hoping to keep a client out of jail a little while longer. Often it is a matter of preparation; one side is not ready to go to trial, and the case is delayed.

A good deal of court delay can be directly attributed to archaic and time-consuming procedures involved in court administration. Out-of-date filing processes, handwritten dockets, ledgers and court journals—all of these are stumbling blocks to the efficient issuance of justice. They should be replaced by more modern management techniques which are available to us. If all the monks in 12th century France copied pages day and night, they still could not publish the New York Times on a daily basis. And yet this is the approach we still use in many of our court systems.

A number of State judicial officers have pointed out specific needs to their legislatures in their annual reports. In my own State of Florida, for example, Justice B. K. Roberts made this comment:

> I feel compelled to call to your attention that in Court Management, the twenty Chief Judges will have urgent need for some form of assistance, and I hope, at the proper time, you will consider providing each of them with an Administrative Aide, or, if that cannot be done, I suggest that you consider authorizing the county within each judicial circuit to make such provision.

Kentucky's judicial council makes this ominous statement in its biennial report:

> The courts of the Commonwealth, structured within the limitations of the 1891 Judicial Article, are currently faced with dramatic increases in caseloads. While internal improvements are in progress, unless substantial court modernization can soon be realized, the proper administration of justice may be endangered by the congestion of spiraling backlog.

And from Delaware's judiciary comes this recommendation:

Among the many problems facing the Courts of the State of Delaware, two which should receive top priority in 1973 are the need for additional space and the need for more support personnel. Many of the higher courts are cramped and need more courtrooms because of the increased workload, and some of the lower courts are crowded into structures totally unsuited to the needs of a courtroom. The constant struggle to provide temporary solutions is both time-consuming and demoralizing.

Mr. President, the chairman of the Subcommittee on Improvements in Judicial Machinery, Senator BURDICK, has taken an active and commendable role in the effort to bring about effective judicial reform. Both Senator BURDICK and I have sponsored previous proposals along these lines. The bill we are together introducing today combines the experiences of these efforts and represents the knowledge gained from discussions with individuals involved in all aspects of court administration.

The State Court Assistance Act will provide the wherewithall for State and local judicial systems to help themselves. It will encourage the use of efficient management techniques, such as data processing, microfilming or other modern business machines. It will assist in providing adequate supportive personnel, court administration education programs and seminars, and other pertinent information and devices. There are a number of techniques which will, as a result of this bill, be more adequately evaluated and employed, programs perhaps such as increased use of para-judges or similar personnel.

There are two final points I should like to make about this bill, points I believe to be of particular importance. First, this program is totally voluntary in nature and intent, and there is sufficient language in the bill to emphasize the fact that no Federal incursion or controls into a State or local court system is to be allowed. Participation and planning under this bill is to be only with the explicit approval of the State's highest judicial officer. The bill also would incorporate by reference standards of judicial performance adopted by the States themselves through the Council of State Court Representatives of the National Center for State Courts.

Secondly, I believe it is highly advisable to place the function of providing assistance to State courts within the judicial branch of government, as is done here by placing the Division within the Judicial Center. Decades ago Congress realized that it is desirable, and within the structural mandates of the principle of separation of powers, to extricate judicial management from the Department of Justice. What is now the Administrative Office of the United States Courts began as a section of the Department of Justice, and the unsatisfactory conditions which this aberration from the principle of separation of powers fostered led the Congress to place court administration within the judiciary where it belongs.

That is what I believe to be one of the great virtues of the approach this bill takes. The result will be to transfer the function of providing judicial assistance from the Law Enforcement Assistance Administration to a new agency under the judicial branch. This transfer, I believe, makes sense and has clear historical precedent. Both the courts, and the States, are thus placed in a position to help themselves. This is a good thing.

I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of these remarks.

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

S. 1629

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "State Court Assistance Act".

SEC. 2. (a) Congress finds that rapid growth of population, the great expansion of economic activity and the facility of communication and travel in and between the several States have resulted in a great increase in the civil caseload of both Federal and State courts. The amicable disposition of disputes between citizens of each State and of the several States by a system of law is impeded, and the efficacy of a system of law is threatened, when the courts of the dual system are unable to decide civil disputes promptly.

(b) Congress further finds that, while the organization and administration of State courts is largely a local problem to be decided by State and local governments, certain Federally created rights are by Act of Congress permitted, and in some instances required, to be tried in State courts. To the extent that State courts are less current than Federal courts in the trial of cases of a civil nature, more cases of concurrent jurisdiction are commenced in Federal rather than State courts.

(c) It is therefore the declared policy of the Congress to assist State and local governments in studying improvements in the administration of State courts and in providing, for an initial period, an increase in the supportive court personnel necessary to bring about a reduction in the backlog of cases awaiting trial.

SEC. 3. (a) (1) Sections 631 through section 639 of title 28, United States Code, and all references thereto, are redesignated as sections 651 through 659, respectively.

(2) The analysis of chapter 43 of such title is amended by striking out—

(A) "631" and inserting in lieu thereof "651",

(B) "632" and inserting in lieu thereof "652",

(C) "633" and inserting in lieu thereof "653",

(D) "634" and inserting in lieu thereof "654",

(E) "635" and inserting in lieu thereof "655",

(F) "636" and inserting in lieu thereof "656",

(G) "637" and inserting in lieu thereof "657",

(H) "638" and inserting in lieu thereof "658", and

(I) "639" and inserting in lieu thereof "659".

(b) Chapter 42 of title 28, Unted States Code, is amended by—

(1) inserting immediately before section 620 the following new heading:

"Subchapter I—FEDERAL JUDICIAL CENTER"

and

(2) by adding at the end of such chapter the following new subchapter:

"Subchapter II—DIVISION OF STATE COURT ASSISTANCE

"§ 631. Division of State Court Assistance

"There is established within the Federal Judicial Center a Division of State Court Assistance whose purpose shall be to further the development and adoption of improvements in the organization, procedure, and administration of local and State courts and to make grants-in-aid to the States for studies and investigations and to provide, for an initial period, additional supportive personnel to State and local courts.

"§ 632. Board; composition, selection, tenure of members

"(a) The activities of the Division shall be supervised by a Board which shall have final responsibility for establishing the policies of the Division and shall, except as otherwise provided in this subchapter, exercise the authority granted to the Division.

"(b) The Board shall be composed of—

"(1) a representative selected by the National Conference of Chief Justices;

"(2) a representative selected by the National Conference of Court Administrators;

"(3) a representative elected by the National Conference of Appellate Judges;

"(4) a representative selected by the National Conference of State Trial Judges, and

"(5) five members appointed by the President.

Of the members appointed pursuant to clause (5) of subsection (b), two shall be appointed from among persons who are judges and two from among persons who are attorneys engaged in the private practice of law.

"(c) No two members of the Board appointed by the President shall be residents of the same State and not more than three members of the Board appointed by the President shall be members of the same political party.

"(d) The members of the Board shall serve for a term of four years. No member of the Board who ceases to be a member of the organization selecting him may serve on the Board. Any vacancy of a member selected pursuant to clauses (1) through (4) of subsection (b) shall be filled by the appropriate selecting authority for the remainder of the term for which his predecessor was selected. Any vacancy on the Board of a member selected pursuant to clause (5) of subsection (b) shall be appointed by the President for the remainder of the term for which his predecessor was appointed.

"(e) The Board shall select a Chairman from among the members of the Board at the first meeting of the Board. The first meeting of the Board shall be held on the ninety-first day after the date of enactment of this subchapter.

"§ 633. Meetings; conduct of business; compensation

"(a) Regular meetings of the Board shall be held quarterly. Special meetings shall be held from time to time upon the call of the Chairman, acting at his own discretion or pursuant to the petition of any four members.

"(b) Each member of the Board shall be entitled to one vote. A simple majority of the membership shall constitute a quorum for the conduct of business. The Board shall act upon the concurrence of the simple majority of the members present and voting.

"(c) Members of the Board shall receive compensation at the rate of $75 per day while engaged in the actual performance of duties vested in the Board, and shall also be reimbursed for travel, subsistence, and other necessary expenses incured by them in the performance of such duties, so long as consistent with State law.

"§ 634. Duties of the Board

"(a) In order to carry out the objectives of

this subchapter, the Board is authorized—

"(1) to conduct or cause to be conducted seminars and other educational programs for judges and personnel of State and local courts;

"(2) to collect, evaluate, publish, and disseminate information, materials, and other data relating to studies, programs, and projects conducted or carried out by the Institute or by a State under this chapter;

"(3) to cooperate with the National Center for State Courts and to render technical assistance to Federal, State, local or other public or private agencies; and

"(4) to accept, in its discretion, gifts and other donations to be used in carrying out the purpose of the Institute.

"(b) In order to further carry out the objectives of this subchapter, the Board is authorized to make grants, in accordance with the provisions of this subchapter, to State and local courts or to public agencies or private nonprofit organizations for the following purposes—

"(1) to permit a State to study and evaluate State and local court systems, and to prepare recommendations for organizational, procedural, and administrative improvements of such systems, including projects designed to meet compliance with standards of judicial performance recommended by the Council of State Court Representatives of the National Center for State Courts, and including, but not limited to, any of the following—

"(A) the disposition of pedestrian and nonmoving vehicular traffic offenses by administrative rather than judicial procedures,

"(B) the revision of criminal codes, statutes or ordinances to provide for a feasible system of adjudicating petit misdemeanor offenses by other than jury trials.

"(C) the use of referees or masters to supervise under court direction pre-trial proceedings, including correction of pleadings, enforcement of discovery, simplification of issues, and consideration of settlement possibilities in money-only cases,

"(D) the resolution of conflicts between several courts, both State and Federal, over the assignment of trial counsel,

"(E) the use of referees or masters to facilitate the adjudication and disposition of juvenile cases and uncontested divorce and probate cases,

"(F) the disposition of cases involving victimless minor offenses by administrative rather than judicial procedures,

"(G) the expedition of appeals by simplification of the transcript or other record of trial and the expedition of such transcript by use of electronic recording devices or by supplying supplemental official court reporter positions.

"(H) a re-examination of procedures used in small claim courts, including reassessment of procedures assuring adequate notice and opportunity to be heard in consumer cases, and

"(I) for such other purposes consistent with the objectives of this chapter as the Board determines is appropriate.

"(2) to present seminars and other education programs for judges and personnel of local and State courts;

"(3) to establish on a regional basis in accredited universities and colleges programs of instruction in court administration, management, and other para-judicial duties;

"(4) to defray the expense, including salary and rent of any additional office space, necessary to implement and maintain for a period of 4 years any approved improvement program specified in subsection (b) (1) of this clause which requires the services of additional judges and supportive personnel, exclusive of clerical and stenographic personnel, except that not more than 90 percent of the cost of salaries and rent of additional office space shall be paid out of grants made under this clause.

"(5) for such other purposes, consistent with the objectives of this subchapter, as the Board determines necessary or desirable except that no such grant or part thereof may be used for the construction, improvement, or alteration of buildings.

"§ 635. Powers of the Board

"The Board is authorized—

"(1) to appoint and fix the duties of the Director of the Division of State Court Assistance, who shall serve at the pleasure of the Board;

"(2) to request from any department, agency, or independent instrumentality of the Government any information it deems necessary to the performance of the functions of the Division of State Court Assistance set forth in this subchapter, and each such department, agency, or instrumentality is directed to cooperate with the Board and, to the extent permitted by law, to furnish such information to the Division upon request of the Chairman or upon request of the Director when the Board has delegated this authority to him;

"(3) to contract with and compensate government and private agencies or persons for research projects and other services, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), and to delegate such contract authority to the Director of the Division of State Court Assistance, who is empowered to exercise such delegated authority.

"§ 636. Director and staff

"(a) The Board shall appoint and fix the duties of the Director of the Division who shall serve at the pleasure of the Board.

"(b) The Director's per annum compensation shall be set by the Board in an amount not to exceed $36,000 per annum. His appointment and salary shall not be subject to the provisions of title 5, United States Code, governing appointments in the competitive service, or the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classifications and General Schedule pay rates.

"(c) The Director shall appoint and fix the compensation of such additional professional personnel as the Board may deem necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, or the provisions of chapter 53 and subchapter III of chapter 53 of such title, relating to classifications and General Schedule pay rates, except that (1) the compensation of any person appointed under this subsection shall not exceed the annual rate of basic pay of Grade 17 of the General Schedule pay rates, section 5316, of title 5, United States Code, and (2) the salary of a reemployed annuitant under the Civil Service Retirement Act shall be adjusted pursuant to the provisions of section 8344, title 5, United States Code.

"(d) The Director shall appoint and fix the compensation of such secretarial and clerical personnel as he may deem necessary, subject to the provisions of title 5, United States Code, governing appointments in the competitive services, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classifications and General Schedule pay rates.

"(e) The Director may procure personal services as authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the highest rate payable under General Schedule pay rates, section 5332, title 5, United States Code, unless such higher rate is approved by the Board.

"(f) The Director is authorized to incur necessary travel and other miscellaneous expenses incident to the operation of the Division.

"§ 637. Retirement; employee benefits

"The Director, the professional staff, and the clerical and secretarial employees of the Division shall be deemed to be officers and employees of the judicial branch of the United States Government within the meaning of subchapter III of chapter 83 (relating to civil service retirement), chapter 87 (relating to Federal employees life insurance program), and chapter 89 (relating to Federal employees health benefits program), to title 5, United States Code.

"§ 638. Procedure for obtaining grants

"(a) The Director shall, after consultation with the Board, issue regulations establishing general standards for obtaining grants under this subchapter. The regulations shall provide for regular reports to the Director by a recipient of a grant under this subchapter, and the Director shall from time to time, on the basis of the reports and other information available to him, review and, if necessary, revise the regulations issued pursuant to this section. Such regulations and revisions thereof shall not become effective until approved by the Board.

"(b) After the regulations referred to in subsection (a) of this section have been issued, any State or local court or any public agency or private nonprofit organization desiring to secure a grant under this chapter may submit an application therefor to the Director. The application shall be in such form and contain such information as may be prescribed by the Director. The application shall be reviewed by the Director who shall recommend approval or disapproval to the Board. No application submitted for a grant under this subchapter shall be recommended by the Director for approval unless such application has been first approved by the highest judicial authority of the State in which is located the court, agency or organization submitting such application.

"(c) The Board may approve any application recommended by the Director which complies with the provisions of this subchapter. Payment to any applicant under this subchapter may be made upon the approval of the application by the Board from the appropriate allotment determined pursuant to section 640. Payment of any such grant may be made in advance or by way of reimbursement, and in such installments as may be determined by the Director, and shall be made on such conditions as the Director finds necessary to carry out the objectives of this subchapter.

"§ 639. Control prohibited and approval of chief judge

"Nothing in this Act shall be construed as authorizing the Division, the Board, or the Director thereof, to supervise or control in any manner or to any extent the administration, organization, or procedure of any State or local court, or to conduct or to cause to be conducted any study or evaluation of any State or local court without the prior approval of the highest judicial authority of the State in which such study or evaluation is to be conducted.

"§ 640. Appropriations and allocations

"(a) Except as provided in subsection (b), there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

"(b) There are authorized to be appropriated to carry out the provisions of section 634(b) the sum of $50,500,000 for the fiscal year ending June 30, 1974, $73,600,000 for the fiscal year ending June 30, 1975, $93,500,000 for the fiscal year ending June 30, 1976, and $132,000,000 for the fiscal year ending June 30, 1977, to be allocated in accordance with subsection (e) of this section.

"(c) Of the sums appropriated pursuant to subsection (a) of this section for each fiscal year, not more than $2,300,000 shall

be available for the purposes of administration expenses of the Division. Of such sums appropriated for each fiscal year, the sum of $500,000 shall be available for each fiscal year for the purpose of establishing programs of instruction in court administration.

"(d) Of the sums appropriated pursuant to subsection (b) of this section—

"(1) the sum of $3,700,000 shall be available for each of the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, and the sum of $1,700,000 shall be available for the fiscal year ending June 30, 1977, for studies assisted under clause (1) of section 634 (b);

"(2) the sum of $2,000,000 for each of the fiscal years ending June 30, 1974, and June 30, 1975, the sum of $3,000,000 for the fiscal year ending June 30, 1976, and the sum of $1,500,000 for the fiscal year ending June 30, 1977, shall be available for seminars assisted under clause (2) of section 634 (b); and

"(3) the sum of $42,000,000 for the fiscal year ending June 30, 1974, the sum of $65,000,000 for the fiscal year ending June 30, 1975, the sum of $84,000,000 for the fiscal year ending June 30, 1976, and the sum of $126,000,000 for the fiscal year ending June 30, 1977, shall be available for improvement programs assisted under clause (4) of section 634 (b).

"(e) (1) Of the sums authorized to be appropriated under subsection (b) of this section and available for studies pursuant to paragraph (1) of subsection (d) of this section, each State shall be allocated $25,000 and from the remainder of the sums so appropriated, each State shall be allocated an additional amount which bears the same ratio to such remainder as the population of the State bears to the population of all States.

"(2) Of the sums authorized to be appropriated pursuant to subsection (b) and available for seminars in accordance with paragraph (2) of subsection (d) of this section, each State shall be allotted $15,000 for the fiscal year ending June 30, 1974, and for the fiscal year ending June 30, 1975; $30,000 for the fiscal year ending June 30, 1976; and $15,000 for the fiscal year ending June 30, 1977 and from the remainder of the sums so appropriated, each State shall be allocated an additional amount which bears the same ratio to such remainder as the population of the State bears to the population of all States.

"(3) Of the sums authorized to be appropriated pursuant to subsection (b) and available for improvement programs in accordance with paragraph (3) of subsection (d) of this section, each State shall be allotted $200,000 for the fiscal year ending June 30, 1974, $300,000 for the fiscal year ending June 30, 1975, $400,000 for the fiscal year ending June 30, 1976, and $600,000 for the fiscal year ending June 30, 1977, and from the remainder of the sums so appropriated, each State shall be allocated an additional amount which bears the same ratio to such remainder as the population of the State bears to the population of all States.

"(f) The Board is authorized to allocate the remainder of the funds appropriated pursuant to subsection (b) of this section on an equitable basis.

"(g) From the sums allotted pursuant to subsections (e) and (f) of this section, the Director is authorized to pay State and local courts and public agencies and private nonprofit organizations in that State having applications approved under this subchapter.

"§ 641. Definitions

"As used in this subchapter, the term—

"(1) 'State's highest judicial authority' means the person who has been granted, by State constitution or statute, supreme supervisory authority over the courts of the State or, in the absence of such a grant or designation, the chief judge of the highest court of a State; and

"(2) 'State' means each of the several States and the District of Columbia.

"(3) 'Population' means the more recently published State population figures cited in—

"(a) the latest Decennial Census Report of the Bureau of the Census; or

"(b) the latest *Current Population Reports*, Series P–25, published by the Bureau of the Census.

"642. Annual report

"On or before April 1 of each calendar year, the Board shall report in writing to the President and to the Congress on its activities pursuant to the provisions of this chapter during the preceding calendar year."

Sec. 4. (a) The analysis of chapter 42 of title 28, United States Code, is amended to read as follows:

"CHAPTER 42—FEDERAL JUDICIAL CENTER AND THE DIVISION OF STATE COURT ASSISTANCE

"Subchapter I—FEDERAL JUDICIAL CENTER

"Sec.

"620. Federal Judicial Center.
"621. Board; composition, tenure of members, compensation.
"622. Meetings; conduct of business.
"623. Duties of the Board.
"624. Powers of the Board.
"625. Director and Staff.
"626. Compensation of the Director.
"627. Retirement; employee benefits.
"628. Appropriations and accounting.
"629. Organizational provisions.

"Subchapter II—DIVISION OF STATE COURT ASSISTANCE

"Sec.

"631. Division of State Court Assistance.
"632. Board; composition, selection, tenure of members.
"633. Meetings; conduct of business; compensation.
"634. Duties of the Board.
"635. Powers of the Board.
"636. Director and staff.
"637. Retirement; employee benefits.
"638. Procedure for obtaining grants.
"639. Control prohibited and approval of chief judge.
"640. Appropriations and allocations.
"641. Definitions.
"642. Annual report."

(b) The table of chapters of part III of title 28, United States Code, is amended—

(1) by striking out

"42. Federal Judicial Center"

and inserting in lieu thereof

"43. Federal Judicial Center and Division of State Court Assistance"; and

(2) by striking out "631" after the matter "United States Commissioner" and inserting in lieu thereof "651".

By Mr. SPARKMAN (for himself and Mr. BROCK):

S. 1630. A bill to amend the Truth in Lending Act to protect consumers against inaccurate and unfair billing practices, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

CONSUMERS CREDIT LEGISLATION

Mr. SPARKMAN. Mr. President, I introduce on behalf of the Senator from Tennessee (Mr. BROCK) and myself the Truth in Lending Act Amendments of 1973 to protect the consumer from unfair billing practices and to further update the Truth in Lending Act.

The Members of this body have long been aware of the need to give the consumer adequate protection in the area of consumer credit.

Former Senator Paul Douglas first introduced the Consumer Credit Labeling bill (S. 2755) on January 7, 1960. The measure languished for attention for several years, and when Senator Douglas left the Senate, the Senator from Wisconsin (Mr. PROXMIRE) picked up the reins and introduced a truth-in-lending bill, S. 5. S. 5 was later considered and reported by the then Banking and Currency Committee under my chairmanship and was one of the first major pieces of consumer legislation coming from our committee. The bill had my full support. It was passed by the Senate on July 11, 1967, and was later signed into law.

Title 5 of the new act provided for the establishment of a bipartisan National Commission on Consumer Finance. The purpose of the Commission was to explore and report to the Congress on the functioning and structure of the consumer finance industry as well as consumer credit transactions in general. The law establishing the Commission provided that Commission members would come from the Congress and the public sector. In addition to myself the congressional members of the Commission consisted of Senators PROXMIRE and BROCK and Representatives SULLIVAN, GONZALES, and WILLIAMS. The public members were appointed by the President and consisted of the Honorable Ira Millstein as chairman, Dr. Robert W. Johnston, professor of economics of Purdue University, and the Honorable Douglas M. Head, former attorney general of the State of Minnesota.

After 3 years of study the Commission made 85 recommendations addressed to Federal and State legislatures as well as the regulatory agencies which enforce consumer credit protection laws. Specific recommendations were made for amendments to the Truth in Lending Act to increase the effectiveness of disclosure and to provide the consumer relief from unfair billing practices. The Commission urged legislation to assure that:

Each consumer's complaint be promptly acknowledged by the creditor.

Within a reasonable period of time a creditor should either explain to the consumer why he believes the account was accurately shown in the billing statement or correct the account.

During the interval between acknowledgment of the complaint and action to resolve the problem, the consumer should be free of harassment to pay the disputed amount.

Penalties on creditors for failure to comply should be sufficiently severe to prompt compliance.

The bill Senator BROCK and I introduce today incorporates the Commission's basic recommendations for amendments to the Truth in Lending Act into an updated version of S. 652, the Fair Credit Billing Act, which passed the Senate on April 27, 1972, but upon which no action was taken in the House of Representatives.

As the Members of this body may recall, in the last session of Congress, the Senator from Wisconsin (Mr. PROXMIRE)

and the Senator from Massachusetts (Mr. BROOKE) introduced S. 652 on February 8, 1971. Extensive hearings were held on the bill by the Financial Institution Subcommittee of the Senate Banking, Housing and Urban Affairs Committee from October 26 through 29, 1971. Subsequently, both the subcommittee and the full committee met in executive session and agreed to amendments in the nature of substitute to the original bill. After a debate on the Senate floor the Senate passed S. 652 on April 27 by the large majority of 51 to 15.

Our action today is to introduce legislation which builds upon S. 652 by incorporating into it the major recommendations of the National Commission on Consumer Finance pertaining to truth in lending.

The bill will protect the consumer by:

Requiring creditors to acknowledge customers' billing disputes within 30 days and to resolve these disputes within 90 days;

Prohibiting creditors from sending dunning letters or taking other action to collect disputed amounts or making adverse credit reports during this period;

Limit creditors right to report disputed accounts to credit reporting agencies;

Requiring a brief identification of each transaction on a monthly billing statement;

Requiring the mailing of billing statements at least 14 days prior to the date payment is due;

Requiring creditors to promptly post customers' payments;

Protecting merchants from requirements that they maintain deposits with the credit card issuers or provisions that would prohibit discounts to cash customers;

Limiting a creditor's liability for punitive damages; and

Protecting consumers from fraudulent credit card transactions.

The bill contains several technical amendments to the Truth in Lending Act to provide for better methods of disclosure. This follows the recommendations of the National Commission on Consumer Finance to simplify credit advertising and encourage the advertising of credit terms. These amendments relate to the advertising of credit life and accident insurance as well as other aspects of credit advertising. We feel that these amendments would make the Truth in Lending Act more effective.

I have always supported legislation that was aimed toward protecting the consumer in financial areas. In supporting such legislation, however, I have always tried to be extremely careful to provide legislation that in fact helps the consumer and does not hurt him by diminishing the availability of credit, driving the cost of credit up or cutting out those consumers who need credit most. This is a very delicate balance that must be taken into consideration when we are developing this type of legislation.

I believe the bill that we are introducing today is within the framework of this balance and represents an important step toward protecting consumers' frustrations of inaccurate and unfair billing practices as well as from credit card fraud.

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

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

S. 1630

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Truth in Lending Act Amendments of 1973".

TITLE I—FAIR CREDIT BILLING

§ 101. Short title

This title may be cited as the "Fair Credit Billing Act".

§ 102. Declaration of purpose

The last sentence of section 102 of the Truth in Lending Act (15 U.S.C. 1601) is amended by striking out the period and inserting in lieu thereof a comma and the following:

"and to protect the consumer against inaccurate and unfair credit billing and credit card practices."

§ 103. Definition of creditor

Section 103(f) of the Truth in Lending Act (15 U.S.C. 1602(f)) is amended by adding at the end thereof the following: "Notwithstanding the foregoing, for the purposes of the requirements imposed under sections 127(a)(6), 127(a)(7), 127(a)(8), 127(b)(1), 127(b)(2), 127(b)(3), 127(b)(11), and chapter 4 of this title, the term 'creditor' means any person who regularly extends credit or arranges for the extension of credit in connection with loans, sales of property or services, or otherwise."

§ 104. Identification of transaction

Section 127(b)(2) of the Truth in Lending Act (15 U.S.C. 1637(b)(2)) is amended to read as follows:

"(2) The amount and date of each extension of credit during the period and a brief identification on or accompanying the statement of each extension of credit in a form prescribed by regulations of the Board sufficient to enable the obligor to identify the transaction, or relate it to copies of sales vouchers or similar instruments previously furnished."

§ 105. Disclosure of fair credit billing rights

(a) Section 127(a) of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end thereof a new paragraph as follows:

"(8) A statement, in a form prescribed by regulations of the Board, of the protection provided by section 161 to an obligor and the creditor's responsibilities under section 162. Such statement shall be provided to the obligor at least semiannually."

(b) Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended to read as follows:

"(c) In the case of any existing account under an open end consumer credit plan having an outstanding balance of more than $1 at or after the close of the creditor's first full billing cycle under the plan after the effective date of subsection (a) or any amendments thereto, the items described in subsection (a), to the extent applicable and not previously disclosed, shall be disclosed in a notice mailed or delivered to the obligor not later than the time of mailing the periodic billing statement required by subsection (b)."

§ 106. Disclosure of billing contract

Section 127(b) of the Truth in Lending Act (16 U.S.C. 1637 (b)) is amended by adding at the end thereof a new paragraph as follows:

"(11) The address to be used by the creditor for the purpose of receiving billing inquiries from the obligor."

§ 107. Billing practices

The Truth in Lending Act (15 U.S.C. 1601–1665) is amended by adding at the end thereof a new chapter as follows:

"CHAPTER 4—CREDIT BILLING

"Sec.
"161. Correction of billing errors.
"162. Regulation of credit reports.
"163. Length of billing period.
"164. Prompt crediting of payments.
"165. Crediting excess payments.
"166. Use of cash discounts.
"167. Prohibition of tie-in services.
"168. Prohibition of offsets.
"169. Relation to State laws.
"170. Rights of credit card customers.

"§ 161. Correction of billing errors

"(a) If a creditor, within sixty days after having transmitted to an obligor a statement of the obligor's account in connection with an extension of consumer credit, receives at the address disclosed under section 127(b)(11) a written notice (other than notice on a payment stub or other payment medium supplied by the creditor if the creditor so stipulates with the disclosure required under section 127(b)(11)) from the obligor in which the obligor—

"(1) sets forth or otherwise enables the creditor to identify the name and account number (if any) of the obligor,

"(2) indicates the obligor's belief that the statements contains a billing error and the amount of such billing errors, and

"(3) sets forth the reasons for the obligor's belief (to the extent applicable) that the statement contains a billing error,

the creditor shall, unless the obligor has, after giving such written notice and before the expiration of the time limits herein specified, agreed that the statement was correct—

"(A) not later than thirty days after receipt of the notice, send a written acknowledgment thereof to the obligor, unless the action required in subparagraph (B) is taken within such thirty-day period, and

"(B) not later than two complete billing cycles of the creditor (in no event later than ninety days) after the receipt of the notice and prior to taking any action to collect the amount, or any part thereof, indicated by the obligor under paragraph (2) either—

"(i) make appropriate corrections in the account of the obligor, including the crediting of any finance charges on accounts erroneously billed, and transmit to the obligor a notification of such corrections and the creditor's explanation of any change in the amount indicated by the obligor under paragraph (2) and, if any such change is made and the obligor so requests, copies of documentary evidence of the obligor's indebtedness; or

"(ii) send a written explanation or clarification to the obligor, after having conducted an investigation, setting forth to the extent applicable the reasons why the creditor believes the account of the obligor was correctly shown in the statement and, upon request of the obligor, provide copies of documentary evidence of the obligor's indebtedness.

"(b) For the purpose of this section, a 'billing error' consists of any of the following:

"(1) A reflection on a statement of an extension of credit which was not made to the obligor or, if made, was not in the amount reflected on such statement.

"(2) A reflection on a statement of an extension of credit for which the obligor requests additional clarification including documentary evidence thereof.

"(3) A reflection on a statement of goods or services not accepted by the obligor or his designee or not delivered to the obligor or his

designee in accordance with the agreement made at the time of a transaction.

"(4) The creditor's failure to reflect properly on a statement a payment made by the obligor or a credit issued to the obligor.

"(5) A computation error or similar error of an accounting nature of the creditor on a statement.

"(6) Any other error described in regulations of the Board.

"(c) For the purpose of this section, 'action to collect the amount, or any part thereof, indicated by an obligor under paragraph (2)' does not include the sending of statements of account to the obligor following written notice from the obligor as specified under subsection (a), if—

"(1) the obligor's account is not restricted or closed because of the failure of the obligor to pay the amount indicated under paragraph (2) of subsection (a), and

"(2) the creditor indicates the payment of such amount is not required pending the creditor's compliance with section 161.

Nothing in this section shall be construed to prohibit any action by a creditor to collect any amount which has not been indicated by the obligor to contain a billing error.

"(d) Any creditor who fails to comply with the requirements of subsection (a) forfeits any right to collect from the obligor the amount indicated by the obligor under paragraph (2) of subsection (a), and finance charges thereon, except that the amount required to be forfeited under this subsection may not exceed $50.

"§ 162. Regulation of credit reports

"(a) After receiving a notice from an obligor as provided in section 161(a), a creditor of his agent may not directly or indirectly threaten to report to any person adversely on the obligor's credit rating or credit standing because of the obligor's failure to pay the amount indicated by the obligor under section 161(a) (2), and such amount may not be reported as delinquent to any third party until the creditor has met the requirements of section 161 and has allowed the obligor the same number of days (not less than ten) thereafter to make payment as is provided under the credit agreement with the obligor for the payment of undisputed amounts.

"(b) If a creditor receives a further written notice from an obligor that an amount is still in dispute within the time allowed for payment under subsection (a) of this section, a creditor may not report to any third party that the account of the obligor is delinquent solely because the obligor has failed to pay an amount which he has indicated under section 161(a)(2), unless the creditor also reports that the account is in dispute and, at the same time, notifies the obligor of the name and address of each party to whom the creditor is reporting information concerning the delinquency.

"(c) A creditor shall report any subsequent resolution of any delinquencies reported pursuant to subsection (b) to the parties to whom such delinquencies were initially reported.

"§ 163. Length of billing period

"If an open-end consumer credit plan provides a time period within which an obligor may repay any portion of the credit extended without incurring an additional finance charge, such additional finance charge may not be imposed with respect to such portion of the credit extended for the billing cycle of which such period is a part unless a statement which includes the amount upon which the finance charge for that period is based was mailed at least fourteen days prior to the date specified in the statement by which payment must be made in order to avoid imposition of that finance charge.

"§ 164. Prompt crediting of payments

"Payments received from an obligor under an open-end consumer credit plan by the creditor shall be posted promptly to the obligor's account as specified in regulations of the Board. Such regulations shall prevent a finance charge from being imposed on any obligor if the creditor has received the obligor's payment prior to the time indicated by the creditor by which such payment must be received to avoid the imposition of a finance charge.

"§ 165. Crediting excess payments

"Whenever an obligor transmits funds to a creditor in excess of the total balance due on an open-end consumer credit account, the creditor shall promptly (1) upon request of the obligor refund the amount of the overpayment, or (2) credit such amount to the obligor's account.

"§ 166. Use of cash discounts

"(a) With respect to a credit card which may be used for extensions of credit in sales transactions in which the seller is a person other than the card issuer, the card issuer may not, by contract or otherwise, prohibit any such seller from offering a discount to a cardholder to induce the cardholder to pay by cash, check, or similar means rather than use a credit card.

"(b) With respect to any sales transaction, any discount not in excess of 5 per centum offered by the seller for the purpose of inducing payment by cash, check, or other means not involving the use of a credit card shall not constitute a finance charge as determined under section 106, if such discount is offered to all prospective buyers and its availability is disclosed to all prospective buyers clearly and conspicuously in accordance with regulations of the Board.

"§ 167. Prohibition of tie-in services

"Notwithstanding any agreement to the contrary, no card issuer shall require a seller, as a condition to participating in a credit card plan, to open an account with or procure any other service from the card issuer or its subsidiary or agent.

"§ 168. Prohibition of offsets

"(a) A credit card issuer may not take any action to offset a cardholder's indebtedness arising in connection with a consumer credit transaction under the relevant credit card plan against funds of the cardholder held on deposit with the card issuer unless—

"(1) such action was previously authorized in writing by the cardholder, and

"(2) such action with respect to any disputed amount will be rescinded by the card issuer upon request of the cardholder made within ten days after such action is taken. In the case of any credit card account in existence on the effective date of this section, the previous written authorization referred to in clause (1) shall not be required until the date (after such effective date) when such account is renewed, but in no case later than one year after such effective date.

"(b) This section does not alter or affect the right under State law of a card issuer to attach or otherwise levy upon funds of a cardholder held on deposit with the card issuer if that remedy is constitutionally available to creditors generally.

"§ 169. Relation to State laws

"This chapter does not annul, alter, affect, or exempt any person subject to the provisions of this chapter from complying with the laws of any State with respect to credit billing practices, except to the extent that those laws are inconsistent with any provision of this chapter, and then only to the extent of the inconsistency. No State law which provides greater protection for consumers than the protection provided by this law shall be preempted by this law to the extent of the greater protection.

"§ 170 Rights of credit card customers

"With respect to any sales transaction where a credit card has been used to obtain credit, where the seller is a person other than the card issuer, and where the seller accepts or allows a return of the goods or forgiveness of a debit for services which were the subject of such sale, the seller shall, unless otherwise requested by the buyer, promptly transmit to the credit card issuer a credit statement with respect thereto and the credit card issuer shall credit the account of the obligor for the amount of the transaction."

§ 108. Conforming amendments

(a) The table of chapters of the Truth in Lending Act is amended by adding immediately under item 3 the following:

"4. Credit Billing..... 161".

(b) Section 111(d) of such Act (15 U.S.C. 1610(d)) is amended by striking out "and 130" and inserting in lieu thereof a comma and the following: "130, 166, 167, and 168".

§ 109. Effective date

This title takes effect upon the expiration of one year after the date of its enactment.

TITLE II—AMENDMENTS TO THE TRUTH IN LENDING ACT

§ 201. Definition of creditor; more-than-four-installment rule

The first sentence of section 103(f) of the Truth in Lending Act (15 U.S.C. 1602(f)) is amended by inserting "which is payable by agreement in more than four installments or" after "credit".

§ 202. Agricultural credit exemption

Section 104 of the Truth in Lending Act (15 U.S.C. 1603) (as amended by section 202) is amended by adding at the end thereof a new paragraph as follows:

"(4) Credit transactions for agricultural purposes in which the total amount to be financed exceeds $25,000."

§ 203. Points or discounts presumed to be passed on and included in finance charge

Section 106(a)(1) of the Truth in Lending Act (15 U.S.C. 1605 (a)(1)) is amended by inserting before the period at the end thereof the following: ", including any such additional charge paid by the seller".

§ 204. Repeal of exclusion of charges for appraisals and credit reports from finance charge

Section 106(e) of the Truth in Lending Act (15 U.S.C. 1605 (e)) is amended by striking out items (5) and (6).

§ 205. Enforcement by Farm Credit Administration

Section 108(a) of the Truth in Lending Act (15 U.S.C. 1607 (a)) is amended by adding at the end thereof a new paragraph as follows:

"(7) the Farm Credit Act of 1971, by the Farm Credit Administration with respect to any Federal land bank, Federal land bank association, Federal intermediate credit bank, or production credit association."

§ 206. Reports on annual percentage rates applicable to major types of closed and consumer credit

Section 114 of the Truth in Lending Act (15 U.S.C. 1613) is amended by inserting "(a)" before "Not" and by adding at the end thereof a new subsection as follows:

"(b) The Board shall publish quarterly reports setting forth the average, and the distribution of, annual percentage rates applicable to at least each of the following major types of closed end consumer credit transactions during the period covered by the report:

"(1) New automobile loans.

"(2) Mobile home loans.

"(3) Personal loans."

§ 207. Liability of assignees

(a) Chapter 1 of the Truth in Lending Act (15 U.S.C. 1601–1613) is amended by adding at the end thereof a new section as follows:

§ 115. Liability of assignees

"Except as otherwise specifically provided in this title, any criminal or civil action which may be brought against the original creditor in any credit transaction may be maintained against any subsequent assignee of the original creditor where the violation from which the alleged liability arose is apparent on the face of the instrument assigned unless the assignment is involuntary."

(b) The analysis of such chapter is amended by adding at the end thereof a new item as follows:

"115. Liability of assignees."

§ 208. Full statement of closing costs

Section 121 of the Truth in Lending Act (15 U.S.C. 1631) is amended by adding at the end thereof a new subsection as follows:

"(c) For the purpose of subsection (a), the information required under this chapter shall include a full statement of closing costs to be incurred by the consumer, which shall be presented, in accordance with the regulations of the Board—

"(1) prior to the time when any downpayment is made, or

"(2) in the case of a consumer credit transaction involving real property, at the time the creditor makes a commitment with respect to the transaction."

§ 209. Liens arising by operation of State law

Section 125 of the Truth in Lending Act (15 U.S.C. 1635) is amended—

(1) by striking out "is" the first time it appears in the first sentence of subsection (a) and inserting in lieu thereof ", including any such interest arising by operation of law, is or will be"; and

(2) by inserting after "obligor" the second time it appears in the first sentence of subsection (b) the following: ", including any such interest arising by operation of law,".

§ 210. Time limit for right of rescission

Section 125 of the Truth in Lending Act (15 U.S.C. 1635) is amended by adding at the end thereof a new subsection as follows:

"(f) An obligor's right of rescission shall expire three years after the date of consummation of the transaction or upon the sale of the property by the obligor, whichever occurs earlier, notwithstanding the fact that the disclosures required under this section or any other material disclosures required under this chapter have not been delivered to the customer."

§ 211. Good faith compliance

Section 130 of the Truth in Lending Act (15 U.S.C. 1640) is amended by adding at the end thereof a new subsection as follows:

"(f) No provision of this section imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule, regulation, or interpretation thereof by the Board, or in conformity with any interpretation issued by any other agency designated in section 108 unless such interpretation has, prior to the time such act was done or omitted, been determined by the Board to be inconsistent with the Board's rules, regulations, or interpretations, notwithstanding that after such act or omission has occurred, such rule, regulation, or interpretation is amended, rescinded, or determined by judicial or other authority to be invalid for any reason."

§ 212. Liability for multiple disclosures

Section 130 of the Truth in Lending Act (15 U.S.C. 1640) (as amended by section 214) is amended by adding at the end thereof a new subsection as follows:

"(g) The multiple failure to disclose to any person any information required under this chapter to be disclosed in connection with a single account under an open-end consumer credit plan, other single consumer credit sale, consumer loan, or other extension of consumer credit, shall entitle the person to a single recovery under this section, but continued failure to disclose after a recovery has been granted shall give rise to rights to additional recoveries."

§ 213. Limitation on class action liability

(a) Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended to read as follows:

"(a) Except as otherwise provided in this section, any creditor who fails to comply with any requirement imposed under this chapter or chapter 4 of this title (other than section 161) with respect to any person is liable to such person in an amount equal to the sum of—

"(1) any actual damages sustained by such person as a result of the failure;

"(2) such additional amount as the court may allow, except that the total awarded shall (A) be not less thn $100 in the case of an individual action, or (B) in the case of a class action, not more than $100,000; and

"(3) in the case of any successful action to enforce the foregoing liability, the costs of the action, together with a reasonable attorney's fee which shall be the reasonable value of the services rendered by the attorney without regard to the amount of any recovery.

In determining the amount of award in any class action, the court shall consider, among other relevant factors, the amount of any actual damages awarded, the frequency and persistence of failures of compliance by the creditor, the resources of the creditor, the number of persons adversely affected, and the extent to which the creditor's failure of compliance was intentional."

(b) Section 130(b) of such Act (15 U.S.C. 1640(b)) is amended by inserting after "this section" the first place it appears the following: "for any failure to comply with any requirement imposed under this chapter,".

(c) Section 130(c) of such Act (15 U.S.C. 1640(c)) is amended by striking out "chapter" and inserting in lieu thereof "title".

(d) Section 130 of such Act (15 U.S.C. 1640) is amended by adding at the end thereof a new subsection as follows:

"(h) A person may not take any action to offset any amount for which a creditor is potentially liable to such person under subsection (a)(2) against any amount owing to such creditor by such person, unless the amount of the creditor's liability to such person has been determined by judgment of a court of competent jurisdiction in an action to which such person was a party."

(c) The amendments made by sections 206, 207, and 208 shall apply in determining the liability of any person under chapter 2 or 4 of the Truth in Lending Act, unless prior to the date of enactment of this Act such liability has been determined by final judgment of a court of competent jurisdiction and no further review of such judgment may be had by appeal or otherwise.

§ 214. Credit card fraud

Section 134 of the Truth in Lending Act (15 U.S.C. 1644) is amended to read as follows:

§ 134. Fraudulent use of credit card

"(a) Whoever knowingly in a transaction affecting interstate or foreign commerce, uses or attempts or conspires to use any counterfeit, fictitious, altered, forged, lost, stolen, or fraudulently obtained credit card to obtain money, goods, services, or anything else of value which within any one-year period has a value aggregating $1,000 or more; or

"(b) Whoever, with unlawful or fraudulent intent, transports or attempts or conspires to transport in interstate or foreign commerce a counterfeit, fictitious, altered, forged, lost, stolen, or fraudulently obtained credit card knowing the same to be counterfeit, fictitious, altered, forged, lost, stolen, or fraudulently obtained; or

"(c) Whoever, with unlawful or fraudulent intent, uses any instrumentality of interstate or foreign commerce to sell or transport a counterfeit, fictitious, altered, forged, lost, stolen, or fraudulently obtained credit card knowing the same to be counterfeit, fictitious, altered, forged, lost, stolen, or fraudulently obtained; or

"(d) Whoever knowingly receives, conceals, uses, or transports, money, goods, services, or anything else of value (except tickets for interstate or foreign transportation) which (1) within any one-year period has a value aggregating $1,000 or more, (2) has moved in or is part of, or which constitutes interstate or foreign commerce, and (3) has been obtained with a counterfeit, fictitious, altered, forged, lost, stolen, or fraudulently obtained credit card; or

"(e) Whoever knowingly receives, conceals, uses, sells, or transports in interstate or foreign commerce one or more tickets for interstate or foreign transportation, which (1) within any one-year period have a value aggregating $500 or more, and (2) have been purchased or obtained with one or more counterfeit, fictitious, altered, forged, lost, stolen, or fraudulently obtained credit cards; or

"(f) Whoever in a transaction affecting interstate or foreign commerce furnishes money, property, services, or anything else of value, which within any one-year period has a value aggregating $1,000 or more, through the use of any counterfeit, fictitious, altered, forged, lost, stolen, or fraudulently obtained credit card knowing the same to be counterfeit, fictitious, altered, forged, lost, stolen, or fraudulently obtained—

shall be fined not more than $10,000 or imprisoned not more than ten years, or both."

§ 215. Grace period for consumers

Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended—

(1) by amending subsection (a)(1) to read as follows:

"(1) The conditions under which a finance charge may be imposed, including the time period (if any) within which any credit extended may be repaid without incurring a finance charge, except that the creditor may, at his election and without disclosure, impose no such finance charge if payment is received after the termination of such time period."; and

(2) by amending subsection (b)(10) to read as follows:

"(10) The date by which or the period (if any) within which, payment must be made to avoid additional finance charges, except that the creditor may, at his election and without disclosure, impose no such additional finance charge if payment is received after such date or the termination of such period."

§ 216. Credit life insurance and accident and health insurance

(a)(1) Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631–1644) is amended by adding at the end thereof a new section as follows:

"§ 135. Disclosure of cost of credit insurance

"Any premium for life or accident and health insurance charged by a creditor in connection with any extension of credit shall be stated both as a dollar amount and as an annual percentage rate and shall be disclosed at the same time and in the same manner as the finance charge is required to be disclosed under this chapter and the regulations of the Board thereunder."

(2) The table of sections of such chapter is amended by adding at the end thereof the following new item:

"135. Disclosure of cost of credit insurance."

(b)(1) Section 142 of the Truth in Lending Act (15 U.S.C. 1662) is amended to read as follows:

"§ 142. Advertising of downpayments, installments, and credit insurance

"No advertisement to aid, promote, or assist directly or indirectly any extension of consumer credit may state—

"(1) that a specific periodic consumer credit amount or installment amount can be arranged, unless the creditor usually and customarily arranges credit payments or installments for that period and in that amount.

"(2) that a specified downpayment is required in connection with any extension of consumer credit, unless the creditor usually and customarily arranges downpayments in that amount.

"(3) that credit life or accident and health insurance is available, unless the advertisement states the premium for such insurance as an annual percentage rate."

(2) Item 142 in the table of sections of chapter 3 of such Act is amended to read as follows:

"142. Advertising of downpayments, installments, and credit insurance."

§ 212. Advertising of open end credit plans

Section 143 of the Truth in Lending Act (15 U.S.C. 1663) is amended to read as follows:

"§ 143. Advertising of open end credit plans

"(a) This section applies to any advertisement to aid, promote, or assist directly or indirectly the extension of credit under an open end credit plan.

"(b) If any advertisement to which this section applies states a rate of finance charge, the advertisement shall state that rate as an annual percentage rate.

"(c) If any advertisement to which this section applies sets forth any specific terms of the plan other than those referred to in subsection (b), then the advertisement shall state all of the following items:

"(1) The minimum periodic payment required and the method of determining any larger required periodic payment.

"(2) The method of determining the balance upon which a finance charge may be imposed.

"(3) The periodic rate.

"(4) The annual percentage rate."

§ 218. Advertising of credit other than open end plans

(a) Section 144(c) of the Truth in Lending Act (15 U.S.C. 1664(c)) is amended to read as follows:

"(c) An advertisement to which this section applies may not state a rate of finance charge other than an annual percentage rate, as determined under section 107 and the regulations of the Board thereunder."

(b) Section 144(d) of such Act (15 U.S.C. 1664(d)) is amended—

(1) by striking item (2);

(2) by redesignating items (3) and (4) as items (2) and (3), respectively; and

(3) by inserting before the period at the end of item (3) (as redesignated) the following: ", or the dollar amount of the finance charge in the case of a small transaction when the annual percentage rate is not required to be disclosed".

§ 219. Advertising; more-than-four-installment rule

(a) Chapter 3 of the Truth in Lending Act (15 U.S.C. 1661–1665) is amended by adding at the end thereof a new section as follows:

"§ 146. More-than-four-installment rule

"Any advertisement to aid, promote, or assist directly or indirectly the extension of consumer credit repayable in more than four installments shall, unless a finance charge is stated in advertisement, clearly and conspicuously state, in accordance with the regulations of the Board:

"'THE COST OF CREDIT IS INCLUDED IN THE PRICE QUOTED FOR THE GOODS AND SERVICES.'"

(b) The table of sections of such chapter is amended by adding at the end thereof a new item as follows:

"146. More-than-four-installment rule."

§ 228. Effective date

This title takes effect upon the date of its enactment.

By Mr. HANSEN (for Mr. CURTIS) for himself, Mr. HANSEN, Mr. BENNETT, Mr. DOMINICK, and Mr. FANNIN):

S. 1631. A bill to strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing retirement plans, by allowing deductions to individuals for their contributions to retirement plans, by increasing contribution limitations for self-employed individuals and shareholder—employees of electing small business corporations, by imposing an excise tax on prohibited transactions, and for other purposes. Referred to the Committee on Finance.

Mr. HANSEN. Mr. President, the distinguished Senator from Nebraska (Mr. CURTIS) is away from Washington on official business and I am introducing for him, at his request, and for Senators BENNETT, DOMINICK, FANNIN, and myself, the administration's proposed Individual Retirement Benefits Act of 1973.

By Mr. JAVITS (by request):

S. 1632. A bill to extend for 3 years the programs for comprehensive State and areawide health planning, and for comprehensive public health service and health services development, and to repeal a requirement that at least 15 per centum of a State's formula allotment for public health services be available only for mental health services. Referred to the Committee on Labor and Public Welfare.

EXTENSION OF PARTNERSHIP FOR HEALTH

Mr. JAVITS. Mr. President, I am introducing at the request of the administration a bill to extend, with some modifications sections 314(a), 314(b), 314(d), and 314(e) of the Public Health Service Act for 3 years.

314(A) AND 314(B)

Secretary Weinberger in his letter of transmittal states:

Although we propose to extend the legislation under which we foster comprehensive State and areawide health planning, we do so with awareness that the comprehensive health planning system is beset with weaknesses that interfere with its effectiveness.

He further says:

Moreover, Federal implementation of program requirements has not been effective to assure an open public planning process or consumer participation in that process. The degree to which some CHP agencies are accountable to the local public has therefore been compromised.

The Secretary's stated concern that the comprehensive health planning system is afflicted with some weaknesses that interfere with its effectiveness is shared by the Congress. It was a motivating factor in limiting CHP extension under the recent Senate passed omnibus extension of expiring PHS programs (S. 1136) to 1 year. I am concerned that by proposing a 3-year CHP renewal, the administration suggests that instead of Congress working its will in improving and rationalizing CHP the Congress rely upon HEW's ability to, and I quote:

Allow us to improve and redirect CHP through greatly improved management.

I believe it would be more appropriate for the administration to send up a legislative proposal which seeks to assess ways in which the planning process can impact most favorably on the health care system and determine the potential applicability to CHP on a national basis of the activities now under way in various States with regard to facility certificate-of-need and rate-setting procedures. I believe that Congress would welcome the opportunity to work together to attain that desirable goal. Let us work together in overcoming CHP weaknesses, building upon CHP strengths, and thus improve State and regional capacity to conduct effective health planning.

314(C)

I am also concerned that the bill does not seek an extension of the program of project grants, contained in section 314(c) of the Public Health Service Act, for training, studies, and demonstrations in the health planning field. The Secretary charges:

Our experience with these grants is that they have not contributed materially to the overall competence of the health planning process.

He also alleges persons who wish to pursue graduate training in health planning can be assisted through alternative sources, suggesting that there is available the student assistance programs of the Office of Education. When the allegations are proven and the evidence is in regarding alternative financial resources, will be a better time for decision on the merits of repealing section 314(c).

314(D)

I am also concerned that the bill, while extending the 314(d) program of grants for comprehensive public health services, repeals the provision that earmarks 15 percent of a State's allotment for State mental health agencies for the provision of mental health services. I do not know of data which would convince me that some States may not seek to escape their responsibilities to their mentally ill citizens. Unfortunately, this is all too often the case.

314(E)

My deepest concern, however, is the administration's view in support of the extension of the authority to make project grants for health services development, section 314(e) of the Public Health Service Act. The administration proposes to consolidate support for the other health service programs under this authority, rather than continuing other congressional health program authorizations. Examples are migrant health activities, population research and family planning programs, and lead-based paint

poisoning research and control efforts. In essence, a determination to utilize section 314(e) of the Public Health Service Act for funding programs the Executive chooses to support. I am concerned that the Executive has failed to recognize what Congress has made crystal clear in regard to such proposed action. Only last year, the Congress passed and the President signed into law, Public Law 92–449. The legislative history of section 314(e) is enunciated in Senate report 92–285, where in discussing this section of the law, it cites the House Committee on Interstate and Foreign Commerce in its report on the Communicable Disease Control Amendments of 1970:

In each of its budget presentations each year since the enactment of section 314(e), the Department of Health, Education, and Welfare has earmarked specific amounts of the 314(e) fund request for specific programs for the coming year. In other words, the categorical grant approach has continued since the enactment of Public Law 98–749, except that instead of the Congress setting the categories, the categories have been set by the Department of HEW.

I believe we must restore some control to Congress of the categories of health programs for which project grant funds are to be made available.

The Senate Labor and Public Welfare Committee in respect to this matter in its report on the Health Services Improvement Act of 1970 stated:

The Committee notes with concern the fact that a large proportion of the programs funded under section 314(e) continue to be too narrowly focused rather than focused upon the broader area of the organization and delivery of health services.

I ask unanimous consent that the letter of transmittal and a copy of the bill be printed in the RECORD.

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

MARCH 29, 1973.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: We enclose for the consideration of the Congress a draft bill "To extend for three years the programs for comprehensive State and areawide health planning, and for comprehensive public health service and health services development, and to repeal a requirement that at least 15 per centum of a State's formula allotment for public health services be available only for mental health services."

The effect of the bill is described in its title. Although we propose to extend the legislation under which we foster comprehensive State and areawide health planning, we do so with awareness that the comprehensive health planning system is beset with weaknesses that interfere with its effectiveness. One significant problem with comprehensive health planning, for example, is that the legislation and the accompanying rhetoric have articulated very ambitious missions which, by and large, the CHP system has been unable to carry out. Moreover, Federal implementation of program requirements has not been effective to assure an open public planning process or consumer participation in that process. The degree to which some CHP agencies are accountable to the local public has therefore been compromised.

Despite the widespread disenchantment with the CHP system that these problems, among others, have engendered, the evidence is persuasive that unconstrained health resource development, particularly of inpatient facilities, contributes significantly to the problem of excessive and unnecessary increases in health care costs. The lack of effective competition, the dependence of patients on the judgment of their physicians regarding their health care needs (and the consequent capability of supply to generate its own demand), the predominance of cost reimbursement as a means of paying for institutional health care services, and pressures for institutional aggrandizement in a noncompetitive economy, combine to offset normal competitive constraints on building surplus capacity. Thus, unless or until reasonably effective competition is established, there is a need to maintain some effective control over construction or expansion of health care institutions.

On balance, we conclude that, given the broad authority in current law, new legislation is not needed to overcome the weaknesses in the present system. We propose, instead, to extend current law for a period sufficient to allow us to improve and redirect CHP through greatly improved management. A plan for this management approach is currently under review within the Department. This plan for improved management of the program will be based on a serious evaluation of the strengths and weaknesses of the existing CHP agencies and will seek to assess ways in which the planning process can impact most favorably on the health care system. We expect to study carefully the potential applicability to CHP on a national basis of the activities now under way in various States with regard to facility certificate-of-need and rate-setting procedures.

This extension does not imply that the Federal Government should support health planning agencies indefinitely. In the final analysis, if comprehensive health planning does not succeed in demonstrating its value to State and local government officials we do not believe it should be perpetuated indefinitely as a Federal responsibility. The seriousness of the problems in the health care system, however, are such that we believe that efforts to improve State and regional capacity to conduct effective health planning merit Federal support at this time.

In proposing to extend the program of grants for comprehensive public health services (section 314(d) of the Public Health Service Act) we ask the repeal of the provision that earmarks 15 percent of a State's allotment for State mental health agencies for the provision of mental health services. This limitation on the latitude of a State to apply its formula grant to meet what the State, not the Federal Government, perceives to be the State's priority health needs is inconsistent with the original and continuing objectives of Partnership for Health.

The bill would also extend the authority contained in section 314(e) of the Public Health Service Act to make project grants for health services development. This is a broad, flexible authority, well suited to continue and improve the support of migrant health and population research and voluntary family planning programs now assisted under the narrow categorical authorities contained, respectively, in section 310 and title X of the Act. We have therefore not proposed extension of these latter categorical authorities.

We are not seeking extension of the program of project grants, contained in section 314(c) of the Public Health Service Act, for training, studies, and demonstrations in the health planning field. Our experience with these grants is that they have not contributed materially to the overall competence of the health planning process. Persons who wish to pursue graduate training in health planning can be assisted through alternative sources, *e.g.*, the student assistance programs of the Office of Education, which are available generally to all deserving students in higher education.

We urge the Congress to give our proposal its prompt and favorable consideration.

The Office of Management and Budget advises that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely,

CASPAR W. WEINBERGER,
Secretary.

S. 1632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) sections 314(a)(1), 314(b)(1)(A), 314(d)(1), and 314(e) of the Public Health Service Act are each amended by inserting ", and such sums as may be necessary for each of the next three fiscal years" after "for the fiscal year ending June 30, 1973".

(B) The first sentence of section 314(b)(1)(A) of such Act is amended by striking out "and ending June 30, 1973" and inserting in lieu thereof "and ending June 30, 1976".

SEC. 2. Effective with respect to appropriations for fiscal years beginning after June 30, 1973, section 314(d)(7) of such Act is repealed.

By Mr. JAVITS (by request):

S. 1633. A bill to make permanent the program of research and demonstrations relating to health facilities and services. Referred to the Committee on Labor and Public Welfare.

BILL TO EXTEND SECTION 304 OF PUBLIC HEALTH SERVICE ACT

Mr. JAVITS. Mr. President, I am introducing today at the request of the administration a bill to extend indefinitely the authority of section 304 of the Public Health Service Act and authorize such sums as necessary for activities to be carried out each fiscal year under that authority.

Although the programs carried out under section 304 are basic to the achievement of the Department's health services goals and objectives, I am not convinced at this time that the Congress should establish this authority on a permanent basis. At the time of its enactment (Public Law 90–174), it was broadly drawn and when extended (Public Law 91–515), additional authority was provided by Congress to develop health care systems and report on the cost and adequacy of various pending national health insurance legislative proposals. It is interesting to note that without such a specific legislative mission, provided by Congress, that the Department did not on its own initiative respond to the critical problem of national health insurance.

Whether the Department of Health, Education, and Welfare has mounted an effective attack on the many problems facing the organization, delivery, and financing of health services in the Nation, pursuant to the legislative mandate of section 304, must be carefully analyzed by Congress before its authority is extended indefinitely. We must carefully examine any broadly drawn legislation, particularly that which would turn over indefinitely to the Executive the ability to exercise—without congressional input—the determination of national health policy and priorities.

A major element of the administra-

tion's health policy is the maintenance of a strong health services research and development program. Under section 304, the National Center has taken the lead in supporting research and development which have the potential to result in widespread benefits in future health services.

Among these efforts are Experimental Medical Care Review Organizations, which have been testing the feasibility of the Professional Standards Review Organization concepts recently authorized by Public Law 92–603; the Cooperative Federal/State/Local Health Statistics System, which will provide more complete and accurate information for planning, managing, financing health services; experiments with new types of manpower and technology; and development of innovative organized programs for ambulatory care, the chronically ill, and the elderly which will increase the effectiveness of care without unreasonable increases in costs.

While the National Center for Health Services Research and Development administers section 304, the extensive benefits of this authority are made available to many other Federal health programs through close collaboration among the Center and the other programs. In the present fiscal year the National Center is maintaining joint activities with 17 other programs, including the National Institute of Mental Health, Social and Rehabilitation Service, Social Security Administration, Veterans' Administration, and the Department of Defense.

Under section 304, both highly targeted R. & D. projects—such as Experimental Medical Care Review Organizations and the Cooperative Federal/State/Local Health Statistics System—and long-range basic research, such as the study of criteria for the measurement of the health status of individuals and populations, are supported. This is possible, because section 304 is not limited as to disease categories, special population groups or isolated elements of the health services system. Furthermore, section 304 authorizes the use of both grants and contracts to support projects, the only limitation being that grants cannot be awarded to profit-making organizations. This flexibility permits R. & D. to be specifically directed to high priority problems by contracts, while leaving the grant to be used to support longer range and more generic research to be supported in universities and other nonprofit institutions by grants.

I commend the maintenance of a strong health services research and development program. At the same time, I urge careful congressional analysis to insure that the intent of Congress is, and will continue to be accomplished, if the authority is extended indefinitely.

I ask unanimous consent that the letter of transmittal and a copy of the bill be printed in the RECORD.

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

MARCH 29, 1973.

Hon. SPIRO T. AGNEW,
President of the Senate, Washington, D.C.

DEAR MR. PRESIDENT: We enclose for the consideration of the Congress a draft bill "To make permanent the program of research and demonstrations relating to health facilities and services."

The purpose of the bill, as explained in its title, is to make permanent the program now carried on under section 304 of the Public Health Service Act. The program is administered by the National Center for Health Services Research and Development, which is part of the Health Services and Mental Health Administration. The Center's principal activities are the support of research and development projects to establish and test innovations in health services systems, the support of research to explore and define emerging health services problems, and the conduct of analyses and the publication of information intended to contribute to knowledge relating to health facilities and services. Extension of the existing broad authority of section 304 is needed to enable the Department to continue these activities.

We therefore urge that the draft bill receive prompt and favorable action.

The Office of Management and Budget advises that enactment of this proposed legislation would be in accord with the program of the President.

Sincerely,

CASPAR W. WEINBERGER,
Secretary.

S. 1633

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 304(c)(1) of the Public Health Service Act is amended by striking out "and" before "$94,000,000", and by inserting ", and such sums as may be necessary for each succeeding fiscal year" after "June 30, 1973".

By Mr. JAVITS:

S. 1634. A bill to amend the Drug Abuse Office and Treatment Act of 1972 to modify the authorization of appropriations for the program of special project grants and contracts, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. JAVITS. Mr. President, I am introducing on behalf of the administration a bill to amend subsection (b) of section 410 of the Drug Abuse and Treatment Act of 1972 to modify the authorizations for appropriations for the program of special project grants and contracts and for other purposes.

The Drug Abuse Office and Treatment Act of 1972 currently authorizes the appropriation of $100 million and $160 million, respectively, for each of the next 2 fiscal years for special project grants and contracts under section 410 of the act. This bill would amend those authorizations to "such sums as may be necessary."

This legislation is necessary to carry out the recommendation contained in the President's budget—with which I disagree—that the Community Mental Health Centers Act not be extended. However, the adminstration has indicated it intends to continue to meet the commitments it has already made under the authorities contained in the act. Thus, if Congress determines that the Community Mental Health Centers Act is not to be extended—and I am hopeful it will not reach that conclusion—the bill I have introduced is necessary, in the opinion of the administration.

There would appear to be the legislative authority for the administration's position, to wit: That the Community Mental Health Centers Act contains authorizations for the appropriation of the sums necessary to meet the Government's commitments to make continuation grants under sections 200, 242, 251, and 271 for the initial cost of personnel in community mental health centers, in facilities for the treatment and prevention of drug abuse and alcoholism, and for the provision of mental health services to children. The President's budget requests the appropriations necessary to meet these commitments.

It is the administration position that there are no authorizations for the appropriation of funds for continuation grants and contracts under the special drug abuse programs contained in part D of the Community Mental Health Centers Act. I would note that section 261 (b) authorizes such sums as may be necessary for "projects under part C or D." This bill proposes to use the authority contained in section 410 of the Drug Abuse Office and Treatment Act to meet commitments under these programs and assure that there is adequate authority for the appropriation of the funds necessary to do this while at the same time providing assistance to the other activities supported under section 410. However, I am concerned that the Special Action Office was established to serve as a coordinating body in the Executive—with its grants and contract authority provided by Congress for limited special purposes—not for involvement in grants' day-to-day administration.

I ask unanimous consent that the letter of transmittal and a copy of the bill be printed in the RECORD.

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

MARCH 29, 1973.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed for the consideration of the Congress is a draft bill "To amend the Drug Abuse Office and Treatment Act of 1972 to modify the authorization of appropriations for the program of special project grants and contracts, and for other purposes."

The Drug Abuse Office and Treatment Act of 1972 currently authorizes the appropriation of $100 million and $160 million, respectively, for each of the next two fiscal years for special project grants and contracts under section 410 of the Act. The draft bill would amend those authorizations to such sums as may be necessary.

This legislation is necessary to carry out the recommendation contained in the President's budget that the Community Mental Health Centers Act not be extended, but that the Federal government continue to meet the commitments it has already made under the authorities contained in it.

The Community Mental Health Centers Act contains authorizations for the appropriation of the sums necessary to meet the government's commitments to make continuation grants under sections 20, 242, 251, and 271 for the initial cost of personnel in community mental health centers and facilities for the treatment and prevention of drug abuse and alcoholism and for the provision of mental health services to children. The President's budget requests the appro-

priations necessary to meet these commitments.

There are no similar authorizations for the appropriation of funds for continuation grants and contracts under the special drug abuse programs contained in Part D of the Community Mental Health Centers Act. We propose to use the authority contained in section 410 of the Drug Abuse Office and Treatment Act to meet commitments under these programs. The enclosed bill would assure that there is adequate authority for the appropriation of the funds necessary to do this while at the same time providing assistance to the other activities supported under section 410. We urge its speedy consideration and approval by the Congress.

We are advised by the Office of Management and Budget that enactment of this draft bill would be in accord with the program of the President.

Sincerely,

CASPAR W. WEINBERGER,
Secretary.

S. 1634

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 410 of the Drug Abuse Office and Treatment Act of 1972 is amended by—

(1) striking out "$100,000,000" and inserting "such sums as may be necessary" in lieu thereof; and

(2) striking out "$160,000,000" and inserting "such sums as may be necessary" in lieu thereof.

By Mr. RANDOLPH (for himself, Mr. CRANSTON, and Mr. HARTKE):

S. 1635. A bill to amend section 9 of the Military Selective Service Act relating to reemployment rights of members and former members of the Armed Forces of the United States. Referred to the Committee on Armed Services.

REEMPLOYMENT RIGHTS FOR VETERANS

Mr. RANDOLPH. Mr. President, the Military Selective Service Act of 1967 declares it to be the sense of the Congress that State and political subdivisions thereof extend the same reemployment rights to veterans as do the Federal Government and private industry under law. This provision relating to State and local governments, however, is not binding by law and as a consequence many returning veterans are finding that their jobs in State and local government no longer exist. Furthermore, because these stated reemployment rights are not mandatory upon States and local governments, these veterans lose all benefits which would have accrued to them had they not entered military service. This year it is expected that an estimated 604,000 Vietnam-era veterans will be separated from military service. More than half of these young men were employed prior to their entering service. Under the Military Selective Service Act of 1967, those who held jobs with the Federal Government or private industry are assured that their job rights are protected. This is not the case with those veterans who previously held jobs as schoolteachers, policemen, firemen, and other State, county, and city employment.

Recognizing this problem, a number of States have enacted legislation providing reemployment rights to veterans; but the coverage, the rights provided, and the availability of enforcement machinery under these laws vary considerably. This situation operates to the distinct disadvantage of veterans who leave State and local government employment, in that State assistance may be unavailable. Moreover, they are specifically denied protection under Federal law.

In addition, some State and local jurisdictions have demonstrated a reluctance, and even an unwillingness to rehire such veterans. Or if they do, they seem unwilling to grant them seniority or other benefits which would have accrued to them had they not served their country in the military.

It is my belief that there is a need for corrective legislation in this area. I am introducing legislation which should leave no doubt in the minds of State and local government employers that Congress feels all veterans should receive equitable treatment in the matter of reemployment rights.

Mr. President, the Military Selective Service Act provides in part:

SEC. 9. (a) Any person inducted into the Armed Forces under this title for training and service, who, in the judgment of those in authority over him, satisfactorily completes his period of training and service under section 4(b) shall be entitled to a certificate to that effect upon the completion of such period of training and service, which shall include a record of any special proficiency or merit attained. In addition, each such person who is inducted into the Armed Forces under this title for training and service shall be given a physical examination at the beginning of such training and service, and upon the completion of his period of training and service under this title, each such person shall be given another physical examination and, upon his written request, shall be given a statement of physical condition by the Secretary concerned: *Provided,* That such statement shall not contain any reference to mental or other conditions which in the judgment of the Secretary concerned would prove injurious to the physical or mental health of the person to whom it pertains.

(b) In the case of any such person who, in order to perform such training and service, has left or leaves a position (other than a temporary position) in the employ of any employer and who (1) receives such certificate, and (2) makes application for reemployment within 90 days after he is relieved from such training and service or from hospitalization continuing after discharge for a period of not more than 1 year—

(A) if such position was in the employ of the United States Government, its Territories, or possessions, or political subdivisions thereof, or the District of Columbia, such person shall—

(i) if still qualified to perform the duties of such position, be restored to such position or to a position of like seniority, status, and pay; or

(ii) if not qualified to perform the duties of such positions by reason of disability sustained during such service but qualified to perform the duties of any other position in the employ of the employer, be restored to such other position the duties of which he is qualified to perform as will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case;

(B) if such position was in the employ of a private employer, such person shall—

(i) if still qualified to perform the duties of such position, be restored by such employer or his successor in interest to such position or to a position of like seniority, status, and pay; or

(ii) if not qualified to perform the duties of such position by reason of disability sustained during such service but qualified to perform the duties of any other position in the employ of such employer or his successor in interest, be restored by such employer or his successor in interest to such other position the duties of which he is qualified to perform as will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case;

unless the employer's circumstances have so changed as to make it impossible or unreasonable to do so;

(C) if such position was in the employ of any State or political subdivision thereof, it is hereby declared to be the sense of the Congress that such person should—

(i) if still qualified to perform the duties of such position, be restored to such position or to a position of like seniority, status, and pay; or

(ii) if not qualified to perform the duties of such position by reason of disability sustained during such service but qualified to perform the duties of any other position in the employ of the employer, be restored to such other position the duties of which he is qualified to perform as will provide him like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances in his case.

(c) (1) Any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (b) shall be considered as having been on furlough or leave of absence during his period of training and service in the Armed Forces, shall be so restored without loss of seniority, shall be entitled to participate in insurance or other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person was inducted into such forces, and shall not be discharged from such position without cause within 1 year after such restoration.

(2) It is hereby declared to be the sense of the Congress that any person who is restored to a position in accordance with the provisions of paragraph (A) or (B) of subsection (b) should be so restored in such manner as to give him such status in his employment as he would have enjoyed if he had continued in such employment continuously from the time of his entering the Armed Forces until the time of his restoration to such employment."

Under my bill, States and political subdivisions will be added to the mandatory coverage provisions governing U.S. Government employees and the sense of the Congress provisions now covering these State and local employees will be deleted.

At present there is only one State, Nebraska, which provides free legal counsel to the veteran. In all others, the veteran must sue to gain his reemployment rights. He must retain private counsel at his own expense, with no assurance that the old job he seeks will be returned to him.

To me, the Federal Government is in error if it feels it necessary to protect the reemployment rights of veterans in Federal and private employment, and fails to extend the same rights to other veterans who left State, city and county jobs to enter the Armed Forces.

I emphasize that Congress believed it necessary to cover private businesses under this law. It seems to me to be equally justified that State and local governments be covered.

Additionally, Mr. President, the legislation I introduce will clarify questions regarding the status of veterans who were employed by the U.S. Postal Service prior to their service. During the recent postal hearings I questioned Postmaster General Klassen with regard to the activities of the Postal Service in reemploying veterans. General Klassen did not respond to my inquiry, but indicated he would provide a report in writing. I subsequently sent a telegram on this subject to General Klassen, and I ask unanimous consent that my message and General Klassen's reply be printed at this point in the RECORD.

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

WASHINGTON, D.C.,
March 9, 1973.

Postmaster General ELMER T. KLASSEN,

DEAR GENERAL KLASSEN: Re: my question to you Thursday morning regarding Postal Service reemployment rights for returning Vietnam veterans. You indicated a desire to defer the question to your legal staff. It is my hope you will expedite your response on this vital matter. I strongly urge the Postal Service accept the same rehiring policies of other Federal agencies and that you will be in a position to publicly announce that returning veterans will be afforded reemployment privileges.

JENNINGS RANDOLPH,
U.S. Senator.

THE POSTMASTER GENERAL,
Washington, D.C., March 12, 1973.

Hon. JENNINGS RANDOLPH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR RANDOLPH: This will respond to your March 9 telegram with respect to questions you asked at the March 8 hearing concerning reemployment rights in the Postal Service for returning veterans.

Our General Counsel has given me a memorandum on this subject and I am enclosing a copy for your information. This material will be submitted with our additions for the Hearing Record.

Sincerely,

E. T. KLASSEN.

U.S. POSTAL SERVICE,
Washington, D.C., March 9, 1973.

Subject: Veterans' reemployment rights.

Mr. KLASSEN,
Postmaster General.

This replies to your request for a memorandum responsive to Senator Randolph's telegram of March 9, 1973, asking about reemployment rights for returning Vietnam veterans. The telegram states: "I strongly urge the Postal Service accept the same rehiring policies of other Federal agencies and that you will be in a position to publicly announce that returning veterans will be afforded reemployment privileges." It has been our view and policy since the Postal Reorganization Act went into effect in 1971 that as a matter of law postal employees continue to enjoy full reemployment rights under the Military Selective Service Act of 1967, 50 U.S.C. App. 459.

Under the Selective Service legislation any individual having a military obligation who enters the armed forces and satisfactorily completes the required training and service is entitled to a number of reemployment rights, the foremost of which is the right, if he makes application for reemployment within 90 days after being relieved from such training and service, to be reemployed in a "position of like seniority, status, and pay" or, if he has become disabled from performing his former job, the nearest approximation of such a position. The Selective Service legislation makes all employers in the country responsible for conferring reemployment rights on their employees. In our view the Postal Service is no different from any other employer in this respect.

Since the Postal Reorganization Act went into effect, it has been our view that the responsibility for carrying out the obligations of the law now rests solely upon the Postal Service, and is no longer the responsibility of the Civil Service Commission. The Civil Service Commission has concurred with that view. This change in institutional arrangements, as a practical matter, should make no difference to affected postal employees, since their personal reemployment rights under the law remain essentially unchanged, and it is, of course, the policy of the Postal Service to give effect to those rights wholeheartedly. These rights are enjoyed by all postal employees regardless of whether their required service was in Vietnam or elsewhere.

LOUIS A. COX,
General Counsel.

Mr. RANDOLPH. Mr. President, General Klassen's General Counsel states that since reorganization the Postal Service has sole responsibility for reemployment rights within his organization and that the Civil Service Commission has no responsibility. There is a question of the basis of this decision by the Postal Service, and my legislation will insure that the Civil Service Commission maintains and meets its responsibility for the reemployment rights of veterans who were employed by the Postal Service, just as the Commission is responsible for this area in agencies of the Federal Government.

By Mr. SPARKMAN (for himself, Mr. TOWER, Mr. STEVENSON, and Mr. PACKWOOD):

S. 1636. A bill to amend the International Economic Policy Act of 1972. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. SPARKMAN. Mr. President, I am introducing for myself, Senators TOWER, STEVENSON and PACKWOOD, a bill to extend the International Economic Policy Act of 1972 to make the Council on International Economic Policy a permanent part of the Executive Office of the President.

On January 19, 1971 the President established the Council by Executive memorandum. The Congress legislatively authorized the Council last August but only for the remainder of fiscal year 1973.

The bill I am introducing today would make the Council a permanent part of the Executive Office of the President. Mr. President, before the creation of the Council, and I might note that we call it a Council but basically it is a high-level Office of International Economic Policy, there was no mechanism within the Executive Office to coordinate the numerous agencies and departments which have a hand in the formation of international economic policy. The Council was established for the purpose of providing us with a coordinated and balanced approach to our international economic problems.

At this time it is more than ever necessary that the President be supported by effective advice and assistance in the formulation and implementation of the Nation's international economic policy.

I think we all realize that international economic relationships play an essential role in the vital political relationships which the United States is developing with other nations. Economic confrontations, tensions, and disputes over economic relations makes it difficult to make political progress.

I would also note that the United States is currently involved in monetary negotiations and looks to the beginning of trade negotiations in the fall. The objective of these negotiations is the constructive reform of the world monetary and trading systems.

These factors strongly impress upon us the need to continue the organizational apparatus which has worked so well over the past 2 years.

Last year when we authorized the Council we stipulated that it provide the Congress with an annual report. This report was forwarded to us in March and is a document that aims toward placing the international economic situation in perspective. It reflects the changes of the past 25 years, describes the policies already enunciated as well as the general direction of our policies in the future.

Mr. President, I ask unanimous consent that the letter dated April 17, 1973, requesting the introduction of this bill be inserted at this point in my remarks.

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

APRIL 17, 1973.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I am transmitting herewith for the consideration of the Senate a draft bill "To amend the International Economic Policy Act of 1972."

At this time when the United States is seeking constructive reform of the world monetary and trading systems, it is more necessary than ever that the President be supported by effective advice and assistance in formulating and carrying out our Nation's international economic policy.

To provide a clear top-level focus for the full range of international economic issues, the Council on International Economic Policy was created by Presidential action on January 19, 1971, and was given temporary statutory existence by the International Economic Policy Act, approved August 29, 1972. As a result of the experience with the Council over these several months and in anticipation of the challenges ahead of the changing world economy, the Administration proposes that the Council and its associated staff be made a permanent part of the Executive Office of the President and that it be better related to other organizations concerned with economic policy. We should fix now the flexible overall organizational arrangements that will serve throughout the period ahead.

The draft bill transmitted herewith would repeal section 209 of the International Economic Policy Act that provides for expiration of the Act on June 30, 1973, and would amend section 210 to authorize appropriations for carrying out the Act beyond that date, thus providing a permanent statutory basis for the Council.

The bill would also amend section 205 of the Act to free the President from statutory membership and chairmanship of the Council and would authorize him to designate the Chairman from among the members of the Council enumerated in the Act.

When these amendments are enacted, the President intends to designate the Secretary of the Treasury, who is also the Assistant to the President for Economic Affairs, to serve as Chairman of the Council. That action will be consonant with the Secretary's role as Chairman of the Council on Economic Policy, which has the assigned duty, among others, to relate international economic policy with overall economic policy.

Once the Council on International Economic Policy is given a firm statutory basis, the President intends also to take the necessary administrative actions to bring the functions and staff of the Special Representative for Trade Negotiations into a closer relationship with the Council. The Special Representative, who performs the important duty of serving as the chief representative of the United States in trade negotiations and plays an important role in policy formation, will thereafter receive his instructions from the President through the Council and its Executive Director. The current functions of the Special Representative, as set forth in sections 241 and 242 of the Trade Expansion Act of 1962, will remain unchanged. Accordingly, trade negotiations will proceed in the fullest organizational harmony with other, related aspects or international economic policy.

The plans of the President to strengthen the overall organization of his Executive Office for international economic affairs and to reduce further the number of operationally independent units in his Office depend upon the timely enactment of the bill transmitted herewith. I urge its prompt consideration by the Congress to permit these reforms to begin at the start of fiscal year 1974. Enactment of the bill would be in accord with the program of the President.

Sincerely,

ROY ASH, *Director.*

By Mr. BAYH:

S. 1637. A bill to discourage the use of painful devices in the trapping of animals and birds. Referred to the Committee on Commerce.

HUMANE TRAPPING

Mr. BAYH. Mr. President, today I am introducing a bill to discourage the use of inhumane devices in the trapping of animals and birds.

In recent years there has been a growing concern over the use of steel jaw, leghold traps in the control of wildlife and taking of furbearers. This device, the most widely used trap in the United States, was developed in the late 1820's. The leghold trap is designed to capture and hold an animal until the trapper arrives to kill it. Most frequently, the animal is dispatched with a club or other blunt instrument.

Two factors make pain an inherent part of the leghold trap's use. First, the jaws of the trap must close quickly in order to prevent the animal from removing his foot and escaping. Second, the traps must have sufficient resistance to prying to guarantee that the animal will not spread the jaws and free itself.

In time, the leg of an animal caught in a steel jaw trap may become numb from loss of blood circulation. When first captured, however, the animal is subject to intense agony, and even after the blood circulation has been slowed, there will be intermittent periods of pain and numbness as long as the trap remains locked around the animal's leg.

As painful as the leghold trap is in its clamping and holding action, its greatest cruelty lies in the fact that the trapped animal is held fast for hours, perhaps even several days, before being killed or released.

The animal's initial reaction to trapping often will be repeated attempts to bite or pull the affected limbs free, resulting in torn ligaments and flesh, broken teeth, and other injuries. In many instances, animals will chew off their legs in order to escape. Known as "wring-offs" the wounded escapees are easy prey for other animals. Those that avoid predators face a slow death from gangrene, shock, loss of blood, and infection.

The suffering of trapped animals is not confined to furbearers; the steel jaw trap does not discriminate. Dogs, cats, birds, deer, domestic stock, and even endangered species are being caught and killed in these devices. Even the Canadian Government admits that the number of unwanted birds and animals "accidentally" caught in leghold traps is twice the catch of target animals. And, according to the Canadian Association for Humane Trapping, the ratio of unwanted animals to desired furbearers found in traps is 3 to 1, based upon a sample survey.

There are many tragic situations involving unwanted wildlife and traps. Ducks, for example, often use ponds constructed by beavers as feeding grounds; reports have been made of ducks caught in beaver sets both above and below water level, resulting in crushed or shattered legs or broken necks.

Mr. President, the most significant fact is that trapping is primarily conducted by amateurs who are interested in recreation or a source of supplemental income. According to Argus Archives, a reputable publication on humane issues, the single greatest portion of trappers in the United States consists of high school students. Only 1 percent of all trappers can be classified as experienced professionals. Thus, for the most part, trapping is a hobby, for weekend sportsmen whose traps are left unattended during much of the week, and for children who are unlikely to check their lines during the inclement weather which usually accompanies trapping seasons. These facts make the intent of this legislation more clear; it is to discourage inhumane trapping, not to abolish trapping entirely.

It is recognized that a market for wild animal pelts does exist, and that it would not be possible for the United States to ban leg-hold traps unless inexpensive, effective alternative traps are available. There are a variety of traps already commercially available which are capable of painlessly capturing or instantaneously killing animals. For instance, the Conibear series are competitive with leghold and other traps, but their purpose and design are radically different from those of the leg hold; the Conibear is designed to kill an animal instantly, by breaking its neck or back. For those trappers who have already invested in a number of steel jaw traps, strips of weatherstripping can be wrapped around the jaws of an offset trap. My own staff can attest to the fact that an Oneida Victor No. 3 trap, thus transformed, will not harm or even pain the fingers of a person accidentally caught; nor can the fingers be set free without aid from a third party. The cost to the trapper of this minor adjustment is less than 40 cents per trap.

The feasibility of banning leg-hold traps is already well established. The States of Florida and Hawaii have recently taken such action, and in New Jersey and Alabama the use of leg-hold traps is so restricted as to require an almost total dependence on instant kill and humane capture devices. In addition, at least five bills which would ban the use of inhumane traps have been introduced in State legislatures, specifically: Washington, Indiana, Wisconsin, Oregon, and, according to reports, West Virginia and Connecticut. In at least four other States, bills are being drafted. I ask unanimous consent that copies of available State laws and bills be printed in the CONGRESSIONAL RECORD at the end of my remarks.

While there has been little time to evaluate the impact of such laws in the United States, other countries provide us with ample evidence that wildlife management programs will not be significantly retarded by passage of this legislation. Eleven countries now prohibit the use of leg-hold traps, including England, West Germany, Chile, and Denmark.

More humane trapping methods can and must be adopted. For too long Government and wildlife management agencies have ignored and evaded the question of humane trapping because of economic considerations. We must begin to promote the development and use of painless, selective methods of wildlife control and leave behind the antiquated outmoded weapons of the past.

Mr. President, the bill I am introducing today would establish an advisory commission of seven members appointed by the chairman of the Council on Environmental Quality and the Secretary of the Smithsonian to advise the Secretary of the Interior with respect to regulations promulgated under this act. Such regulations shall prescribe acceptable methods of trapping and shall designate the specific traps meeting the standard of humane traps as those traps designed to capture painlessly or kill instantly.

In addition to establishing national trapping standards, the bill has six other major purposes: First, to prohibit the use of inhumane traps on Federal lands; second, to prohibit the interstate commerce in inhumane traps; third, to prohibit the interstate commerce of products taken from animals which were captured with inhumane traps; fourth, to require the inspection of traps at least once every 24 hours; fifth, to assist individual States comply with the requirements of the act; and sixth, to encourage the submission by individuals of information leading to the apprehension of any individual violating the provisions of the act.

Finally, I want to emphasize that the bill is not intended to wipe out the trapping industry or to inhibit unnecessarily predator control programs. The bill itself states in its finding that "it is the policy

of Congress to prevent—this—unnecessary suffering through discouraging the use of such traps and devices, but in a manner which shall not prejudice the right of private landowners to protect private property or domestic animals against damage and depredation." The bill I am introducing this year contains a number of modifications which were not contained in a similar bill which I introduced in the 92d Congress. I have spent a great deal of time studying the bill so as to present the most reasonable vehicle possible for ensuring nationally consistent and high standards of humaneness and care in our trapping policies. I ask unanimous consent that a copy of the bill as well as available State laws and bills be printed at this point in the RECORD.

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

S. 1637

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress finds and declares that vast numbers of wild and domestic animals and birds, including family pets and valuable hunting dogs, are needlessly maimed and exposed to prolonged and painful suffering through the use of steel leghold traps, and other painful, sublethal devices used to trap or otherwise capture animals and birds. It is the policy of Congress to prevent this unnecessary suffering through discouraging the use of such traps and devices, but in a manner which shall not prejudice the right of private landowners to protect private property, or domestic animals on private property, against damage and depredation.

SEC. 2. As used in this Act, the term—

(1) "trap' means any trap, snare, net, or other device designed to trap or capture any animal or bird;

(2) "approved trap" means any trap which is designed to trap or capture any animal or bird in a manner by which the animal or bird is either captured painlessly or killed instantly, and which meets the standards and criteria contained in the regulations promulgated by the Secretary pursuant to section 3 of this Act;

(3) "person" means any individual, partnership, association, corporation, or other entity; and

(4) "interstate or foreign commerce" shall have the same meaning as that provided under section 10 of title 18, United States Code.

SEC. 3. (a) (1) As soon as practicable following the date of the enactment of this Act, but in no event later than one hundred and twenty days following such date, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall, in consultation with the affected heads of other departments and agencies of the United States, issue, and revise from time to time, regulations relating to the trapping and capturing of animals and birds on any and all Federal lands, but nothing in this Act shall be construed as authorizing such trapping or capturing of animals or birds thereon. Such regulations shall prescribe acceptable means and methods for trapping and capturing animals and birds on the Federal lands in a humane manner. Such regulations shall contain standards and criteria setting forth the type of trap determined by the Secretary to be a trap which either captures painlessly or kills instantly any animal or bird caught therein, and which, to the extent practicable minimizes the possibility of trapping animals and birds not intended for capture. Regulations promulgated pursuant to this section shall be published in the Federal Register. The Secretary is authorized to conduct such tests as may be necessary to enable him to carry out his duties under this Act.

(2) Any person violating any such regulation shall be fined not more than $500 or imprisoned not more than one year, or both.

(b) (1) An advisory commission of seven members shall be appointed by the Chairman of the Council on Environmental Quality, in consultation with the Secretary of the Smithsonian Institution, to consult with, and to advise and make recommendations to, the Secretary with respect to traps designed or intended for use in trapping or capturing animals or birds, including regulations of the Secretary. The commission shall further supervise any and all tests carried out pursuant to subsection (a) of this section.

(2) Members of such commission shall receive no compensation as such for their service as members of the commission but may be reimbursed for expenses actually incurred by them in the performance of their duties under this Act.

SEC. 4. (a) Whoever sells, ships, transports, or carries, or causes to be sold, shipped, transported, or carried, in interstate or foreign commerce, any trap designed or intended for use in trapping or capturing animals or birds, or both; which is not an approved trap, shall be fined not more than $5,000 or imprisoned not more than one year, or both; and such trap shall be forfeited to the United States.

(b) Interstate or foreign shipment of any hide, skin, or feathers taken from an animal or bird which has been captured on any lands with a trap other than an approved trap, or any product made from such hide, skin or feathers, shall be prohibited. The Secretary of Interior shall publish regulations for the enforcement of this subsection. Any person violating the regulations or this subsection shall be fined not more than $5,000 or imprisoned not more than one year, or both; and such hides, skins, feathers or products thereof shall be forfeited to the United States.

(c) Whoever, upon any of the Federal lands, places or causes to be placed any trap other than an approved trap for the purpose of trapping or otherwise capturing any animal or bird, or who, having so placed or caused to be so placed an approved trap, fails to inspect and empty such trap or fails to cause such trap to be inspected or emptied, at least once every twenty-four hour period, shall be fined not more than $5,000 or imprisoned not more than one year, or both; and such trap shall be forfeited to the United States.

SEC. 5. In any violation of subsection (d) of section 4 of this Act involving the placing or causing to be placed of any trap other than an approved trap upon any of the Federal lands, the appropriate Secretary shall, with respect to any person so convicted of such violation, immediately take such action as may be necessary to suspend, revoke, or otherwise terminate any lease, license, contract permit, or other agreement involved in or connected with such violation, between such person and the United States.

SEC. 6. (a) On and after the effective date of this section, no action involving the trapping or capturing of animals and birds shall be carried out on any Federal lands unless such action is (1) otherwise authorized by or pursuant to any Federal law, (2) carried out in accordance with a program or activity conducted or supervised by Federal or State personnel, designed for the purpose of conserving or controlling, predatory or other wild animals or birds, (3) carried out by means of an approved trap, and (4) in compliance with regulations promulgated pursuant to section 3 of this Act.

(b) Any person violating this section shall be fined not more than $5,000 or imprisoned not more than one year, or both.

SEC. 7. On and after effective date of this section, no Federal agency shall (1) engage in any program or activity which aids, subsidizes, or encourages the trapping or capturing of wild animals or birds for recreational or commercial purposes, or (2) assist, financially or otherwise, any State or political subdivision thereof in connection with any program or activity of that State or subdivision involving the trapping or capturing of wild animals or birds for recreational or commercial purposes.

SEC. 8. Notwithstanding the provisions of section 7 of this Act, the Secretary is authorized to enter into cooperative agreements with any affected State or political subdivision of a State pursuant to which the Secretary shall be authorized to assist such State or subdivision financially or otherwise to enable it to comply with the requirements of this Act. Such financial assistance may be provided in such amounts, in such manner, and subject to such conditions as the Secretary may prescribe.

SEC. 9. (a) Subsections (a) and (d) of section 4, sections 5 and 6, and regulations promulgated by the Secretary pursuant to section 3 shall take effect upon the expiration of the one hundred and eighty day period following the date of the enactment of this Act.

(b) Subsections (b) and (c) of section 4 shall take effect upon the expiration of the twenty-four month period following the date of the enactment of this Act.

(c) This section, the first section, and sections 2, 3, 7, 8, 10, and 11 shall take effect upon the date of the enactment of this Act.

SEC. 10. The Attorney General of the United States is authorized to pay any individual an amount not to exceed $10,000 for information and services furnished by such individual concerning any violation of this Act. Any officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall not be eligible for payment under this section.

SEC. 11. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

STATE OF INDIANA

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 1971, 14-2-4-2 is amended to read as follows:

Sec. 2. (a) *Any person who, for commercial profit, places or causes to be placed upon any land or waters* any snare, net, or any other device which causes the trapping or capturing of any animal or bird in any manner by which the animal or bird is not either captured painlessly or killed instantly, or who, having placed any such device designed to trap an animal or bird, fails to inspect and empty it at least once every twenty-four (24) hours shall be fined not more than five hundred dollars ($500) or imprisoned not more than six (6) months, or both.

(b) Any person who, upon any land or waters places or causes to be placed any leg hold trap or similar device, or any person who ships or sells, including but not limited to, any leg hold trap shall be fined not more than one thousand dollars ($1,000) or imprisoned not more than six (6) months, or both.

(c) It shall be unlawful for any person to remove any animal or bird from any trap not his own property without permission of the owner.

STATE OF WASHINGTON

An act relating to prevention of cruelty to animals; adding a new section to chapter 146, Laws of 1901 and to chapter 16.52 RCW; and providing penalties.

Be it enacted by the Legislature of the State of Washington:

New Section. Section 1. There is added to chapter 146, Laws of 1901 and to chapter 16.52 RCW a new section to read as follows:

(1) No person may, upon any land or water within the jurisdictional boundaries of the state of Washington, place or cause to be placed any trap, snare, net or other device designed to trap or capture any animal in a manner by which that animal is not painlessly captured or instantaneously killed.

(2) No person may manufacture, sell, or transport in commerce any trap, snare, net or other device designed to trap or capture any animal in a manner by which that animal is not painlessly captured or instantaneously killed.

(3) No person under sixteen years of age may place or cause to be placed any trap, net, snare or other device designed to trap or capture any animal.

(4) Any person having placed a trap, snare, net or other device permitted by subsection (1) of this section shall be required to inspect and empty such devices once every twenty-four hours.

(5) The director of the Washington state game commission shall conduct such tests and promulgate such rules and regulations as deemed necessary to the execution of this section.

(6) Violation of any provision of this section shall be a gross misdemeanor and shall be punishable by a fine of not more than five hundred dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment. A conviction under this section shall result in confiscation of all equipment, animals, and pelts used in or obtained during a violation of this section.

STATE OF WISCONSIN

ANALYSIS BY THE LEGISLATIVE REFERENCE BUREAU

This bill narrows to live traps and killer traps the devices which may be used to take fur-bearing animals. Penalties of 60-day jail sentence or $200 fine or both are established for violations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 29.413 of the statutes is created to read:

29.413 FUR-BEARING ANIMALS; TRAPPING. (1) No person may set, sell, use or maintain, for the capture of fur-bearing animals, any trap, snare or other device which does not either take alive unhurt or kill at once. If instant killing traps are used they shall be set within a burrow or hole so as not to injure domestic animals.

(2) No person may set any trap on the land of another without his written permission.

(3) Any person setting traps shall visit them at least once a day and release any animal found therein.

(4) Any person violating this section may be fined not more than $200 or imprisoned not more than 60 days or both.

Section 2. This act shall take effect January 1, 1975.

STATE OF OREGON

A bill for an act relating to control of noxious rodents or predatory animals; amending ORS 610.105.

Be It Enacted by the People of the State of Oregon:

Section 1. ORS 610.105 is amended to read:

610.105. Any person owning, leasing, occupying, possessing or having charge of or dominion over any land, place, building, structure, wharf, pier or dock which is infested with ground squirrels and other noxious rodents or predatory animals, as soon as their presence comes to his knowledge, may, or his agent may, proceed immediately and continue in good faith to control them by poisoning, trapping or other appropriate and effective means, provided, however, that steel snap jaw traps shall not be used.

ALABAMA LAW

An act to prohibit the use of steel traps and similar devices in counties having a population of not less than 38,100 nor more than 40,500, and in counties having a population of not less than 41,750 nor more than 45,000, according to the most recent federal decennial census, and to prescribe punishment for the violation of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for any person to use any steel traps or similar device in any county having a population of not less than 38,100 nor more than 40,500, or in any county having a population of not less than 41,750 nor more than 45,000, according to the most recent federal decennial census, except that residents of such counties may set such steel traps or similar devices within the curtilage of their homes.

Section 2. Any person violating provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each offense.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor.

Approved July 12, 1971.

Time: 10:25 A.M.

I hereby certify that the foregoing copy of an Act of the Legislature of Alabama has been compared with the enrolled Act and it is a true and correct copy thereof.

Given under my hand this 16th day of July, 1971.

FLORIDA ANNOUNCEMENT

The use of leg hold traps will be banned in Florida effective January 1, 1973 according to action taken by the Game and Fresh Water Fish Commission at a meeting in Tallahassee on Friday, October 20.

The emergency order, to be issued by the Commission, will prohibit the use of all leg hold steel traps. The new rule will apply statewide and will permit the use of live or cage type traps for taking fur bearing animals.

The Commission banned the use of steel leg hold traps with teeth last April.

According to a study conducted by the Commission, Florida will be the first state in the Nation to prohibit the use of steel traps for taking fur bearing animals. The study also indicated that while the use of such traps is an accepted means of wildlife harvest in America several European countries prohibit the use of steel traps for taking wildlife.

The new rule will provide that a special permit may be issued to landowners for use of steel traps when such traps are necessary for the protection of private property.

The Commission action was based on a resolution adopted by the Florida Wildlife Federation urging the ban of steel traps as an inhumane method of wildlife harvest.

By Mr. BIBLE (for himself, Mr. CANNON, and Mr. JACKSON):

S. 1638. A bill to authorize the Secretary of the Interior to make certain Federal lands available to State and local governments for park and recreation purposes. Referred to the Committee on Interior and Insular Affairs.

FEDERAL LAND FOR PARKS AND RECREATION ACT OF 1973

Mr. BIBLE. Mr. President, I introduce for appropriate reference a bill to authorize the Secretary of the Interior to make certain public domain lands available to State and local governments for park and recreation purposes.

This proposed Federal Land for Parks and Recreation Act will add a further dimension to our longstanding national policy of encouraging and assisting State and local governments in the acquisition of the open space they need to meet the burgeoning nationwide demand for more well managed park and recreation facilities.

The purpose of this legislation is to overcome present limitations in the law that restrict the availability of public domain lands for transfer to State and local management for park and recreational uses. As previously written, the Recreation and Public Purposes Act (43 U.S.C. 869(b)) restricts conveyances of public lands to States for recreational purposes to not more than three sites aggregating not more than 6,400 acres in any calendar year. The effect is to unduly complicate and prolong the implementation of statewide park and recreation systems and programs, particularly in the public domain States of the West which must rely on the Federal Government to make its lands available for State and locally administered park and outdoor recreation systems.

The bill I am introducing today would authorize and direct the Secretary of the Interior to make available to State and local governments for park and recreation purposes public domain lands—except lands on the outer continental shelf and lands classified as primitive areas—administered by the Bureau of Land Management. Before approving any such transfer, the Secretary would be required to determine: First, that the lands in question possess park or recreational values, second, that the State in which the land is located needs additional open space areas in order to provide a variety of well-managed outdoor recreation opportunities, third, that use of the public lands involved for park and recreation purposes would be compatible with planned Federal park and recreation programs, the comprehensive statewide outdoor recreation plan submitted by the State pursuant to the Land and Water Conservation Fund Act, or other State or local park or recreation plan approved by the Secretary, and fourth, that the State or local government seeking the transfer has the authority, resources, and capability to manage and operate the lands involved for park and recreation purposes. In order to conserve State and local funds for development and management of the areas involved, transfers under the bill would be without cost to the applicant, except for a reasonable charge to defray the administrative cost of the conveyance. Consistent with present policy and the provisions of the Recreation and Public Purposes Act, all mineral rights and interests in the lands covered by the bill would be reserved to the United States and provision is made for reversion of the land itself in the event it ceases to be used and maintained for park and recreational purposes.

In his environmental message earlier this year, President Nixon emphasized that the Federal Government must play

an active, positive role in upgrading recreation opportunities and that State and local governments must play a crucial and central role in meeting the Nation's demand for parks and recreation. We have a situation today in which existing programs are not meeting the growing demand for outdoor recreation opportunities. Matching assistance for State and local park and recreation programs is grossly inadequate. The funding of our Federal park and outdoor recreation programs falls far short of the need that all recognize exists. Funding for recently authorized land acquisitions by the National Park Service alone has fallen more than $150 million behind congressional authorizations. And it is no secret that State and local governments find themselves caught up in varying degrees of fiscal crisis that inhibit their capacity to move as fast as they would like with the long-range open space investments required to provide for their present and future outdoor recreation needs.

There can be no question that additional authorities are needed to make unused Federal lands available for State and local recreational uses. A truly effective Federal-State partnership to broaden and enhance the Nation's recreational resources calls for a liberalization of the Federal Government's policy toward the disposition of unused public domain lands for such purposes.

The bill I am offering today is overdue and would be a meaningful exercise in the kind of constructive federalism we need to encourage and enable many of our State and local governments to maximize their contributions to the Nation's parks and recreational resources.

By Mr. McCLELLAN (for himself, Mr. YOUNG, Mr. STENNIS, Mr. HRUSKA, Mr. PASTORE, Mr. BIBLE, Mr. COTTON, Mr. TALMADGE, Mr. HARTKE, Mr. FULBRIGHT, Mr. BENNETT, Mr. CURTIS, Mr. FANNIN, Mr. ROTH, Mr. PROXMIRE, Mr. PERCY, Mr. BROCK, Mr. LONG, Mr. DOMINICK, and Mr. JAVITS):

S. 1641. A bill to amend the Rules of the House of Representatives and the Senate to improve congressional control over budgetary outlay and receipt totals, to provide for a Legislative Budget Director and staff, and for other purposes. Referred to the Committee on Government Operations, by unanimous consent.

BUDGET CONTROL ACT OF 1973

Mr. McCLELLAN. Mr. President, I want to thank the distinguished assistant majority leader and also the minority leader for allowing me a few minutes to introduce a bill in which all the Senate is interested.

On behalf of myself and Senators YOUNG, STENNIS, HRUSKA, PASTORE, BIBLE, COTTON, TALMADGE, HARTKE, FULBRIGHT, BENNETT, CURTIS, FANNIN, PROXMIRE, LONG, and ROTH, all of whom are members of the Joint Study Committee on Budget Control, and Senators PERCY and BROCK, I am today introducing and now send to the desk a bill to be entitled The Budget Control Act of 1973. A companion bill, I am advised, is also being introduced in the House of Representatives.

No problem now confronting Congress is more serious than the management and control of America's fiscal resources.

Management and control are the common denominators underlying a sound fiscal policy.

They are the fundamental factors that shape priorities and goals.

They are the bedrocks of solvency.

Unfortunately, however, these are also the prerequisites for sustained economic growth and stability that we presently lack.

The statistical facts are simple but compelling:

Of the $268.6 billion in outlays proposed in the administration's latest budget, $201.8 billion—roughly 75 percent—is uncontrollable. Authority for these 1974 expenditures was provided in prior years. Funds to fulfill these commitments have in large measure already been obligated. It is too late for us to step in now and rechannel most of these huge sums into other programs. That die has already been cast.

Of the $268.6 billion spending estimate in the budget for fiscal 1974, only 44 percent—around $120.8 billion—would derive from new obligational authority provided in appropriations bills for 1974. Yet, even for part of this category, appropriations will be pro forma since past authorizations require such funding.

We have, in short, so splintered spending authority off from the regular appropriations process, that the amount of management and control which Congress exercises over any given budget has become significantly diminished. For example, during the past 5 fiscal years, Congress, in appropriation bills, reduced new budget authority requests by approximately $30 billion. But, during this same period, Congress approved expenditures in nonappropriation bills which exceeded such administration budget requests by slightly over $30 billion.

In fiscal 1973, of the 160 legislative actions having a direct or indirect effect on budget authority and spending, only 19 were in the form of appropriations measures. All the rest—141 of them—were numerous legislative bills which bypassed the usual appropriations process but which, nonetheless, were the source for fiscal 1973 expenditures.

We are circumventing long established funding procedures for short term fiscal expedients.

We are bypassing dependable appropriations restraints for dubious spending concessions.

In the process, we have caused severe fiscal strain, seriously eroded the power of Congress over the purse, and derogated our vital system of checks and balances with the executive branch over Federal expenditures and prudent fiscal stewardship.

It has been 52 years since Congress has done anything about shaping its basic tools for controlling Federal expenditures—the Budget and Accounting Act of 1921 being the last major reform of congressional budgetary procedure. Yet we now spend nearly 100 times annually what we were spending in the 1920's.

One quick glance at the spiraling authorizations contained in recent legislative proposals underscores the pressing need to augment and revise congressional spending controls. In the 92d Congress alone, we enacted new programs with projected 5-year authorizations totaling more than $321 billion. And in the 93d Congress—hardly 3½ months old—we have already introduced 1,430 measures in the Senate which, if enacted into law and appropriations made as authorized, would cost the Federal Government an astonishing $49.5 billion—just during the approching fiscal year.

It is clear, Mr. President, that Congress must regain control over our Nation's purse strings if we are to avert the ill consequences which insolvency imposes.

In an effort to bring total annual expenditures and revenues into closer balance—and thus halt the recent avalanche of deficits and debt which fuel the fires of inflation and cause so many dollar difficulties here and abroad—I reported to the Senate on Tuesday that the Appropriations Committee has established a tentative ceiling on expenditures that it will endeavor to honor in processing appropriations bills for the coming fiscal year. This budget ceiling should help us to hold the line on Federal outlays and move us in the direction of economic stability.

The budget ceiling adopted by the Senate on April 5, 1973, in the Par Value Modification Act—S. 929—will also help us in this regard. But in light of the many factors contributing to the total Federal spending picture—most of which lie outside the spending authority of and recommendations set forth by the Appropriations Committee—action on a much broader congressional front is required.

It is, therefore, to this end, Mr. President, that I am privileged to introduce the Budget Control Act of 1973, a bill fashioned from recommendations set forth by the Joint Study Committee on Budget Control on which I have the honor to serve as co-vice chairman.

In my judgment, the Budget Control Act of 1973 provides a means by which Congress can regain and maintain better control of the economc reins of state.

It provides an effective, permanent mechanism for budget control.

It provides a comprehensive, coordinated review of budgetary priorities.

It provides a method for determining available revenues for funding the cost of government.

In short, it provides the necessary machinery for us to achieve the budgetary perspective and to establish the priorities we must have to match America's hopes and aspirations with the realities of our limited fiscal resources.

Mr. President, allow me briefly to describe the basic features of this proposal:

First, it establishes a special committee on the budget in both the Senate and House to review the budget on an overall basis. The committee in the House would have 21 members and the committee in the Senate 15. In both cases, one-third of the members would be drawn from the Appropriations Committees, one-third from the Ways and Means or Finance Committee and one-third from legislative committees generally. The chairman of each committee would alternate each year from among the members of

the appropriations and tax committees. A joint staff would be provided for the committees. Highly trained, professional and nonpartisan, this staff will give Congress its own center of budgetary operations.

Second, the committees would report out at least two concurrent resolutions which would; First, provide overall limitations on budget outlays—expenditures and net lending—and on new budget authority—new obligational authority; second, provide for the appropriate level of revenue collections and level of the public debt—including the authority to direct the tax committees to raise or lower the aggregate level of Federal revenues; and, third, divide up the maximum permitted budget outlays and new budget authority—provided in 1 above—among the various subcommittees of the Appropriations Committees based on recommendations from the Appropriations or any other committees. In addition, allocations would be made to other committees having jursdiction over budget outlays or new budget authority, primarily for trust funds.

Third, the limitations provided for in the concurrent resolutions would cover all existing spending and budget authority, not just that presently going through the Appropriations Committees. In the case of congressional action providing new program funding, all budget outlays would be provided through the Appropriations Committees, except in the case of trust funds created by the levying of a new tax.

Fourth, to provide assurance that a choice be made among competing priorities, when amendments to the concurrent resolutions are offered on the House or Senate floors, a rule of consistency would have to be followed in offering floor amendments. Under this rule, if an amendment increasing funds for any purpose were offered to the resolution, the amendment would also have to provide for a commensurate decrease in other funding categories, or, alternatively provide for an increase in the overall limitation by either a debt or tax increase. This matching of decreases and increases would apply not only to budget outlays but also to new budget authority as well.

Fifth, where budget outlay and revenue figures set forth in the final concurrent resolution would create a deficit in the congressional budget, an appropriate tax surcharge, reported out by the tax committees, would be provided for in the concurrent resolution.

Sixth, to provide for new programs or expansion of existing programs a contingency fund would be created and funds in it allocated in the second concurrent resolution to provide for such programs. Appropriations for these new programs would then be provided in a final appropriation bill for the session. In addition to this contingency fund, up to 2 percent of the amount allocated to the Appropriations Committee would be set aside in a special reserve for the Appropriations Committee to allocate among all programs as it acts on the appropriations bills. Two percent may not sound like much money, but in the case of the proposed 1974 budget, this amount would come to around $3.4 billion.

These are just some of the highlights contained in this very significant and far-reaching legislative proposal. I commend the Joint Study Committee's excellent report to each Member, for a full analysis and review of each provision found in the bill, and ask unanimous consent, Mr. President, to have this document reprinted in full at the conclusion of my remarks.

The day of reckoning with the full budget crisis is upon us, Mr. President. We can no longer postpone or ignore permanent reforms to deal with it. Short term, stopgap efforts, which remedy only in part, will no longer suffice.

Twenty-three years ago, on February 19, 1950, I first introduced a measure to create a Joint Committee on the Budget, designed to resolve the serious deficiencies in congressional budgetary and appropriations procedures. I reintroduced this bill in nine subsequent Congresses, with the Senate approving it each time. The Budget Control Act of 1973 contains the seeds of my earlier proposal but goes well beyond it in affording an overall means to control Federal expenditures.

Just as I never intended that my bill was the only answer to the problem, neither do the sponsors of the Budget Control Act of 1973 contend that it is the only answer. But, Mr. President, I do believe that the Budget Control Act offers a responsible answer to the serious budget responsibilities now confronting us. I do believe that this legislation can be the basis for a new congressional process upon which America can build a more durable financial future.

Mr. President, I am confident that the committees considering the bill will find it feasible and desirable to make amendments to it, but the bill as introduced will serve as a foundation on which to build, as I have said, a better structure of financial control in the Government.

Mr. SYMINGTON. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I am glad to yield to the Senator from Missouri but I would suggest, before I yield, that I think the bill should be referred—and I hope it will be first at least—to the Government Operations Committee.

The PRESIDING OFFICER (Mr. HANSEN). Is there objection?

Mr. METCALF. Mr. President, reserving the right to object—I do not want to get in the way of the distinguished Senator——

Mr. McCLELLAN. Well, I withhold that request for the moment.

I yield to the Senator from Missouri.

Mr. SYMINGTON. Mr. President, I congratulate the distinguished senior Senator from Arkansas for a typically thorough examination of one of the most important of all problems this Nation faces today; namely that of, some day, balancing the budget in recognition of our financial problems.

I would ask the distinguished chairman of the Appropriations Committee if he plans to note what the Armed Services Committee recommends in authorization to the Senate prior to appropriation?

Mr. McCLELLAN. I do not believe the Appropriations Committee would make appropriations without authorizations. The Senator, in his committee, has the first responsibility for considering expenditures in the Defense Department.

Mr. SYMINGTON. I thank the able Senator.

Day before yesterday I chaired a meeting of the Military Applications Subcommittee of the Joint Atomic Energy Committee and was told about the almost unbelievably high cost of a small weapon about which there seems to be considerable discussion as to whether or not we really need it.

I am confident the Armed Services Committee will produce information which will be of interest to the distinguished chairman of the Appropriations Committee and all those apprehensive about the size of our debt. I appreciate his courtesy in answering my question on that particular point and again congratulate him for the bill he has introduced today.

Mr. McCLELLAN. I thank the Senator very much. I do not want to take the credit for the bill. The bill is a product of the Joint Committee on the Budget. I am a member of that committee but there are other Senators who certainly shared in working on the recommendations and they are entitled to the real credit for the bill.

Mr. President, I now yield to the distinguished Senator from Montana (Mr. METCALF) and I would make the request again——

Mr. METCALF. Will the Senator propound his unanimous-consent request again?

Mr. McCLELLAN. I was going to request that the bill be referred to the Committee on Government Operations, first at least—I do not know where else it may go afterward, but that would have to be done by order of the Senate, of course.

Mr. METCALF. Mr. President, reserving the right to object, this bill is a most important and significant bill—it may be the most significant bill that will be considered in this session of Congress.

The Budget Control Act of 1973 contains the seeds of many ideas that the Senator from Arkansas suggested over the years. It also has some ideas that have already been suggested by legislation which was introduced.

Before the Government Operations Committee at the present time are more than a dozen bills. Many of them contain splendid ideas as to budget control. The Government Operations subcommittee in charge of the bills has already started to hold hearings on this matter. The Senator from Arkansas is a member of that subcommittee.

I can assure him—and he knows—that we will vote out a bill, and we will vote out a bill that will contain the best parts not only of the joint study committee recommendations but also some of the other suggestions that outstanding Members of the Senate on both sides of the

aisle have proposed and propounded. Their bills and the joint study bill, the Budget Control Act of 1973, will be the framework, I say to the distinguished Senator from Arkansas, on which we will start to act and draw up the budget control legislation.

So that I believe the bill should go to the Government Operations Committee where all the other bills have gone. Any other bills on this subject matter should also go to the Government Operations Committee. I hope that the Senator from Arkansas will include in his request that other bills on this subject will also be referred to the Government Operations Committee before a bill is reported.

Mr. McCLELLAN. I understand that all bills have been referred—all that have been introduced on this subject—to the Government Operations Committee, and that that is the appropriate committee. I want to suggest that it go there because, for the present, there may be other committees later that would be interested in wanting to make a motion to refer to it for review. But I join the Senator in the suggestion that all measures dealing with this subject be first referred to the Government Operations Committee.

The PRESIDING OFFICER. Does the Senator from Arkansas make that request at this time?

Mr. McCLELLAN. Yes, Mr. President, I ask unanimous consent that the bill be referred to the Government Operations Committee.

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

Mr. McCLELLAN. Mr. President, I make one further observation. I am sure that all bills before the Government Operations Committee will be considered and that this bill, as I pointed out a while ago, will be subject to amendment, and there will be other provisions added to it, not now in it, that will tend to strengthen the bill or deal with the same subject.

Mr. METCALF. This important and significant legislation that emanated from the Joint Study Committee as well as the bills introduced by other Members will provide a framework on which we will adjust and adopt legislation that will ultimately emanate from the committee.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the name of the Senator from New York (Mr. JAVITS) be added as a cosponsor of the bill.

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

BUDGET CONTROL LEGISLATION

Mr. ROTH. Mr. President, I want to express my strong support for the legislation introduced today by Senator McCLELLAN on behalf of the Senate members of the Joint Study Committee on Budget Control.

This is the culmination of a concerted, bipartisan effort to repair the ailing congressional machinery, and in my mind represents the most significant congressional reform in a decade. If enacted, this language would create an entirely new procedure for budget consideration which would reflect the Congress' awareness of our current serious fiscal problems.

In short, it would force both the House and the Senate to focus on both sides of the Federal ledger, to twice a year review our available tax resources and decide how best to invest them in competing Government programs. It carries with it political and economic sanctions against wasteful spending by instituting an automatic surtax should Congress breach the spending ceiling it had determined appropriate for any given fiscal year.

As every family and business knows, there is always a greater demand for expenditures than there is revenue to support them. Many State and local governments have, since their inception, acknowledged this reality and written very precise budgetary control language into their constitutions and charters. It seems incredible to me that the Congress of the United States has been able to function this long without similar constraints. We simply cannot continue to spend more than a quarter million dollars each year without the discipline imposed by new rules called for in this legislation.

As one who has long argued for a more thorough consideration of overall spending, I am especially pleased to see the unanimous support of all 32 members for the Joint Committee's recommendations. Since coming to the Senate in 1971, I have made several attempts to have Congress impose expenditure limits on both itself and the executive branch. Although those efforts did not result in public law, I am thankful that the Congress is now coming to grips with the major issue lying behind those debates.

An expenditure ceiling, after all, can only hope to attack one piece of the problem, and this committee's legislation has reigned in on the other important element of budget control—ballooning authorizations which mandate spending outside the appropriations process and the increasingly large portion of spending over which Congress, and the executive, has surrendered almost all control.

I would urge my Senate colleagues to review the language of this bill and to reflect on the recommendations embodied in the committee's report. And, it is my sincere hope that both the House and the Senate committees will make this legislation their top priority for consideration after the upcoming recess.

Mr. TALMADGE. Mr. President, I am pleased to cosponsor this legislation to improve congressional control of our Nation's budgetary and fiscal policies. I am honored to have served on the Joint Study Committee on Budget Control, whose recommendations are embodied in this measure. Unfortunately, Mr. President, it is a sad commentary on the affairs of our republic that there is even a need for legislation such as this which imposes a degree of restraint and responsibility on those who are charged with managing our Nation's financial resources.

At the same time, we can take some consolation in the fact that this legislation signals a resolve, at least on the part of the Congress, to do better in the future.

And do better we must. Hopefully, we have learned a lesson from recent history. For 38 of the last 44 years, our Federal budget has been in a deficit position. In 1941, 165 years after the birth of our Nation, the United States had its first $10 billion budget at the Federal level. In 25 years, by 1966, we had our first $100 billion budget. Today, 8 years later, the President's budget recommendations for fiscal year 1974 call for expenditures in excess of $268 billion. In my view, this is suicidal.

Revenues have not kept up with expenditures so the Federal Government has resorted to an expedient commonly known as deficit financing. Put simply, we borrow money we do not have to spend on programs we do not need. As a result, our national debt is presently in excess of $450 billion, greater than the combined total of all of the national debts of all of the other nations on the face of the earth.

Why has this happened?

I believe it is because the Government of the United States has tried to be all things to all people. Federal programs and Federal spending have grown like topsy since World War II. Federal influence and Federal dollars today permeate every nook and cranny of America, indeed, every corner of the world. Our Nation has been on a spending spree like the proverbial drunken sailor on a weekend pass.

What does all of this mean for the American taxpayer? It means that a man who earns $10,000 annually works from January 1 until May 1, fully one-third of the year, in order to pay his taxes to the Government. The American working man is justifiably outraged with inequities in our tax structure and the amount of taxes he has to pay. He demands tax reform, and I do not blame him one bit. I strongly support revising the Internal Revenue Code to close loopholes which exist and to make all our citizens carry their fair share of the tax burden.

But, Mr. President, as badly as we need tax reform, we need spending reform even more. The legislation which I am cosponsoring today is a positive and long-overdue first step toward spending reform and fiscal responsibility. It is good legislation, and my only reservation is that it does not go far enough. I feel that the only true and lasting solution to exploding Federal budgets and festering budget deficits is the enactment of my proposed amendment to the U.S. Constitution which would flatly prohibit the Federal Government from spending more than it receives in revenues in any fiscal year, except in time of war or economic emergency specifically declared by the Congress.

However, given the fact that many Members of Congress perhaps do not feel as strongly about the necessity for balancing our Federal budget as I do, the bill before us represents an acceptable compromise.

Under this measure, special permanent committees would be formed in both Houses of the Congress and charged with establishing a ceiling on Federal expenditures for each year. If spending

exceeds this ceiling, Congress would be required to increase taxes in order to avoid breaking the budget.

This holds great promise, Mr. President. The prospect of having to vote to increase taxes, an anathema to elected public officials, should make Members of Congress think twice before voting for increased spending. I certainly hope that this will be the case.

Therefore, Mr. President, this measure offers us a challenge, a challenge to exercise restraint and responsibility which has heretofore been lacking in budgetary affairs. It is incumbent upon us to rise to that challenge and to act in the best interest of our Nation and our citizens. To shirk our duty at this crucial time would be a shameful violation of our public trust. I am hopeful that this legislation will be promptly and favorably considered by this body. I support it and I urge my colleagues in the Senate to do likewise.

Mr. McCLELLAN. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Mississippi.

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

STATEMENT BY SENATOR STENNIS

I strongly support the report of the Joint Study Committee on Budget Control, and the bill recommended by the Committee to implement the recommendations set forth in the report.

I was honored to be one of the members of the Senate Appropriations Committee designated to serve on the Joint Study Committee on Budget Control. Unfortunately, I was unable to attend the meetings of the Joint Study Committee after I was injured and to contribute as much as I would have liked to the work of the Committee. However, I have kept in touch with the work of the Committee and conferred during the course of the Committee's work with several of my fellow members of the Congress. Also, I have studied carefully the Preliminary Draft of the Committee Report, and have discussed its contents with one of the Cochairmen. I have been kept informed by the Cochairmen of the modifications subsequently adopted by the Committee. I endorse the concept that the primary responsibility lies with the Congress to set a ceiling on expenditures for each fiscal year and to provide for the apportionment of funds among the purposes for which appropriations are made. I endorse the findings of the Joint Committee and the proposed legislation to set in motion the processes recommended by the Joint Committee.

It is my firm opinion that the finances of our nation must be placed in sound order, and that this action is essential to counter the inflation that goes with financial irresponsibility. These are the most demanding domestic issues facing our country today. It is absolutely essential that inflation be checked, for the future of our nation.

The relationship between the federal income and annual expenditures must be monitored by Congress. This must be done by systematic procedures carried out within the rules of the Senate and House, amended or added to as may be necessary to carry out that purpose.

The Report of the Joint Study Committee and the bill introduced in the Senate today are the product of a great deal of hard work on the part of the committee members and the staff assembled to assist in this problem. I particularly wish to commend the efforts of my friend from Mississippi, Congressman Jamie Whitten, who was Cochairman of the Joint Study Committee. His long experience on the House Appropriations Committee and his broad grasp of the financial problems of government enabled him to make an outstanding contribution toward this bill.

Mr. President, I commend this bill to the favorable attention of each member of the Senate and strongly urge that it be promptly enacted into law.

By Mr. JAVITS:

S. 1642. A bill to establish a Commission on the Reform of the Federal Income Tax Laws. Referred to the Committee on Finance.

ESTABLISHMENT OF A COMMISSION FOR REFORM OF INCOME TAX LAWS

Mr. JAVITS. Mr. President, I introduce a bill to establish a commission for reform of the income tax laws. The bill, if passed, would pave the way for a comprehensive reform of both corporate and personal income taxes during 1974, which is apparently in line with any practical reading of the congressional calendar. The bill would commit us to a specific timetable. Also, under the terms of the bill, tax reform would be directed specifically at certain goals: strengthening the tax base; removing the distortions of present law which tax certain income classes too much and others too little; and, above all, imparting simplicity and efficiency into the tax code.

Last June the administration unequivocally promised tax reform proposals by the end of the year; but that did not happen. In January, Members of Congress gave some hope that we could have action on a tax reform package—at least in the House—by the summer recess. Now, according to last week's press reports, any such hopes are gone too. The administration is now supposed to put up its tax reform package in testimony on April 30 before the House Ways and Means Committee.

We owe it to the American taxpayer to make a firm commitment to action on tax reform. We also owe it to state in advance what are our goals, so that the phrase "tax reform" does not become in itself the embodiment of an empty promise or a vehicle for raiding the Treasury and further dismantling our tax base.

Accordingly, my bill establishes a 1-year Commission on the Reform of the Federal Income Tax Laws. Membership in the 12-person Commission would include Members of Congress, public members, the Secretary of the Treasury, and the Director of the Office of Management and Budget. The Commission would be required to submit an interim report within 6 months containing recommendations for enactment in 1974. The Commission's final report would contain its complete recommendations for comprehensive reform.

The bill also spells out three guidelines, or goals, for reform: First, no significant effect on the distribution of personal pretax income, but specific tax relief to individuals with lower incomes; second, simplicity of administration and reporting—including consideration of a gross income tax; and third, a strong, flexible tax base.

The bill also directs the Commission to study the social and economic implications of tax reforms it recommends, and to recommend ways to keep the deleterious side effects of any reform to a minimum.

We have heard a great deal in recent years about the inequities of the present tax system, and Congress from time to time has attempted to answer the call of Americans for a more equitable and effective tax code. In my view, these attempts have often done more harm than good. As a result of these attempts, we now have a severely eroded tax base, a myriad of special exemptions and preferences which by and large tend to favor wealthier taxpayers, and a set of tax laws so complicated as to make a national agony for Americans each April. In this setting, a congressional commitment to meaningful tax reform at the earliest possible time is a high national priority.

Mr. President, there is accumulating evidence that our tax code is indeed inequitable, in that it asks especially our middle income taxpayers—and the poor—to pay a disproportionate burden of the costs of Government. This evidence agrees with a Joint Economic Committee study showing that income distribution in the United States has displayed disturbing characteristics of inequality over time. As indicated by other figures developed for the committee the effect of most of the exclusions and preferences in our tax code has been simply to push this maldistribution of income still further. Now I do not for a moment think—or desire—that tax reform is suddenly going to make rich people out of the Nation's poor or so tax the rich as to remove all incentive for accumulating wealth. But I believe that we owe every American a tax system which spreads the burden according to each person's ability to pay. We cannot claim that our tax system does so at the present time.

In addition to being inequitable, our tax code has become almost unrivaled for its complexity. Taxpayers who itemized their deductions and reported dividend income in 1972 had to answer 11 more questions on their tax form than they did in 1968. Any taxpayer trying to compute a capital loss carryover this year was subjected to a 59-entry questionnaire which must have tried the patience of even many tax lawyers. I am aware of the fact that the increase in the personal exemption and the standard deduction in the 1969 act has enabled many taxpayers to resort to the short form. But the percentage of persons who struggle to itemize their deductions is almost twice as high as the percentage who took the long route back in 1944 when the standard deduction was first introduced.

A final argument for tax reform is that we face a fiscal crisis of the first magnitude brought about in part because of the improvident tax reductions granted by Congress in the 1969 Tax Reform Act. This, combined with the growing demands which modern society has placed on the Federal Government for programs and services, the recent economic slowdown, and the ruinous toll of Vietnam has not only thrown the present budget out of kilter but also virtually eliminated any chance of enacting major new Fed-

eral spending programs before 1975. According to the authoritative Brookings Institution study of national priorities, the growth of built-in spending programs already in place will eat up all of the Federal budget up until 1975, and will leave a relatively meagre $5 billion leeway as far out as 1977. We can already ascribe $15 billion of the present budget deficit to the tax cuts voted in the 1969 act, and this shortfall for the same reason will climb to $23 billion by 1977. I hardly need remind by colleagues of the inflationary implications of this kind of budget crunch.

Such, Mr. President, is the case for tax reform.

Mr. President, I am hopeful that my bill can add to the very healthy national debate on the need for tax reform, leading to equitable tax reform legislation, and I hope as well that the administration and the Congress will see the need to express unequivocally their commitment to a comprehensive overhaul of the tax code.

The American people have articulated their concern about the existing tax system, and their concern is legitimate. It is a concern which no government can afford to ignore.

Mr. President, I ask unanimous consent to have printed in the RECORD two articles from the Washington Post dealing with tax reform.

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

SOME TAX REFORM FORESEEN BY MILLS

(By Edmond Le Breton)

Rep. Wilbur D. Mills, the House tax chief, foresees passage by the House this summer of a tax reform bill—but one not likely to include some of the changes for which reformers have been pressing.

The Arkansas Democrat said in an interview that the legislation, though intended to correct some inequities, probably will not substantially increase government revenues nor result in a big overall tax cut.

The Ways and Means Committee, of which he is chairman, will begin about six weeks of hearings late this month or early in February, reviewing all tax preferences, Mills said.

The committee will not wait to receive recommendations from President Nixon's administration, but will hear administration witnesses at some later point in the hearings, he indicated.

He said the committee is beginning its review with no preconceived ideas as to which tax preferences should be trimmed or abolished, but pointed out some areas in which he is interested.

These include estate and gift taxes, especially the practice of avoiding taxes by generation-skipped trusts; capital gains; the minimum tax to recapture from the rich some of the revenue lost when they take advantage of certain tax preferences, and municipal bonds.

But Mills said estimates that vast revenues could be raised by closing alleged loopholes are exaggerated.

Some of the targets on which tax reformers focused during the 1972 campaigns were broadened business depreciation rules, the 7 per cent investment credit, and deferral of taxation on income of foreign subsidiaries.

Mills said the depreciation rules have not proved to be significant revenues-losers—"we took most of the advantage out of them"—and that the investment credit is needed to stimulate the economy.

As for taxation of overseas subsidiaries' earnings, Mills asked, "How do you tax a foreign corporation?" He said the problem is complicated because in many cases U.S. firms are only part owners of the foreign establishments.

He said the energy crisis would be a factor working against further reduction of tax advantages for the oil and gas industry, which were trimmed in 1969.

Mills did not detail his ideas on capital gains taxation, which is generally at half-rates if it results from sale of an asset held six months or more. In the past, he has indicated that the holding period might be lengthened and that a sliding scale of rates might be instituted, depending on how long the asset had been held.

He said the minimum tax yield has been disappointing, suggesting that its provisions might be tightened.

Interest on bonds issued by states and local governments is free, under the Constitution, of federal tax. A proposal to offer the jurisdictions an alternative—issuance of taxable-interest bonds along with a federal subsidy—was lost three years ago. Mills said he thinks it might now be more favorably received. Proponents said it would tend both to increase government revenues and to broaden the market for municipal bonds.

TAX REFORM SEEMS DEAD FOR THE YEAR

Any prospect that Congress will reform taxes this year virtually died yesterday.

Treasury Secretary George P. Shultz emerged from a two-hour White House meeting with Rep. Wilbur D. Mills (D-Ark.) and other congressional leaders and announced that Mills had agreed to set aside the tax reform issue and take up President Nixon's trade bill instead.

So complex are both issues—taxes and trade—that it is impossible for Mills' House Ways and Means Committee to deal with both in the course of a single session of Congress.

Mills' pledge—unless he changes his mind—thus had the effect of finishing off for 1973 any likelihood that Congress would undertake a thoroughgoing overhaul of the tax code.

Mr. JAVITS. I realize we have made many efforts to get a tax reform package from the administration. I realize the administration is going to present its package but I do not see how they would preempt the necessity for high-level expertise with respect to what we should do. The matter is so important we should establish a commission such as the Hoover commission, and that is the way my commission is constituted, to report to us the most desirable aspects of reform in order that we might have very authoritative and broad-based legislation.

For myself, I think it is the most practical of all the plans that have been put forward. It does not attempt to anticipate anything. It attempts to get a truly professional result. I hope to get early action on this matter.

By Mr. JAVITS:

S. 1643. A bill to provide minimum standards in connection with certain Federal financial assistance to State and local correctional, penal, and pretrial detention institutions and facilities;

S. 1644. A bill to assist urban criminal justice systems on an emergency basis in those cities where personal security, economic stability, peace, and tranquility are most impaired and threatened by the alarming rise in the commission of serious crime; and

S. 1645. A bill to provide assistance to State and local criminal justice departments and agencies in alleviating critical shortages in qualified professional and paraprofessional personnel, particularly in the corrections components of such systems, in developing the most advanced and enlightened personnel recruitment training and employment standards and programs, and for other purposes. Referred to the Committee on the Judiciary.

STRENGTHENING OF THE CRIMINAL JUSTICE SYSTEM

Mr. JAVITS. Mr. President, I introduce today three bills to strengthen our criminal justice system; in substance, bills I introduced in the 92d Congress.

Americans throughout the Nation continue to be deeply troubled about the condition of our system of criminal justice and its capacity to safeguard the rights of all, while protecting our people from crime and the fear of crime. In 1968, Congress set a priority for national crime control, a priority for making our streets safe and our homes secure. We have witnessed a tremendous increase in the allocation of Federal resources to crime control and crime prevention programs. The Nixon administration and many State and local criminal justice agencies have made important progress toward that goal.

The latest statistics from the Uniform Crime Index of the FBI show that serious crime is increasing at the rate of 1 percent per year—the lowest reported rate increase since 1960. Several major cities—including New York City have recently reported an actual reduction in certain categories of violent crime. Nevertheless, there is no doubt that our society still bears much too heavy a burden in the cost of crime and its related problems.

Despite the progress that has been made, we know that we still confront almost chaotic conditions in many parts of our criminal justice system—particularly in our local criminal courts and in the Nation's prisons.

We know that many of the old assumptions and practices about criminal justice have properly been questioned. We know also that there can be no real safety or security, or any lasting solution to the problem of high rates of crime unless we deal effectively with the problem of the repeat offender. And we cannot begin to deal with recidivism as long as we fail to recognize that a basic respect for the humanity of every man must be the hallmark of any humane system of justice.

In the area of drug abuse and narcotic addiction, I have long supported an extensive Federal, State, and local commitment to the treatment and rehabilitation of drug users in order that they may be returned to society as productive and useful citizens. In order to complement these efforts, I recently introduced two bills, S. 1137 and S. 1138 designed to increase the capability of our law enforce-

ment agencies and our courts to deal more effectively with the professional, high volume narcotics trafficker.

The three bills I introduce today are designed to deal with other aspects of our national crime problem. These measures deal with the problems of prisoners' rights and criminal recidivism; the shortage of qualified custodial and rehabilitative corrections personnel, and emergency funding for local criminal justice reform. The bills are:

The National Corrections Standards Act;

The Emergency Crime Reduction Act; and

The Criminal Justice Professions Development Act.

The corrections component of our criminal justice system still suffers from a plethora of ills: a lack of public support and understanding, piecemeal programing and understaffing, overcrowded, and unsanitary conditions, universal treatment of the prisoner as having few rights, a lack of facilities for job training and education, and totally inadequate funding.

The Congress must finally give immediate attention to this issue in all of its aspects. This includes corrections manpower development, corrections rehabilitation services, including job training and job placement, corrections education services, construction and renovation of correctional facilities, decentralized community corrections programs, and in my view, the critically important and traditionally neglected issue of prisoners' rights.

I have no illusions about the size of the problems attendant on effective correctional rehabilitation. There are hardened criminal offenders who are beyond any hope of peaceful reintegration into our society, and who will stubbornly resist our best efforts. And our people have a right to insist that they be protected from such offenders.

But there are many who can be rehabilitated and yet inhuman prison conditions inconsistent with our sense of justice and with any commonsense approach to the problem only lead to recidivism. The failure to recognize this, and to make it a fundamental operating principle within every jail, prison, correction, and detention facility in the Nation makes no sense from a moral, legal, or pragmatic view.

Morally, there is no basis for the proposition that the commission of a crime against society allows society to destroy the personal integrity of human beings by stripping away all of their legal and human rights. The idea that we should use prisons to sweep away what some might consider "human garbage" is repugnant to the very ethics upon which our Nation was founded.

Legally, the Federal courts have held that proportionality in punishment is a constitutional requisite and that inmates are protected from unreasonable action by corrections authorities by the due process and equal-protection provisions of the 14th amendment. The view that conditions in a jail alone can be so bad as to violate the eighth amendment ban against cruel and unusual punishment has gained new support in State and Federal courts in recent years.

Pragmatically, too, inmates should be treated as human beings. It violates commonsense to expect a man who has been brutalized and hardened to be kindly disposed to a society which has not only imprisoned him—and in some instances "caged" would be the more apt word—but which has tormented him as well.

Our corrections system cannot hope to do its job under the kind of conditions which are common in many prisons and detention facilities throughout the country. The variety of indignities commonly suffered by inmates ranging from sexual attacks, inadequate food, heat, and medical attention to the despair of men without hope debases and degrades our society as a whole in their eyes.

Unless our corrections system can impart to inmates a sense of ethical values—which is to say, some genuine belief in the humaneness of society, and its willingness to accept them as members if they will abide by its rules—no amount of new funding will reform the system and rehabilitate those who are within it.

Mr. President, we must therefore alter the structure of the prison system itself. The overall philosophy and policy that governs that system and the attitudes of the public, of corrections administrators and custodial personnel, and of inmates themselves are central to this issue. The relationship between staff and inmates, and a reexamination and sharpening of goals and fundamental objectives are matters which are really at the core of our problem with the American prison system. The Nation's corrections administrators, and those who have been committed to criminal justice reform must take a primary leadership role in this effort.

The first bill I introduce today, the National Correctional Standards Act, would establish national minimum standards of policy for the treatment of inmates and improved institution-inmate relationships. It was the subject of hearings last year in the National Penitentiaries Subcommittee, under the distinguished chairmanship of the Senator from North Dakota (Mr. BURDICK).

The standards would be developed—consistent with 13 general objectives set out in the bill—following public hearings, by an independent Commission appointed by the President, with the advice and consent of the Senate. Its members would be broadly representative of experience in fields related to corrections and criminal justice at the Federal, State, and local level.

Following presentation to the Attorney General, the standards could not be changed, except by majority vote of the Commission. It is important to emphasize that the standards would not be developed, legislated and mandated by Congress, but rather by those who have been closest to the problem.

The standards would then be applicable to LEAA which would administer all of its corrections grant programs under the act in accordance with the standards. They would also be applicable to the Federal prison system. The Commission would be required to complete its work within 1 year from the time of its appointment.

The bill provides that all State and local correctional departments must promulgate and implement within a reasonable time the minimum standards so established, or face a cutoff of Federal funds from the Law Enforcement Assistance Administration.

The standards will deal not only with "legal rights," but also with the administrative policy standards that govern significant aspects of the daily existence of the inmate. The 13 general objectives that the bill sets out for consideration by the Commission can be summarized in four categories:

First, minimum standards to promote respect for the human rights of inmates. Here we are dealing with the basic needs of the prisoner for adequate food and medical care, sanitary living conditions, recreation facilities, hygienic needs and freedom from sexual attacks and abuse. They will also cover regulations pertaining to the sending and receiving of mail, including the opening, censoring, and confiscation of correspondence, the right to communicate with the outside world, at least with family and friends, access to legal assistance, the right to vote, and visiting privileges.

Second, standards will apply to the establishment of mechanisms to raise issues relating to the basic conditions under which inmates live, the improvement of such conditions, and the resolution of grievances of all kinds. There is a critical lack of communication between the inmates and the policymakers in the prisons. Some prison systems are now experimenting with a citizen ombudsman who fulfills this function. They will also deal with the publication and notice to inmates of rules governing their conduct and the conduct of correctional personnel, and procedures to be followed in adjudicating charges for violations, minimum and maximum penalties, and forms of punishment.

Third, standards will relate to the utilization and employment of professional and paraprofessional minority group personnel and to the provision of bilingual minimum education services. Race is clearly an extremely dangerous problem. Nearly all of the guards and prison officials in many prisons are white. Increasing numbers of inmates are black, Puerto Rican, and Mexican American. Racial antagonism is thereby reinforced and frequently sparks the flashpoint of prisoner unrest.

Fourth, standards will relate to special rules applicable to the incarceration or detention of those who have been charged with, but not convicted of, any crime, those who are juvenile delinquents and youth offenders, those who are felons and misdemeanants, and persons of different sex. In many local corrections systems, including New York City's thousands of persons detained prior to trial—all presumed to be innocent until proven guilty—live under more serious deprivation than those who have been convicted. We must begin to address this situation and provide realistically for the rights of such persons.

Mr. President, my second bill is the Criminal Justice Professions Development Act of 1973. I believe it to be an indispensable part of any comprehensive

strategy to improve our performance in correctional rehabilitation. It is a necessary complement to the National Correctional Standards Act, which I have just introduced.

We cannot continue to ask our correctional departments and agencies at the State and local level to accept the kinds of responsibility we have long given to them without providing adequate resources for recruitment, training, and employment of their professional personnel.

We cannot ask them to raise their standards of performance and to take on more ambitious goals and profoundly difficult objectives without a commitment to respond on their issue.

The bill would amend the Omnibus Crime Control and Safe Streets Act of 1968 by creating a new part J, "Criminal Justice Professions Development." It would establish and support a national network of regional crime and delinquency centers which would serve as training institutions for students and practitioners of criminal justice, centralized channels for recruitment of criminal justice personnel, consultation centers for criminal justice agencies and relevant professional schools, and research centers for basic and applied studies of criminal justice.

The professional staff of such centers would be composed of personnel drawn both from the academic community, primarily in the fields of law, clinical psychology, psychiatry, social work, and public administration, as well as, from the practicing agencies of criminal justice.

The bill would also provide increased academic assistance for corrections systems professional personnel, including probation and parole officers. A 3-year $35,000,000 authorization is recommended to provide assistance for study and training in academic subjects related to correctional administration and rehabilitative services.

The bill would also provide for the establishment of a Presidential Advisory Council on Criminal Justice Professions Development, an annual assessment of criminal justice manpower needs by the Attorney General, and authorize a national criminal justice professions recruitment program.

Recognizing that recruitment and compensation of new personnel is an absolute necessity, the bill would also authorize LEAA to make grants to State and local corrections departments and agencies to assist them in the recruitment, employment, and compensation of professional and para-professional personnel.

This would apply to administrative, custodial, rehabilitative, medical, and other personnel, consistent with criteria established by LEAA. In any event, not more than one-third of any grant could be expended for the compensation of custodial personnel.

Also, any grantee would have to provide adequate assurances that—

First, Federal funds would not be used to supplant State and local funds;

Second, personnel standards and programs reflect the most advanced and enlightened practices and objectives; and

Third, the applicant is making progress in improving the recruiting, organization training, and education of personnel engaged in correctional activities.

In 1972 LEAA expended in bloc grants and discretionary funding over $18 million for personnel, recruitment, and training throughout the national criminal justice system. Under part E, providing exclusively for corrections improvements, the total expenditure was only $3,350,000. While there is some additional spending for corrections under part C of the act, the largest share of funds in this area has gone to the law enforcement component of criminal justice.

My bill would authorize an additional $40,000,000 for corrections during the next 3 years.

Mr. President, my third bill, the Emergency Urban Crime Reduction Act of 1973, seeks two basic objectives which I think are essential to any new grant-in-aid legislation in the criminal justice area:

First. Specific priority uses to which the funds must, in part, be put which are reasonably calculated to produce short-term results in reducing crime rates in urban areas.

Second. The initiation of some genuine long-term reform in each of the three component parts of the local criminal justice system—police, courts, and corrections.

The measure would concentrate a proposed authorization of $300 million for each of the next 3 years in the central cities having the highest crime rates in the country. The President would designate as many as 25 cities as "emergency crime areas."

This designation would be based upon the number of crimes per 1,000 inhabitants committed in each particular city. The figures used would be taken from the uniform crime reports published each year by the FBI. During each year, the selected cities would receive a direct grant based upon two factors: first, population; and second, rank in the crime index.

Particular allocations would be based on both of these factors.

On the city level the funds will be administered by a Commission to be appointed by the mayor of each designated city. The Commission shall consist of a representative from the police force, a representative from the judiciary, a representative from the corrections department, and selected community representatives to reflect a cross section of the city on the Commission. The Commission will have flexibility within the three stated areas to determine the specific projects and the specific ways in which the city's grant funds will be spent. The cities will be encouraged to develop innovative programs in the three target areas and to make every effort to reduce the crime rate on an emergency basis.

The basic purpose of this legislation is to sharpen the focus of the fight against crime and to direct the necessary funds into areas where they are most needed. The overall administration of the program will be in the hands of the Justice Department and each year the designated cities will be required to file a report detailing what has been done in the three critical areas.

The only restriction on the use of the money allocated to the cities is that it must be used in three areas, for upgrading the police force, improving the court system, and revamping the correctional system.

The bill establishes priorities for specific anticrime programs, with one-third of each city's total allotment going for police, one-third for courts, and one-third for corrections. In each of these three areas priority projects may include, but are not limited to programs designed to:

First, strengthen the police component of the criminal justice system by utilizing civilian, unarmed, surveillance, and patrol teams in local areas, working under the direct supervision of police authorities, new police narcotics enforcement programs in city school systems, and administrative machinery of law enforcement agencies;

Second, improving the courts component by increasing the efficiency of criminal court procedures, providing alternatives to the bail bond system and establishing, on a trial basis, pretrial services agencies; and

Third, improving the corrections component by facilitating the recruitment and training of custodial and rehabilitative correctional personnel, as well as parole and probation officers, providing separate detention facilities for juveniles, including authorization to renovate existing correctional facilities and leasing additional facilities for such purposes.

Mr. President, these three bills or any other legislation are not the whole answer. The issue of crime in our society is the outgrowth of dramatic change in our society which must be confronted, in a larger sense, by the Congress, the States, our local communities, and the people themselves.

But so long as the misguided maiming of human beings remains institutionalized in our criminal justice system, so will the cycle of crime and punishment, and more crime, accelerate and trap us all.

The roots of the chaos in our penal system are in a misconception of what that system and our society should and must do for those who are consigned to exist with it. While the requirements of both human dignity and order within our prisons must be met, the lesson of the prison tragedies must be that human dignity and mutual respect cannot become the casualties of our emotions. For those on both sides of the issue who would use terror, fear, accusations, and polarizations we must deny them their opportunity to dictate our policy.

We need, instead, to be a people who will sustain a strong effort to insure a system of justice which will respect and encourage the full humanity of each man and woman within the prison walls, while recognizing the frustration and difficulties of those who are charged with the responsibility of true rehabilitation.

Mr. President, I send the three bills to the desk for introduction and ask unan-

imous consent that they be printed in the RECORD.

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

S. 1643

A bill to provide minimum standards in connection with certain Federal financial assistance to State and local correctional, penal, and pretrial detention institutions and facilities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Correctional Standards Act".

DECLARATION OF POLICY

SEC. 2. (a) The Congress finds and declares that the problems symptomized by riots and disorder in Federal, State, and local correctional institutions, spring in part, from a failure of the corrections system to cope effectively with the dehumanizing causes of discontent within our prisons. Our corrections system cannot hope to do its job under the kind of conditions which are common in many prison and detention facilities througnout the country. The variety of indignities commonly suffered by inmates ranging from sexual attacks, inadequate food and medical attention to the despair of men without hope debase and degrade our society as a whole. Unless our corrections system can impart to a larger proportion of inmates a sense of ethical values—combined with effective rehabilitative services, including job training and placement—no amount of new funding will reform the system, rehabilitate inmates, and reduce the escalating rates of recidivisim and violent crime in our society.

(b) It is the purpose of the Act to require the formulation and application of a more explicit and responsive set of national standards to guide the Federal role in the reform of the corrections component of Federal, State, and local criminal justice systems.

SEC. 3. Section 454 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"SEC. 454. (a) The President shall, within sixty days after enactment of this section, in consultation with the Attorney General, appoint, without regard to the provisions of title 5, United States Code, a national Advisory Commission on Correctional Standards.

"(b) The Commission shall consist of fifteen members, who shall be appointed, by and with the advice and consent of the Senate, from among persons who are broadly representative of experience in the fields of correctional administration and rehabilitation at the Federal, State, and local level, probation and parole services, correctional manpower and training activities, law, the social and behavioral sciences, and public and private agencies and organizations engaged in correctional rehabilitation programs and overall correctional reform. The Chairman of the Commission shall be selected by the President from among the members, except that such Chairman shall be selected from the private sector and shall not be an officer of any Federal, State, or local governmental department or agency.

"(1) It shall be the duty of the Commission within one year of its appointment to establish minimum standards relating to the administration of correctional and pretrial detention institutions and facilities, consistent with the provisions of subparagraph (d) of this section, and to hold public hearings on the proposed standards prior to submitting its final recommendations to the Attorney General for his approval. Eight members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.

"(2) The Commission shall cease to exist sixty days after its final recommendations are submitted under this section.

"(3) The Commission shall meet at the call of the Chairman, or at the call of a majority of the members thereof.

"(c) The Attorney General shall approve the standards as a whole or secure the concurrence of the Commision by majority vote of its members to changes therein. Upon approval, such standards shall be published and shall be applicable to all correctional and pretrial detention facilities receiving Federal financial assistance, or in which programs receiving Federal financial assistance are operated pursuant to this Act.

"(1) The Administration shall not make any grant under this Act to any State planning agency, unit of general local government, or combination of such units, unless the applicant (a) provides satisfactory assurances that such grant will be employed to implement the minimum standards established under this section by the Commission within a reasonable time, and (b) demonstrates, following the establishment of such minimum standards, that such standards are being implemented to the reasonable satisfaction of the Administrator.

"(2) The Attorney General shall take whatever action is necessary to assure that all Federal correctional institutions meet the standards established by the Commission under this section.

"(d) To the extent practicable and consistent with the findings of the Commission and of other public and private organizations and agencies the minimum standards established pursuant to subsection (b)(1) of this section shall relate to—

"(1) the maintenance of the physical and mental health of persons detained within correctional departments and agencies including the quality of medical, hospital, and infirmary facilities and services, and the availability of physicians, psychiatric and psychological counseling, therapy for drug users and alcoholics, adequate food services, and appropriate facilities for exercise and recreation;

"(2) the personal, hygienic necessities of inmates, including availability of soap, towels, showers, laundry services, and the inspection and compliance of correctional and detention facilities with local health and sanitary codes;

"(3) the availability of bilingual programs for the basic and vocational education and training of inmates, including library services;

"(4) the publication and notice to inmates of rules governing the conduct of persons detained in correctional institutions and detention facilities, and of correctional, custodial, and administrative personnel, and the procedures to be followed in adjudicating charges for violations of such rules, and the minimum and maximum penalties applicable to such violations;

"(5) the impartial hearings and adjudication of complaints and grievances concerning discipline or other actions, policies, or practices of a correctional department or agency, or any employee thereof, including the feasibility of ombudsman or similar services;

"(6) the forms of discipline and punishment that may be administered as well as the procedural practices applicable to the disposition of disciplinary actions against inmates resulting in loss of good time, loss of privileges, restricted confinement within the general population, or punitive segregation for a specified period;

"(7) rules and regulations pertaining to the sending and receiving of mail, including the opening, censoring and confiscating of correspondence, and the transmitting of written material for publication;

"(8) rules and regulations pertaining to visitation opportunities afforded to inmates, and the use of telephone service for communication with family, attorneys, and others;

"(9) rules and regulations governing eligibility for parole and probation, the disposition of applications for such action, and the publication and notice to inmates of such procedures;

"(10) rules and regulations pertaining to the registration of inmates eligible to vote consistent with the provisions of State and local law;

"(11) rules and regulations pertaining to the availability and frequency of religious services, including counseling;

"(12) the employment and utilization of custodial, administrative, and rehabilitative professional and paraprofessional personnel who are representative of minority groups, and

"(13) special rules and regulations applicable to the incarceration and detention of those who have been charged with, but not convicted of any crime, those who are juvenile delinquents and youth offenders, those who are felons and misdemeanants, and persons of different sex.

"(e)(1) Members of the Commission who are full time officers or employees of the United States shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performanee of the duties vested in the Commission. Members of the Commission from private life shall receive $125 per diem while engaged in the actual performance of the duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

"(2) The Commission shall have the 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 the provisions of chapter 5, and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

"(3) The Commission may procure, in accordance with the provisions of section 3109 of title 5, United States Code, the temporary or intermittent services of experts or consultants. Persons so employed shall receive compensation at a rate to be fixed by the Commission, but not in excess of $75 per diem, including traveltime. While away from his home or regular place of business in the performance of services for the Commission, such person may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

"(4) The Commission shall secure directly from any department or agency of the United States information necessary to enable it to carry out its duties under this section. Upon request of the Chairman, such department or agency shall furnish such information expeditiously to the Commission.

"(f) There are hereby authorized to be appropriated $500,000 for the purpose of carrying out this Act."

S. 1644

A bill to assist urban criminal justice systems on an emergency basis in those cities where personal security, economic stability, peace and tranquility are most impaired and threatened by the alarming rise in the commission of serious crime.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Urban Crime Reduction Act".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds and declares that—

(1) the security, economic stability, peace and tranquility of many of the cities of the Nation are threatened by an alarming rise in the commission of serious crime, and

by an incidence of personal injury and death from crime which is higher in the United States than in any other industrial nation in the world;

(2) the only genuine, long-range solution to the problem of crime is (A) a comprehensive approach to the causes of crime and the conditions which breed despair and social and economic deprivation, (B) a more effective and better equipped law enforcement capability, (C) a vastly improved correctional system which actually rehabilitates a significantly larger number of offenders than are currently being rehabilitated under present programs, (D) a more efficient court system, adequately supported by the collateral services so vital to the effective administration of justice, including the prosecution, defense, probation and parole of offenders, and (E) a more effective treatment and comprehensive rehabilitation of individuals who are addicted to narcotic drugs, particularly heroin, together with the elimination of the illicit sources of supply of such drugs;

(3) experience has shown that the development, administration, and delivery of effective programs designed to bring about reform of the entire criminal justice system pose extremely difficult, complex, and long-term problems for the offender, the State, and the local community. These difficulties require a comprehensive approach, and the wholesale cooperation of law enforcement, correctional and judicial authorities at the local, State, and National level, the mass media, the professions, civic action groups, employers, employees, and other public and private agencies, individuals, and organizations;

(4) the escalating rates of violent crime, particularly within the victim communities of the economically disadvantaged in our major cities, require emergency financial assistance designed to bring about some reasonably rapid reduction in the level of crime.

(b) It is the purpose of this Act to authorize the Attorney General to make grants and provide technical assistance to cities in the United States where the need to combat crime is greatest, in order to permit those cities to strengthen police protection, to improve the administration of the local courts, and to reform and rehabilitate the local correctional system, thereby effecting a demonstrable reduction in the level of serious crime in such areas within a reasonable period of time.

AUTHORIZATION

SEC. 3. (a) There is authorized to be appropriated to carry out the purposes of this Act $300,000,000 for the fiscal year ending June 30, 1973, and for each of the two fiscal years thereafter.

(b) The Attorney General is authorized to make grants to eligible cities that have applications approved under section 5 to pay the Federal share of the costs of carrying out the projects described in such applications.

ALLOTMENTS TO ELIGIBLE CITIES

SEC. 4. (a) Funds appropriated to carry out this Act shall be allotted by the Attorney General to eligible cities on the basis of the population and crime index of each such city, as provided in subsection (b) of this section.

(b) For the purpose of this Act—

(1) the term "eligible city" means any city determined by the Attorney General to be among the first twenty-five cities in the United States on a crime index prepared by him for the purposes of this Act;

(2) the term "crime index" means a listing of designated cities in the United States, having a population of at least 250,000 persons, which shall be determined by the Attorney General after consultation with the Director of the Federal Bureau of Investigation, and shall be based upon the number of reported homicides, rapes, robberies, aggravated assaults, burglaries, arsons, larcenies over $50, kidnapings, auto thefts, and other felonies accompanied by the use or threatened use of force or violence per one hundred thousand inhabitants of each such city.

(c) The crime index and the population of each eligible city shall be determined by the Attorney General in accordance with the provisions of this Act on the basis of the most satisfactory data available to him for each fiscal year.

(d) If the Attorney General determines that any portion of an eligible city's allotment for a fiscal year will not be required by such city for the period such allotment is available, that portion shall be available for reallotment from time to time, on such dates and during such period as the Attorney General may fix, to other eligible cities in proportion to the original allotments to such eligible cities for such year, but with such proportionate amount for any of such other eligible cities being reduced to the extent it exceeds the sum which the Attorney General estimates such eligible city needs and will be able to use for such period for carrying out such portion of its application approved under this Act, and the total of such reductions shall be similarly reallotted among the eligible cities whose proportionate amounts are not so reduced. Any amount reallotted to an eligible city under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

APPLICATION

SEC. 5. (a) An eligible city desiring to receive its allotment of Federal funds under this Act shall submit an application, consistent with the provisions of this section and other requirements as the Attorney General may establish under section 6. Each such application shall—

(1) provide for the administration of the programs and projects by a Criminal Justice Coordinating Council consisting of fifteen persons appointed by the chief executive of such city from among persons who are broadly representative of and experienced in the fields of law enforcement, courts, probation and parole, correctional institutions, education, law, the social sciences, the behavioral sciences, and the general public;

(2) set forth a program for—

(A) strengthening the police component of the criminal justice system within such city, including but not limited to projects designed to—

(i) facilitate the recruitment and training of new law enforcement personnel;

(ii) improve the organizational systems and administrative machinery of low enforcement agencies, in part, by recruiting, training and utilizing, where feasible, civilian personnel to perform administrative and clerical and other duties heretofore performed by professional law enforcement personnel;

(iii) establish, organize, and support auxiliary police organizations, consisting of unarmed citizen volunteers, whose purpose is to assist and supplement the efforts of duly constituted law enforcement agencies in patrolling, surveillance and other crime prevention activities, under the direct supervision of law enforcement authorities; and

(iv) avoid and prevent the use and distribution of narcotics and improve the enforcement of narcotics laws generally, and in cooperation wtih local boards of education, provide for more effective identification and elimination of sources of the supply of narcotics within elementary and secondary school systems and institutions of higher learning.

(B) reforming the courts component of the criminal justice systems within such city, including but not limited to projects designed to—

(i) improve the efficiency of criminal court procedures, including the appointment of professional court administrators;

(ii) improve the efficiency of and, where needed, increase the number of judges trying criminal cases, and of professional personnel engaged in prosecution, defense, probation, parole, and social welfare work in connection with the disposition of criminal cases;

(iii) refine and apply uniformly criteria for the pretrail detention of persons charged with criminal offenses who are held without bail or who are unable to obtain bail;

(iv) provide alternatives to the bail bond system, including but not limited to model demonstration programs involving the funding of bail by nonprofit, private corporations, and community release programs; and

(v) establish, on a demonstration basis, pretrial service agency atuhorized to maintain effective supervision and control over, and to provide suportive services to defendants released prior to trial, including the collection, verification, and reporting of information pertaining to the conditions of release of such persons, and the operating or leasing of appropriate faciliites for the custoday or care of such persons, including, but not limited to, residential halfway houses, narcotics addict and alcoholic treatment centers, and counseling services;

(C) improving the corrections component of the criminal justice system within such city, including but not limited to projects designed to—

(i) establish appropriate qualifications and standards for correctional officers, including custodial and rehabilitation personnel, as well as probation and parole officers;

(ii) facilitate the recruitment and training of such professional correctional officers;

(iii) provide separate detention facilities for juveniles, including shelter facilities outside the correctional system for abandoned, neglected, or run-away children; and

(iv) relieve the overcrowded and oppressive conditions in correctional facilities, jails, juvenile training schools, and detention facilities by renovating and remodeling existing correctional facilities and leasing additional facilities for such purposes;

(3) provide assurances that not more than one-third of the funds made available to such city will be expended for projects described in clause (A) of the preceding paragraph, not more than one-third of such funds shall be expended for programs described in clause (B) of such paragraph, and not more than one-third of such funds shall be expended for programs described in clause (C) of such paragraph.

(4) provide assurances that the city will pay from non-Federal sources the remaining costs of such a program;

(5) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disposal and accounting of Federal funds paid to the eligible city (including such funds paid by the eligible city to any agency of a political subdivision of such eligible city) under this Act; and

(6) provide for making such reasonable reports in such form and containing such information as the Attorney General may reasonably require to carry out his functions under this Act and for keeping such records and for affording such access thereto as the Attorney General may find necessary to assure the correctness and verification of such reports.

(b) The Attorney General shall approve any application and any notification thereof which complies with the provisions of subsection (a).

BASIC CRITERIA

SEC. 6. As soon as practicable after the enactment of this Act, the Attorney General shall by regulations prescribe basic criteria for the full range of projects for which funds may be used under clauses (A), (B), and (C) of section 5(a)(2).

ADMINISTRATIVE PROVISIONS

SEC. 7. (a) In order to carry out the provisions of this Act, the Attorney General is authorized—

(1) to promulgate such rules and regulation as may be necessary;

(2) to employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(3) to appoint one or more advisory committees composed of such private citizens and officials of State and local governments as he deems desirable;

(4) to utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor;

(5) without regard to section 529 of title 31, United States Code, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public agency or private non-profit organization;

(6) to accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code; and

(7) to request such information, data, and reports from any Federal agency as the Attorney General may from time to time require and as may be produced consistent with other law.

(b) Upon request made by the Attorney General each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent to the Attorney General in the performance of his functions.

(c) Each member of a committee appointed pursuant to paragraph (3) of subsection (a) of this section shall receive $135 a day, including traveltime for each day he is engaged in the actual performance of his duties as a member of a committee. Each such member shall also be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

(d) In carrying out the provisions of this Act, the Attorney General may establish within the Department of Justice such additional offices as may be necessary, except that the Law Enforcement Administration may not be used to carry out the provisions of this Act.

DISAPPROVAL OF CITY PLANS

SEC. 8. (a) The Attorney General shall not finally disapprove any city plan submitted under this Act, or any modification thereof, without first affording the city coordinating council submitting the plan reasonable notice and opportunity for a hearing.

(b) Whenever the Attorney General after reasonable notice and opportunity for hearing to the Council administering a plan of an eligible city approved under section 5, finds that—

(1) the plan has been so changed that it no longer complies with the provisions of such section, or

(2) in the administration of the plan there is a failure to comply substantially with any such provision,

the Attorney General shall notify the Council that the city will not be eligible to participate in the program under this Act and no payments may be made to such city by the Attorney General until he is satisfied that there is no longer any such failure to comply.

JUDICIAL REVIEW

SEC. 9. (a) If any city is dissatisfied with the Attorney General's final action with respect to the approval of its plan submitted under section 5 or with his final action under section 8, such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such city is located a petition for review of that action. A copy of the petition shall be worthwith transmitted by the clerk of the court to the Attorney General. The Attorney General thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(b) The findings of fact by the Attorney General if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Attorney General to take further evidence, and the Attorney General may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) Upon the filing of such petition the court shall have jurisdiction to affirm the action of the Attorney General or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

PAYMENTS

SEC. 10. (a) Payments under this Act shall be made from an eligible city's allotment to any such city which administers an application approved under section 5. Such payments shall not exceed 90 per centum of the cost of carrying out such application. In determining the cost of carrying out an application, there shall be excluded any cost with respect to which payments were received under any other Federal program.

(b) Payments to an eligible city under this Act may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment, and may be made directly to an eligible city or to one or more public agencies within such city designated for this purpose by the chief executive of such city, or to both.

(c) The Comptroller General of the United States or any of his duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grantee under this Act.

SAVINGS PROVISION

SEC. 11. Nothing contained in this Act shall be construed to prevent or impair the administration or the enforcement of any other provision of Federal law.

S. 1645

A bill to provide assistance to State and local criminal justice departments and agencies in alleviating critical shortages in qualified professional and paraprofessional personnel, particularly in the corrections components of such systems, in developing the most advanced and enlightened personnel recruitment, training, and employment standards and programs, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Criminal Justice Professions Development Act of 1973".

THE CRIMINAL JUSTICE PROFESSIONS DEVELOPMENT ACT OF 1973—FINDINGS AND DECLARATIONS OF POLICY

SEC. 2. The Congress hereby finds and declares that (1) there is an urgent need to alleviate the critical shortage in qualified manpower for criminal justice systems at all levels of government, and most critically, in the corrections component of such systems; (2) personnel recruitment, training, and employment standards and programs within such systems must reflect the most advanced and enlightened practices and objectives; (3) immediate steps are required to devise new institutional means to accomplish this goal; (4) the need for trained criminal justice personnel is apt to increase as the population expands, and crime rates remain at unacceptable levels; and (5) regional crime and delinquency centers, providing broad based services to the entire criminal justice system, can reduce such shortages and promote the solution of critical problems that confront the various components of criminal justice.

SEC. 3. (a) Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (hereinafter referred to as the "Act") is amended by inserting immediately after part I the following:

"PART J—CRIMINAL JUSTICE PROFESSIONS DEVELOPMENT

"SEC. 671. The Administration is authorized to make grants to State and local governmental agencies and to institutions of higher education and private nonprofit organizations for the purpose of paying not more than 85 per centum of the cost of establishing, staffing, and operating regional crime and delinquency centers in various areas of the country. As used in this section, the term 'crime and delinquency center' means a public or private nonprofit agency, institution, or organization which serves as—

"(A) a training institution for students and practitioners of criminal justice;

"(B) a centralized channel for the recruitment of criminal justice personnel in conjunction with Federal, State, and local criminal justice agencies;

"(C) a consultation center for criminal justice agencies and relevant professional schools; and

"(D) a research center for basic and applied studies of criminal justice.

No payment shall be made to any State, local governmental agency, institution of higher learning, or private, nonprofit organization pursuant to this section, unless and until (1) the eligible grantee submits an appropriate proposal providing for the purposes, objectives, administration, staffing, organization, and curriculums of the proposed crime and delinquency center, consistent with criteria established by the Administration: *Provided,* That the professional staff of such centers shall be composed of persons drawn both from practicing agencies of criminal justice, and from persons who have broad experience primarily in the fields of law, psychiatry, clinical psychology, social work, and public administration, and (2) the Administration finds that the eligible grantee will have available for expenditure an amount equal to not less than the non-Federal share of the costs with respect to which payment is sought. No part of any grant made pursuant to this section may be used for the acquisition of land or for capital construction.

"ACADEMIC ASSISTANCE FOR CORRECTIONS SYSTEMS PROFESSIONAL PERSONNEL

"SEC. 672. (a) The Administration is authorized to make grants to or enter into contracts with institutions of higher education, or combinations of such institutions, or other appropriate public and private nonprofit organizations, including regional crime and delinquency centers to assist them in planning, developing, strengthening, or carrying out programs designed to provide training or academic educational assistance to persons for study in academic subjects related to correctional administration and rehabilitative services.

"(b) There is authorized to be appropriated to carry out the provisions of this sec-

tion $5,000,000 for the fiscal year ending June 30, 1973; $10,000,000 for the fiscal year ending June 30, 1974; and $15,000,000 for the fiscal year ending June 30, 1975.

"SEC. 673. (a) The President shall, within ninety days after the enactment of this title, appoint a National Advisory Council on Criminal Justice Professions Development (hereinafter in this section referred to as the 'Council') for the purpose of reviewing the operation of this part and of other Federal programs for the training and development of criminal justice professional personnel, evaluating their effectiveness in meeting the purposes of the part and in achieving improved quality in such training programs, and personnel recruitment, training, and performance standards generally. The Council shall, in addition advise the Attorney General, with respect to policy matters arising in the administration of this part and any other matters, relating to the purposes of the part, on which its advice may be requested.

"(b) The Council shall be appointed by the President, without regard to the civil service and classification laws, and shall consist of fifteen persons. The members, one of whom shall be designated by the President as Chairman, shall include person broadly representative of any experience in the fields of law enforcement, courts, probation and parole, correctional administration, education, law, the social sciences, and the behavioral sciences.

"(c) The Council shall make an annual report of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to criminal justice personnel training) to the President and the Congress not later than January 31 of each calendar year beginning after the enactment of the section. The President is requested to transmit to the Congress such comments and recommendations as he may have with respect to such report.

"(d) Members of the Council who are not in the regular full-time employ of the United States shall, while serving on the business of the Council, be entitled to receive compensation at rates fixed by the President, but not exceeding the rate per day specified at the time of such service for GS–18 under section 5332 of title 5, United States Code, including traveltime, and while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

"(e) There is authorized to be appropriated to carry out the purposes of this section the sum of $150,000 for the fiscal year ending June 30, 1973, and the sum of $250,000 for each of the two succeeding fiscal years.

"APPRAISING CRIMINAL JUSTICE PERSONNEL NEEDS

"SEC. 674. (a) The Attorney General shall, from time to time, appraise existing and future personnel needs of the Nation in the field of criminal justice, and the adequacy of the Nation's efforts to meet those needs. In carrying out the provisions of this section, the Attorney General shall consult with, and make maximum use of statistical and other related information of, the Department of Labor, the Department of Health, Education, and Welfare, Federal and State and local criminal justice agencies, and other appropriate public and private agencies.

"(b) The Attorney General shall prepare and publish annually a report on the criminal justice professions, in which he shall present in detail his views on the state of the criminal justice professions, the trends and the future complexion of programs in the field of criminal justice, and the need for highly trained and qualified personnel to staff such programs.

"ATTRACTING QUALIFIED PERSONS TO THE FIELD OF CRIMINAL JUSTICE

"SEC. 675. (a) The Law Enforcement Assistance Administration of the Department of Justice is authorized to make grants to, or contracts with, State or local criminal justice agencies, institutions of higher education, or other public or nonprofit agencies, organizations, or institutions, whenever the Administration, after consultation with the National Advisory Council on Criminal Justice Professions Development, considers that such contract will make an especially significant contribution to attaining the objectives of this section, for the purpose of—

"(1) identifying capable persons in secondary schools and institutions of higher learning who may be interested in careers in criminal justice particularly in correctional administration and rehabilitation, and encouraging them to pursue postsecondary education in preparation for such careers;

"(2) publicizing available opportunities for careers in the field of criminal justice; and

"(3) encouraging qualified persons to enter the field of criminal justice.

The Administration is authorized to enter into contracts with private agencies, institutions, or organizations to carry out the purposes of this section.

"(b) There is authorized to be appropriated to carry out the purposes of this section the sum of $2,500,000 for the fiscal year ending June 30, 1973, and the sum of $5,000,000 for each of the two succeeding fiscal years.

"RECRUITMENT, EMPLOYMENT, AND COMPENSATION OF CORRECTIONS SYSTEMS PROFESSIONAL AND PARAPROFESSIONAL PERSONNEL

"SEC. 676. (a) The Administration is authorized to make grants to State and local corrections departments and agencies, including probation and parole agencies to assist them in the recruitment, employment, and compensation of professional and paraprofessional administrative, custodial, rehabilitative, medical, and other personnel, consistent with criteria established by the Administration.

"(b) Not more than one-third of any grant made under this section may be expended for the compensation of custodial personnel.

"(c) No grant shall be made to any prospective grantee, unless and until such applicant—

"(1) provides satisfactory assurances that Federal funds made available pursuant to this section will be used so as not to supplant State or local funds, but to supplement and to the extent practicable to increase the amounts of such funds that would in the absence of such Federal funds be made available for the purposes of this section;

"(2) provides satisfactory assurances that the personnel standards and programs of the applicant reflect the most advanced and enlightened practices and objectives; and

"(3) provides satisfactory assurances that such applicant is engaging in projects and programs to improve the recruiting, organization, training, and education of personnel employed in correctional activities, including probation, parole, and rehabilitation.

"(d) There is authorized to be appropriated to carry out the purpose of this section $15,000,000 for the fiscal year ending June 30, 1973, and $20,000,000 in each of the two succeeding fiscal years."

By Mr. BAYH:

S. 1646. A bill to amend the Controlled Substances Act of 1970 to discharge obligations under the Convention on Psychotropic Substances relating to regulatory controls on the manufacture, distribution, importation, and exportation of psychotropic substances, and for other purposes. Referred to the Committee on the Judiciary.

INTERNATIONAL PSYCHOTROPIC SUBSTANCES ACT OF 1973

Mr. BAYH. Mr. President, I am introducing today the International Psychotropic Substances Act of 1973, which is designed to permit the United States to comply with the provisions of the Convention on Psychotropic Substances signed at Vienna on February 21, 1971, which is now pending before the Senate Foreign Relations Committee. I ask that this bill which amends the Controlled Substances Act of 1970 be appropriately referred.

The Convention on Psychotropic Substances was transmitted on June 29, 1971, to the Senate, for its advice and consent to ratification. This Convention has as its purpose the international control of substances that are not included under any of the existing multilateral opium and other narcotic drug treaties. The Convention governs the so-called psychotropic—or mind-altering—substances: The hallucinogens—such as LSD and mescaline—the amphetamines, the barbiturates, and the tranquilizers. The Convention will come into force 90 days after 40 countries have ratified it.

The aim of the Convention is to limit to medical and scientific purposes the manufacture, distribution and use of psychotropic substances. The structure of the Convention is similar to that of the Comprehensive Drug Abuse Prevention and Control Act of 1970. It lists 32 substances in four schedules depending on the extent of their abuse, their potential for abuse and their therapeutic usefulness. The Convention contains a procedure for adding new substances to schedules, moving them among schedules and deleting them from the schedules. Like the Comprehensive Drug Abuse Prevention and Control Act, the Convention provides gradations of controls, with the most stringent controls applied to Schedule I substances—such as LSD, mescaline and the tetrahydrocannabinols—and lesser restrictions on substances in schedules II, III, and IV. Most of the control provisions are similar to the control of narcotic drugs by other treaties, such as the Single Convention on Narcotic Drugs, 1961.

The specific control measures which the Convention requires each Party to implement are largely satisfied by the provisions of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and the Food, Drug, and Cosmetic Act. For example, under the Convention, each Party must license manufacturers and distributors of psychotropic substances; sections 301 and 304 of the 1970 act provide for registration of these persons. Each party must restrict the use of schedule I—hallucinogenic—substances to scientific and very limited medical purposes; section 303 of the Controlled Substances Act—title II of the Comprehensive Act—limits access to such substances to qualified researchers. Psychotropic substances must be dispensed only upon a physician's prescription; all are subject to prescription requirements under the Federal Food,

Drug, and Cosmetic Act. Each Party must require all handlers of psychotropic substances to keep records of all drugs manufactured, distributed or dispensed; section 307 of the act already imposes such recordkeeping requirements. Importation and exportation of psychotropic substances must be controlled in a manner similar to the requirements imposed by the Controlled Substances Import and Export Act, which is title III of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

In addition to controlling domestic commercial and medical activity, Parties must make certain reports to the International Narcotic Control Board, take actions against illicit traffic and apply penal provisions, and, where possible establish programs of drug abuse prevention, treatment, and rehabilitation.

Although the Controlled Substances Act and the Controlled Substances Import and Export Act provide most of the mechanisms to fulfill United States obligations under the Convention on Psychotropic Substances, new legislation will be required to satisfy all commitments under the Convention.

Last year legislation was introduced on behalf of the administration to accomplish similar purposes. That bill, however, was the subject of considerable controversy. Representatives of the Committee on Effective Drug Abuse Legislation, the American College of Neuro-Psychopharmacology, the American Psychiatric Association, the American Medical Association, and our distinguished colleague from Iowa, Senator HUGHES expressed concern that the enabling legislation failed to adequately protect the confidentiality of patient records; that it failed to adequately protect a private practitioner's right to carry on research with psychotropic substances; that it failed to designate who would determine the application of phrases—in the Convention—like sound medical practice and very limited medical and scientific purposes, and most importantly that it failed to provide an affirmative policy-making role for health and scientific professionals to balance any restrictions on their role imposed by the Convention.

My bill addresses these important concerns. I believe that, in areas which the Convention leaves to national discretion and in areas where the Convention language is ambiguous and this subjected to interpretation, it provides adequate clarification to ensure a significant role in these matters for the medical and scientific communities and to allay fears regarding restrictions on researchers or breaches of the confidentiality accorded medical records.

During my 2 years as chairman of the Subcommittee To Investigate Juvenile Delinquency, I have conducted an intensive investigation into the diversion and abuse of legitimately produced narcotic and nonnarcotic dangerous drugs.

Additional efforts are necessary to deal with the problems of international narcotic traffic. But even if the war on heroin should result in total victory, the epidemic of drug abuse which plagues American society would not be vanquished; for the source of supply for growing legions of addicts is a legitimate one.

During the past 2 years we have been able to obtain a drastic, but necessary, reduction in the production and diversion of amphetamines and amphetaminelike substances such as Ritalin and Preludin. My subcommittee conducted a national investigation of barbiturate abuse and diversion and found barbiturate abuse to be both a substantial public health problem and an ever-increasing concern of law enforcement officials.

As part of our effort to establish stricter controls on the production and distribution of barbiturates I have reintroduced, S. 3539, in the form of S. 983, which is cosponsored by 29 Members of the Senate.

More recently I have introduced S. 1252 to provide adequate controls on the production and distribution of methaqualone, commonly known as "sopors" and "quaaludes."

But regardless of the success of our efforts to impose domestic controls on these and other psychotropic substances, the absence of international cooperation and regulation could result in a failure to reduce the availability of dangerous psychotropic substances.

As a result of our study of the diversion of legitimate pharmaceutical drugs to illegal markets, I introduced the Dangerous Drug Identification Act, S. 3538, and the Dangerous Drug Tracer and Law Enforcement Information Act, S. 3819. Both of these measures were designed to assist law enforcement agencies in the identification of seized controlled substances. The identification bill, introduced this year as S. 984, would require manufacturers to place identifying marks or symbols on their capsules and tablets. The tracer bill, reintroduced as S. 985, would require manufacturers to incorporate an inert tracer ingredient in all schedule II and schedule III stimulants and depressants and thus whether seized in bulk form or in the form of illicitly manufactured or illicitly capsulized pills, officials could determine the manufacturers, if domestic in origin.

These measures, however, will not assist law enforcement agencies efforts to curb diversion of psychotropic substances which are not domestic products. Last May, Mr. John Ingersoll, Director of the Bureau of Narcotics and Dangerous Drugs, reported to the subcommittee that a substantial portion of the so-called Mexican Reds—capsules containing legitimately produced barbiturates, but illicitly repackaged—contained barbiturates of European origin.

Likewise, during our March 28, 29 and April 16, 1973, hearings on methaqualone, several witnesses indicated that legitimately produced foreign methaqualone was being illegally imported into the United States for sale in the black market and that counterfeit methaqualone was being produced in Canada and Mexico for illicit sale in the United States.

These are but several examples of many which underscore the need for some international controls on psychotropic substances.

I am hopeful that my bill will satisfy those in the medical and scientific communities who expressed concern about the enabling legislation introduced last year. The subcommittee, however, will hold hearings which will provide ample opportunity for further comment and recomendations regarding the legislation.

The diversion and abuse of legitimately produced dangerous drugs into channels other than legitimate medical, scientific, and industrial channels should be a primary concern for all citizens. This measure is not a panacea, but it is my belief that it will not only help us solve our problem here at home, but will also be of assistance to other nations, whose legitimate production when diverted to illicit markets can reap havoc in their countries as well as ours.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill, together with the bill be printed at this point in the RECORD.

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

SECTION-BY-SECTION ANALYSIS OF THE INTERNATIONAL PSYCHOTROPIC SUBSTANCES ACT OF 1973

Section 1. This section contains a short title to reflect the amending of the Controlled Substances Act of 1970 and for other purposes.

Section 2. This section amends section 201 of the Controlled Substances Act (21 U.S.C. 811) to authorize and direct the Attorney General to take steps to control substances which the Convention obligates the United States to control. It also provides that the U.S. Delegate to the U.N. Commission on Narcotic Drugs must request the recommendation of the Secretary regarding any scientific or medical considerations involved in proceeding before the Commission and that with respect to such scientific and medical matters the U.S. Delegate is bound by the recommendation of the Secretary. This section provides that regardless of the outcome of the nation's internal efforts to require control certain minimum national controls must be imposed by the Attorney General, after consultation with the Secretary, once the Commission has notified members of its decision and after all appellate procedures have been exhausted. It permits the Attorney General to withhold any controls under the law which he does not find required by American obligations under the Convention on Psychotropic Substances. This section provides that determination of the definition of 'medical and scientific purposes' and of 'very limited medical purposes' in the Convention resides in the Secretary and that the Attorney General must obtain the written concurrence of the Secretary prior to seeking a review of a Commission decision and that the Secretary's decision shall be guided by the factors referred to in subsection 201(b) of the Act.

Section 3. This section amends section 202(d) of the Controlled Substances Act to create an additional condition to be satisfied before a psychotropic substance contained in a combination product could be expected, namely that such exception does not conflict with United States obligations under the Convention.

Section 4. This section amends section 306 of the Controlled Substances Act by providing new authority to the Attorney General to gather information regarding the quantities of materials used in the manufacture of substances either not listed or listed in a schedule but excepted from controls and the stocks of these substances held by manufacturers. This section will make certain that the Attorney General can

obtain all data necessary to prepare the United States Reports to the Commission on Narcotic Drugs under the Convention.

Section 5. This section amends section 301 of the Controlled Substances Act by requiring the Attorney General to consult with the Secretary before rules and regulations relating to the dispensing of controlled substances are issued.

Section 6. This section amends section 303 (f) of the Controlled Substances Act by providing that the Convention shall not be construed to prohibit research with substances scheduled under the Convention.

Section 7. This section amends section 306 of the Controlled Substances Act by providing that the Attorney General consult with the Secretary regarding the legitimate needs and reserve stocks required for these needs prior to the establishment of production quotas.

Section 8. This section amends section 307 of the Controlled Substances Act by providing that the Convention shall not be construed to modify current recordskeeping requirements under the Act.

Section 9. This section amends Part C of the Controlled Substances Act by adding a new section which authorizes the Attorney General, after consultation with the Secretary, to issue regulations restricting the advertising of psychotropic substances. This section is necessary to comply with Article 10 of the Convention which requires each Party to prohibit, with due regard to the Party's constitutional provisions, the advertisement of psychotropic substances to the general public.

Section 10. This section amends section 402 of the Controlled Substances Act by establishing civil and criminal penalties for violations of the restrictions on advertising.

Section 11. This section amends section 309 of the Controlled Substances Act by providing that prescription controls provided for in Article 9 of the Convention are issued in accordance with sound medical practice as determined by the Secretary, after consultation with the Attorney General.

Section 12. This section amends section 1002 of the Controlled Substances Import and Export Act to permit the Attorney General to comply with Convention requirements that obligates each Party to require prior government authorization for importation of any substance listed in schedule I or II of the Convention. This section permits the Attorney General to impose the import controls on any domestic schedule III, IV or V substances (although schedule I or II under the Convention) without rescheduling the substance and thereby subjecting it to other unnecessary controls.

Section 13. This section amends section 1003 of the Controlled Substances Import and Export Act to permit the Attorney General to comply with Convention requirements that obligates each Party to require prior government authorization for exportation of any substance listed in schedule I or II of the Convention. This section permits the Attorney General to impose the export controls on any domestic schedule III, IV or V substances (although schedule I or II under the Convention) without rescheduling the substance and thereby subjecting it to other unnecessary controls.

Section 14. This section amends section 3 (a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (PL 91-513) by providing that the provisions of the Convention on Psychotropic Substances shall not prevent the protection of the confidentiality of patient records or the confidentiality of names and identities of research subjects and shall not modify accepted medical practice or research activities regarding psychotropic substances.

Section 15. This section amends section 4 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (PL 91-513) by providing a clarification of the relative role of the Attorney General and Secretary regarding the medical treatment of narcotic addiction.

S. 1646

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Psychotropic Substances Act of 1973".

SEC. 2. Subsection (d) of section 201 of the Controlled Substance Act (21 U.S.C. 811(d)) is amended by adding "(1)" after "(d)" and inserting the following new paragraph at the end thereof:

"(2) If control is required by United States obligations under the original schedules of the Convention on Psychotropic Substances, signed at Vienna, February 21, 1971, after the Convention comes into force, the Attorney General shall issue an order controlling the drug or other substance under the least restrictive schedule meeting such obligations, without regard to the findings required by subsection (a) of this section or section 202(b) and without regard to the procedures prescribed by subsections (a) and (b) of this section.

"(3)(A) When procedings are before the U.N. Commission on Narcotic Drugs to control or remove from control a drug or other substance under hte Psychotropic Convention, the United States Delegate to the Commission shall request the recommendation of the Secretary regarding whether such a drug or other substance should be so controlled or removed. In making his recommendation the Secretary shall consider the factors listed in paragraphs (2), (3), (6), (7), and (8) of subsection (c) and any scientific or medical considerations involved in paragraphs (1), (4), and (5) of such subsection. The recommendations of the Secretary to the U.S. Delegate shall be binding on the U.S. Delegate as to such scientific and medical matters, and if the Secretary recommends that a drug or other substance be controlled or removed from control, the U.S. Delegate shall cast his vote on the Commission accordingly.

"(B) When the United States receives notification pursuant to article 2 of the Convention on Psychotropic Substances that a drug or other substance has been added or transfered to the schedule specified in the notification, the Attorney General shall, unless such drug or other substance is already subject to legal controls which meet the requirements of the schedule specified in the notification, initiate proceedings for control in accordance with subsections (a) and (b) of this section.

"(C) If the Attorney General determines, in view of exceptional circumstances, that the United States will not be in a position to give effect to all of the provisions of the Convention on Psychotropic Substances applicable to that drug or substance, he shall transmit notice of his determination and the reasons therefor to the Secretary of State for transmittal to the Secretary General of the United Nations within the time required by the convention. Concurrently with the transmittal of such notice, the Attorney General shall, unless the drug or substance is already controlled under this title or unless the proceedings for control are completed, issue an order, after consultation with the Secretary, controlling the drug or substance under schedule IV or V, whichever is most appropriate to carry out the United States obligations under article 2, paragraph 7, of the convention, without regard to the findings required by subsection (a) of this section or section 202(b) and without regard to the procedures prescribed by subsections (a) and (b) of this section. As a part of such order, the Attorney General shall by regulation except such drug or substance from the application of any provisions of part C of this title which he finds is not required to carry out the United States obligations under article 2, paragraph 7, of the convention.

"(D) Upon completion of proceedings for control in accordance with subsections (a) and (b) of this section, the Attorney General shall issue a final order controlling the drug or substance under the appropriate schedule as determined by such proceedings: *Provided,* That if the Secretary recommends that such drug or substance not be controlled the Attorney General shall continue control of the drug or substance under schedule IV or V in accordance with paragraph (3)(B) of this subsection; and *Provided,* That the authority to determine the definition of 'medical and scientific purposes' and of 'very limited medical purposes' as required by Article 5, Section 2, and Article 7 of the Convention shall reside in the Secretary; and *Provided,* That the Secretary of State shall immediately request the U.N. Economic and Social Council to review the decision of the Commission. The Attorney General shall not request a review of a decision of the Commission without the concurrence in writing of the Secretary. The Secretary's decision to concur or not concur shall be guided by the factors referred to in subsection 201(b)."

SEC. 3. Subsection (d) of section 202 of the Controlled Substances Act (21 U.S.C. 812 (d)) is amended by adding the following before the period at the end thereof: ", and (3) such exception does not conflict with United States obligations under the Convention on Psychotropic Substances, signed at Vienna, February 21, 1971".

SEC. 4. Subsection (d) of section 307 of the Controlled Substances Act (21 U.S.C. 827(d)) is amended by adding "(1)" after "(d)" the first time it appears, and adding the following at the end of the subsection:

"(2) Every manufacturer registered under section 303 shall, at such time or times and in such form as the Attorney General may require, make periodic reports to the Attorney General with respect to nonnarcotic controlled substances which are psychotropic substances subject to the Convention on Psychotropic Substances, signed in Vienna, February 21, 1971. These reports shall include the quantities used in the manufacture of substances either not listed in any schedule or listed in a schedule but excepted from certain controls under section 201(d)(3)(B) or section 202(d), and the stocks of these controlled substances held by the manufacturer."

SEC. 5. Section 301 of the Controlled Substances Act (21 U.S.C. 821) is amended by adding after the initial sentence the following new sentence: "The Attorney General shall consult with the Secretary before rules and regulations relating to the dispensing of controlled substances are issued."

SEC. 6. Subsection (f) of Section 303 of the Controlled Substances Act (21 U.S.C. 823(f)) is amended by adding the following sentence at the end of the subsection: "Article 7 of the Convention on Psychotropic Substances shall not be construed to prohibit research with substances scheduled under the Convention in accordance with this subsection."

SEC. 7. Subsection (a) of Section 306 of the Controlled Substances Act (21 U.S.C. 826(a)) is amended by adding the following sentence at the end of that section: "In determining the total quantity and establishing production quotas under this subsection, the Attorney General shall consult with the Secretary regarding the medical, scientific, research, and industrial needs of the United States and the reserve stocks required for these needs."

SEC. 8. Subsection (c) of Section 307 of the Controlled Substances Act (21 U.S.C. 827(c)) is amended by inserting a new first sentence: "No provisions of the Convention on Psy-

chotropic Substances shall be construed to interfere with the exceptions described in this subsection."

SEC. 9. Part C of the Controlled Substances Act is amended by adding the following new section:

"SEC. 310. The Attorney General may, by regulation, after consultation with the Secretary, prescribe restrictions on the advertising to the general public concerning any controlled substance which is a psychotropic substance subject to the Convention on Psychotropic Substances, signed at Vienna, February 21, 1971."

SEC. 70. Subsection (a) of section 402 of the Controlled Substances Act (21 U.S.C. 842(a)) is amended—

(a) by striking out "or" at the end of paragraph (7);

(b) by striking out the period at the end of paragraph (8) and inserting in lieu thereof "; or"; and

(c) by adding the following new paragraph: "(9) to advertise to the general public any controlled substance in violation of regulations issued pursuant to section 310."

SEC. 11. Section 309 of the Controlled Substances Act (21 U.S.C. 829) is amended by adding the following new subsection (e): "The application of the provisions of Article 9, paragraph 2, of the Convention on Psychotropic Substances which require that prescriptions for substances in Schedules II, III, and IV of the Convention 'are issued in accordance with sound medical practice and subject to such regulation, particularly as to the number of times they may be refilled and the duration of their validity,' shall be determined by the Secretary, after consultation with the Attorney General."

SEC. 12. Subsection (b) of section 1002 of the Controlled Substances Import and Export Act (21 U.S.C. 952) is amended by adding the following sentence to paragraph (2): *"Provided, however,* That if a nonnarcotic controlled substance is also listed in schedule I or II of the Convention on Psychotropic Substances it shall be imported pursuant to such import permit requirements as the Attorney General may by regulation prescribe."

SEC. 13. Subsection (e) of section 1003 of the Controlled Substances Import and Export Act (21 U.S.C. 953) is amended—

(a) by striking out ", and" at the end of paragraph (2) and inserting in lieu thereof ";";

(b) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and

(c) by adding the following new paragraph: "(4) in any case when a nonnarcotic substance in schedule III, IV or V is also listed in schedule I or II of the Convention on Psychotropic Substances, it is exported pursuant to such export permit requirements as the Attorney General may by regulation prescribe, instead of the invoice required by subparagraphs (e)(2) and (e)(3) above."

SEC. 14. Section 3(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (P.L. 91–513) is amended by adding "(1)" before "The Secretary" and inserting the following new paragraph at the end thereof:

"(2) The provisions of Article 7 or Article 15 or any other provisions of the Convention on Psychotropic Substances shall not prevent the protection of (i) the confidentiality of patient records provided by Section 408 of P.L. 92–255, the Drug Abuse Office and Treatment Act of 1972, (ii) the confidentiality of names and identities of research subjects provided by this section and shall not be used as a basis for any modification or change in accepted medical practice or research activities in regard to records of the identity, diagnosis, prognosis or treatment of patients or identity of research subjects in connection with the use of psychotropic substances."

SEC. 15. Section 4 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (P.L. 91–513) is amended by inserting "regarding the security and safeguards against diversion of controlled substances" immediately after "Attorney General."

By Mr. NELSON:

S. 1647. A bill to extend the Environmental Education Act for 3 years. Referred to the Committee on Labor and Public Welfare.

EXTENSION OF THE ENVIRONMENTAL EDUCATION ACT OF 1970

Mr. NELSON. Mr. President, an old Chinese proverb states—

If your plan is for one year, plant rice; for ten years, plant trees; for a hundred years, educate men.

Three years ago, Congress recognized that sound environmental policy and decisions can only be achieved if there is a broad and firm base of environmental understanding and awareness. A modest proposal to promote and encourage environmental education throughout the Nation which I introduced in the Senate, and which was presented to the House by Congressman JOHN BRADEMAS, gained overwhelming support in Congress. On October 30, 1970, President Nixon signed into law the Environmental Education Act of 1970, and a beginning was officially marked.

The Environmental Education Act of 1970 (Public Law 91–516) was intended to encourage and support the development of both formal and nonformal educational resources to help individuals from all age groups and sectors of the country develop an understanding of environmental phenomena, their interrelationships and totality, and actions which can preserve and protection environmental quality.

The goal of the Environmental Education Act of 1970 was to help initiate and insure the availability of a diverse variety of locally relevant, effective and practical education resources to give a wide range of citizens at the local level the opportunity to acquire environmental literacy and awareness.

In 1973, the need for such environmental understanding and competence among a broad range of our citizenry is just as pressing, and the programs developed and supported by Public Law 91–516 deserve continued recognition and congressional support. I am, therefore, today introducing legislation which would continue the authority for the Environmental Education Act of 1973 for 3 more years so that this vital program can have a suitable opportunity to refine its initial efforts and evaluate its achievements in stimulating new environmental education resources at the State and local level, and in coordinating the environmental education efforts of other Federal departments and programs.

Similar legislation has been introduced in the House by Congressman JOHN BRADEMAS and three of his colleagues and hearings are currently underway in that body on this measure (H.R. 3927) to extend the Environmental Education Act until 1976. These hearings in the House, and appropriate hearings on the Senate side on the measure that I am introducing today, will be important in eliciting information about the efforts and achievements of the program, even under most difficult and sometimes hostile conditions in this administration.

The rhetorical support for environmental education in this administration has been most impressive. In three State of the Union messages and three special messages on the environment, the President has spoken of the need for environmental literacy, for new environmental values and attitudes, and for an environmental awakening. Last year in ceremonies releasing the third annual report on environmental quality—August 1972—the President discussed with the Council on Environmental Quality the importance of environmental education and the need to see it stressed during this year to insure that the ecology movement is broad based with programs developed that reach the average citizen who has not attended college.

This year in proclaiming Earth Week 1973, the President stated: I ask that special attention be given to personal voluntary activities and educational efforts directed toward protecting and enhancing our life-giving environment.

All of these statements are to be applauded and are supportive of the goals and specific efforts of the Environmental Education Act. Unfortunately these warm words have not translated into firm actions, in so far as Public Law 91–516 is concerned. In addition to the long laundry list of difficulties in getting this law properly implemented in the Office of Education, current actions also speak loudly. Thus, not only have no funds been requested in the fiscal year 1974 budget request for the Office of Environmental Education, but some $2 million of fiscal year 1973 grant funds appear to be in jeopardy.

I think that it is important to note that this program has been very modest investment from a financial point of view. Whereas the act authorized $5 million for fiscal year 1971, $15 million for fiscal year 1972, and $25 million for this fiscal year, the actual appropriations voted by the Congress have been very lean: $2.0 million for fiscal year 1971, $3.5 million for fiscal year 1972, and almost $3.2 for fiscal year 1973. Even with these tight budget constraints, the environmental education program was greeted with great interest on the part of educators, environmentalists, and community groups throughout the country.

In the first year of this program over 1,900 proposals were made to the Office of Education requesting some $75 million of funding. With the $2 million available in fiscal year 1971, 74 proposals were funded at an average grant of $23,000. In 1972 more than 1,600 proposals were received and 162 grants were made, while this year over 1,100 proposals were received by the March 1 deadline that accompanied the application forms which had been sent out only 2 weeks previously.

There is no doubt that the environmental education program is not without

some flaws or that legislation to extend the authority of the Environmental Education Act of 1970 could be drafted in a variety of ways to touch on these valid areas of concern. However, these issues can best be dealt with and developed in the public arena of congressional hearings. The primary objective at this point is to reiterate the necessity for and congressional commitment to the concept of environmental education enunciated in Public Law 91–516.

A recent letter that I received from Charles E. Roth, director of education, Hatheway School of Conservation Education, Massachusetts Audubon Society, perhaps expresses most articulately and precisely the values of recommitting ourselves to this program of environmental education. Mr. Roth stated in his March 21, 1973 letter:

The current bill, with its flaws, nonetheless creates a national policy for development of basic environmental literacy. Its existence has given people like myself and my colleagues the necessary leverage to get a state plan for environmental education off the ground with the support of state officials—something we have been trying unsuccessfully to do for the previous eight years. If the act is not continued, we are going to have the political rug at least partially pulled out from under us. We are progressing very well. We can't afford such a set-back now. With education revenue sharing likely just around the corner, we need continued progress, under leverage of the act, to set up the situations that will assure that some of that shared education revenue goes toward environmental education.

I know that there have been congressional criticisms of the operation of the Office of Environmental Education. I also know that many of them have been just criticisms. However the effect of the act and the grants program goes far beyond the results of the projects funded. There have been several thousands of applicants over the three-year period. Only a few were funded, but the proposal writing process brought many groups and individuals together to discuss multidisciplinary environmentally-oriented projects. Most of these would never had made contact without the impetus of the act. Some have continued cooperative effort even without the funding. Furthermore, the Act prompted many more meetings among the diverse leaders of the environmental education movement that has led to much better honed philosophy and approach.

The Act has been crucial to the development of an environmental eductaion movement. It is clearly needs another three years to achieve its maximum impact.

Mr. President, I should also like to call attention to several recent articles and statements on the environmental education program and ask unanimous consent that a statement by Walter Bogan, Director, Office of Environmental Education presented to the Conservation Foundation Environment Forum on March 2, 1973, an interview with Mr. Bogan which was printed in the March 1973 issue of Environmental Education Report, and an article in the March 17, 1973 issue of Environmental Action by Bickley S. Dodge be printed along with the text of my proposal at this point in the RECORD.

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

STATEMENT BY WALTER BOGAN, DIRECTOR, OFFICE OF ENVIRONMENTAL EDUCATION, USOE, FOR THE CONSERVATION FOUNDATION ENVIRONMENT FORUM, MARCH 2, 1973

The building of a better enivronment will require in the long term a citizenry that is both deeply concerned and fully informed. Thus I believe that our education system, at all levels, has a critical role to play.—President Nixon

BACKGROUND

The last few years have seen widespread rcognition of the critical role environmental education must play in the nation's educational life if environmental quality is to be effectively pursued. President Nixon has emphasized that role on several occasions; in his introduction to the first annual report of the Council on Environmental Quality, in August 1970, he stated:

"The basic causes of our enivronmental troubles are deeply embedded . . . It should be obivous that we cannot correct such deep-rooted causes overnight . . . We must seek nothing less than a basic reform in the way society looks at problems and makes decisions. Our educational system has a key role to play in bringing about this reform. It is also vital that our entire society develop a new understanding and a new awareness of man's relation to his environment—what might be called 'environmental literacy.' This will require the development and teaching of environmental concepts at every point in the education process."

Not long afterward, in October 1970, the President signed into law the Environmental Education Act, which is intended to address the environmental education needs of all citizens.

Under authority of the Act, the Environmental Education Program (EEP) was established in December 1970 within the Office of Priority Management. Seven staff positions were allotted for EEP, five professionals and two clerical. The staff was housed in temporary quarters in the regional office located in the Government Services Administration Building.

In October 1971 EEP became the Office of Environmental Education (OEE) and was located under the Deputy Commissioner for Development. The staff allocation of seven remained firm for fiscal 1972, with plans to increase that staff in fiscal 1973 to thirteen. Because of periodic manpower freezes, uncertainties of budget, and the recent decision to exclude the grants program from the fiscal year 1974 budget, the plan to enlarge the staff could not be implemented and the actual number of staff members on board during fiscal 1973 has been six.

In October 1971 the National Advisory Council for Environmental Education was also formed; it held an initial meeting in December 1971 and has subsequently met in various locations around the country in full or subcommittee sessions.

FUNCTIONS AND ACTIVITIES

Grants program

In fiscal 1971 $2 million was appropriated through a supplementary bill under the authority of the Act and designated for grants and administrative costs. Around 2000 proposals were received and evaluated, and 74 were selected for funding. (See Tables I and II.)

In Fiscal 1972, $3.514 million was appropriated to the Office for grants and administrative costs. Close to $3 million of this was awarded to 162 projects in every state, the District of Columbia, the Marianas Islands, and Puerto Rico. (See Tables I and III.)

For fiscal 1973, it is expected that $3.180 million in grants will be awarded for an estimated 175 grant projects. The nationwide developments in environmental education that took place in the previous two years and the knowledge of national environmental education activities gained by the Office over this time makes it possible for the Office to grant funds to those programs that most clearly promise to advance the art of environmental education and to fill the most urgent needs.

One of the most important objectives of OEE's funding activities is to attract longer-term and more substantial financial assistance from all sources, private and governmental, to local project sites. In the two years of the program's existence, funding from other sources has increased. In fiscal 1971, approximately $3 million from other OE programs, including the Elementary and Secondary Education Act, the Education Professions Development Act, and the Cooperative Research Act, were provided for environmental education projects. For fiscal year 1972 a descriptive list of projects totaling over $11 million in funds, together with evaluations of their potential contributions, was submitted to the Commissioner of Education. This list, or portions of it, will be announced when the Commissioner has approved it for dissemination.

Technical assistance

Technical assistance requests have far exceeded our ability to respond. Nontheless, considerable attention has been given to this part of our strategy. Nonmonetary assistance has been provided to numerous federal, state, and local agencies and to private organizations during the past two years, including:

1. Assistance in the design of specific environmental awareness projects planned by the Environmental Protection Agency, the Army Corps of Engineers, the National Park Service, and Action.

2. Cosponsorship of interagency training sessions involving personnel from sixty operating units of the federal government. These sessions were held in order to exchange information, materials, and ideals concerning environmental education development throughout the government and the country.

3. Provision of contract funds for development of a training program in integrated pest management and control. This activity was carried out under the joint sponsorship of the Council on Environmental Quality, the Department of Labor, the Environmental Protection Agency, and the Office of Education.

4. Cosponsorship with the Environmental Protection Agency of the President's Merit Award Program.

5. Participation in preparations for the United National Conference on the Human Environment, held in Stockholm in June 1972.

6. On-site consultation to numerous projects throughout the country, many of which were funded under auspicies other than the Environmental Education Act.

7. Environmental education training sessions for regional office personnel, primarily within HEW, are being conducted at the present time. These regional office training sessions are also attended by personnel from other federal agencies, state agencies, and private organizations located in the region. From the experiences gained from the training activities conducted thus far, OEE is completing the design of a prototype training program process that can be used for training activities in other regions of the country.

Program development

Evaluation. During the past two years, grantees have been asked to evaluate their projects and to include their findings in their final report. In addition, most of the projects funded under the Act in fiscal 1971 and fiscal

1972 have or will be visited by OE personnel or outside experts engaged by OE.

In addition, OEE has almost completed the design of a three-year evaluation strategy. The first phase of that strategy will be implemented within the next few months, and consists of the following activities:

1. Preparation of a working paper on the definition of environmental education, based on our present concepts as reflected in the Handbook and on the ideas and experiences of outside experts.

2. Preparation of a self-evaluation questionnaire, to be given to all programs funded in fiscal 1972 and fiscal 1973.

3. Support of a national conference on state planning in late April. The conference objective is to create a working document concerning evaluation of state planning activities in environmental education. This document will be used in the planning of future state programs.

We plan to utilize the results of the first phase activities as a foundation for more in-depth and comprehensive evaluation activities at some later time. Such later activities would include utilization of completed surveys carried out by the Educational Resources Center and Ohio State University and by the National Center for Educational Statistics to formulate study designs that would address the validity, effectiveness, and feasibility of selected environmental education objectives and approaches; a revised self-evaluation questionnaire; in-depth and formal evaluation of selected projects funded under the Environmental Education Act and other sources; and an assessment of the state of the art of environmental education. The results of these various evaluation activities would enhance dissemination and technical assistance efforts, as well as related program development activities.

Information Dissemination. The following are highlights of OEE's continuing dissemination activities:

Publications. A wide variety of materials have been published or distributed by OEE. Published materials include:

1. *The New Environmental Education Program of the U.S. Office of Education* (booklet)
2. *Education That Cannot Wait* (booklet)
3. *Environmental Education Handbook* (draft version)
4. *The Case for Environmental Education* (article)
5. (Assorted bibliographies on various environmental education topics)

Materials distributed by OEE include:

1. *"Earth Day" Year Around* by Judith Serrin (article)
2. *Environmental Encounters* by Victor Schlich (article)
3. *Environmental Education Cannot Wait* by S.P. Marland, Jr. (article)
4. *Manpower Training Goes to College* by Guy P. Million (article)
5. *Environmental Education* (from the first annual report to the President and the Council on Environmental Quality from the Citizens' Advisory Committee on Environmental Quality, October 1970)
6. *Aids to Environmental Education, Grades 7–9* (booklet)
7. *Pass It On* (brochure of the President's Environmental Merits Awards Program)
8. *The Environmental Problem* (book)
9. *Ecological Drums Along the Cuyahoga* (article)

Speeches and Articles. Members of my staff and I have delivered numerous speeches and appeared on many panels at meetings and conferences around the country; this sort of information dissemination has been actively pursued since the formation of the program. Articles, written by OE and OEE personnel or by reporters, have appeared in several journals and magazines over the last two years and have helped explain the program and its progress to the public.

Dissemination Program Design. We have just completed the design of a program for expanding and regularizing dissemination activities; program implementation could begin in fiscal 1974. The program includes two-way information feedback and exchange between and among local, state, regional, national, and federal organizations and agencies interested in enviornmental education.

Regulations. Draft regulations have been approved by the Advisory Council and the Office of Education and are being reviewed for approval by the Department. It is hoped that the approved regulations will be published in the Federal Register in early March of this year.

Criteria. Fiscal year 1973 proposals will be evaluated on the basis of the eight criteria developed by the Advisory Council. These criteria are listed in the draft regulations and the draft Handbook for the use of applicants and evaluators. In addition, suggestive-explanatory factors responsive to criteria items are also indicated in the draft regulations and the draft Handbook.

The advisory council and OEE

The National Advisory Council for Environmental Education has served as a resource for OEE policymaking.

In their first annual report, released in March 1972, the Advisory Council made several recommendations concerning program priorities for OEE. These recommendations were incorporated into the 1973 draft program regulations, the draft Handbook, and funding strategies. Sixteen of the twenty-four recommendations made by the entire Council and its subcommittees in the March 1972 report have been implemented in whole or in part. These include a deemphasis on funding of state planning for environmental education and an emphasis on small grants or other projects with substantial community group involvement and participation. Some of the recommendations although desirable, proved to be unfeasible.

We feel that we have been successful in establishing a cooperative, productive, and mutually supportive relationship with the Council in spite of mutually shared difficulties occasioned by fiscal constraints.

THE FUTURE

There has been no request for funds for the program for fiscal year 1974.

In addition, I have received no indication to date concerning the Department's or Administration's position on the extension of the Act. Whatever the decision is, of this much I am sure: environmental education has taken hold in the years 1969–1973 and it will continue to evolve in the communities, schools, states, and regions of our nation.

TABLE I.—FISCAL YEAR 1972 ENVIRONMENTAL EDUCATION AWARDS, BY CATEGORY, AS COMPARED TO FISCAL YEAR 1971 AWARDS

Categories	1972, number of awards	1971, number of awards
Type A: Workshops	33	36
Type B: Statewide evaluation and dissemination	11	5
Type C: Pilot projects:		
Personnel training:		
(A) Inservice educational personnel	4	1
(B) Inservice noneducational personnel	6	1
(C) Preservice educational personnel	1	
(D) Preservice noneducational personnel	1	1
(E) Government personnel	1	1
Total personnel training	11	4
Community awareness:		
(F) School-community models	1	1
(G) Environmental education centers	14	6
(H) Citizen participation projects	10	11
Total community awareness	25	18
Instruction and curriculum:		
(I) Elementary and secondary programs	7	1
(J) Supplementary materials	18	1
(K) Curriculum development. Including media projects (K_3)	38	8
	3	
Total instruction and curriculum	66	10
Evaluation and dissemination:		
(L) General evaluation	1	1
(M) Dissemination: Information dissemination	12	0
(N) Dissemination: Information clearinghouse	3	0
Total evaluation and dissemination	16	1
Grand total	162	74

TABLE II.—FISCAL YEAR 1971 ENVIRONMENTAL EDUCATION AWARDS, BY TYPE OF ORGANIZATION FUNDED

Type of organization	Large grants funded	Amount of grant	Small grants funded	Amount of grant
Universities, 4-year colleges, and community colleges	14	$363,036	5	$37,900
Local and State education agencies	6	365,000	3	26,200
Community education programs	2	87,000	4	37,750
Private environmental organizations	3	99,000	8	71,100
Private educational organizations	6	271,400	2	17,487
Other private organizations	2	65,000	8	67,660
Public agencies	3	103,554	5	36,521
Museums	1	19,000		
Libraries	1	50,000	1	4,869
Total	38	1,422,990	36	299,487

TABLE III.—FISCAL YEAR 1972 ENVIRONMENTAL EDUCATION AWARDS, BY TYPE OF ORGANIZATION FUNDED

Type of organization	Number of awards	Funded
Institutes of higher education	34	$599,900
Private/other	29	497,450
Local education agencies	29	486,000
Private educational organization	11	381,750
Private environmental organization	26	376,850
Public agencies and organizations	7	194,940
State education agencies	6	176,950
Museums	4	111,800
Community colleges/vocational education schools	9	87,300
Private elementary and secondary schools	4	56,600
Public libraries	3	29,500
Total	162	2,999,040

BOGAN CHARTS OEE COURSE

(By Alison St. Clair)

October, 1970 marked the enactment of the Environmental Education Act along with the formal introduction of the environmental decade. Environmental educators began work synthesizing old and new philosophies to create a different approach.

In a recent interview, Walter J. Bogan, overseer of federal environmental education efforts, evaluated past and present efforts, defining a future course for government assistance to environmental education.

PUBLIC LAW 91-516: HAS IT BEEN A SUCCESS?

The passage of the Environmental Education Act, now Public Law 91-516, was encouraging news to environmental educators. A responsive Congress had provided money, the essential element which fervent citizen groups, young activists and teachers most often lack.

Bogan pointed out that the Act has been unique in permitting more direct citizen participation in allocating funds than most federal laws and programs. For this reason, its impact and performance have been more visible to the public. Environmental educators are acutely aware that actual allocations fell far below the congressional authorizations.

The Act, itself, stipulates: "There is authorized to be appropriated $5 million for the fiscal year ending June 30, 1971, $15 million for the fiscal year ending June 30, 1972, and $25 million for the fiscal year ending June 30, 1973." The actual allocations, however, amounted to $1.7 million, $3.5 million and nearly $3.2 million for Fiscal Years 1971, 1972 and 1973, respectively.

Bogan upholds this policy of tight purse strings. The funds, though limited, stated Bogan, have served as a useful catalyst and helped to define more precisely the real needs and opportunities for environmental education.

"Unfortunately," noted Bogan, "the way has been difficult for many of those wanting and deserving to participate. The state-of-the-art is not sufficiently developed that all those who want to implement programs are equipped to do so. Many applicants never applied for federal funds before and the mechanics of the process may have seemed overwhelming. We feel a responsibility to provide assistance in preparing application forms, but our small staff makes this aid impossible now."

MAKING THE MOST OF WHAT IS AVAILABLE

To provide greater technical assistance from OEE, Bogan plans to utilize the Department of Health, Education and Welfare's ten-region structure.

In a pilot project in the Region IV (Atlanta) staff college, OEE personnel provided training to HEW state employees and local environmental educators. Equipped with a better understanding of the meaning and needs of environmental education, these seasoned bureaucrats—well-versed in grantsmanship and government red tape—will now be available to assist individuals locally.

This training program will be expanded to other regional offices as soon as possible.

"Ideally," stated Bogan, "each region would have at least one person with sole responsibility for environmental education coordination and assistance." Bogan suggested that the best avenue is to train already-salaried employees to help environmental educators at the local level.

OPENING UP COMMUNICATIONS

Another of Bogan's plans for the future is greater dissemination of information on projects funded under the Environmental Education Act.

"The main purpose of the Act was to fund pilot projects that could be successfully replicated throughout the nation. To do this, detailed outlines of goals, staffing patterns, techniques and evaluations must be provided."

Bogan is looking to other government agencies to print some of the reports. The Environmental Protection Agency, for example, recently published a two-volume set of student water pollution studies developed by Joseph Chadbourne of Cleveland's Institute for Environmental Education. Its distribution has made the Cuyahoga watershed studies project what it should be—a model for others to follow.

INTERAGENCY PROGRAMS

With an eye to generating specific materials, such as curriculum guides and audio/visual aids, the Director of OEE plans to call on both governmental programs and the private sector to produce workable environmental education packages. Rather than funding an entire project, the Office of Environmental Education would coordinate several groups, each contributing to the finished product.

The first such effort, an integrated pest management education program, began last fall. Participating agencies are the Department of Agriculture, the Environmental Protection Agency and OEE. While EPA donates the technical expertise, OEE contributes the knowledge of school systems and how to work with them. USDA will assist the implementation through its county extension agents, who filter information to the community level.

"This approach has a dual function," said Bogan. "Besides developing a workable environmental education program for use by America's citizens, we're injecting environmental education into the programs of some agencies which until now, have used more traditional methods to educate the public about environmental concepts and problems."

The pest management program will be implemented later this year, beginning with a curriculum development workshop for educators and scientists concerned with integrated pest control. Before that meeting, materials are to be developed and produced.

FUTURE OF THE FUNDED

Regarding the dubious future of private-sector projects already funded through OEE, Bogan explained that the EE Act was never intended to support environmental education permanently or to fund operational programs.

"Its purpose was to get things going. We hope those projects which were funded will generate enough interest that local school boards and foundations will pick them up.

In regard to future funding, Bogan suggests a concentrated push in local school districts. Individual school systems should commit personnel and equipment and find room for environmental education in their budgets.

Bogan also cites foundations and corporations as potential project sponsors. Recognizing that the interests of many foundations are narrow, he suggests a cooperative venture in which a national foundation makes a grant for a prototype project and a local foundation, a year or two later, places the program in a particular community.

Bogan's most specific recommendations concern the design and function of environmental education programs in schools, particularly at the seventh grade level and above. His insight is backed by experience—as a science teacher, as a department chairman in New York city schools in the 1960's and as an instructor of science and public policy in the "Science for the Citizen" program at the New School for Social Research, also in New York. The latter he undertook while serving as Executive Director of the Scientists' Institute for Public Information, a post he left to assume his present position at OEE in July.

Regarding the proper place of environmental education in the classroom, the OEE Director advised that it be integrated into the traditional classroom framework, rather than offered as a separate class or subject.

Science teachers have most often taken the lead in environmental education. However, Bogan sees the need for a broader orientation and, thus, favors team teaching.

Course content and the need for standardization also came under discussion. Bogan noted the difficulty of evaluating students' training and competence as environmental problem solvers.

As he pointed out, "A student's transcript may show that he's had 'environmental science', 'environmental problems' 'Ecology I and II', but what does it all mean?"

The best route to standardization, according to Bogan, is to develop case histories for use in environmental education. A learning device invariably used by marketing, law and MBA students, case histories present hypothetical situations into which the student steps as decision maker.

Case histories are flexible. They might form the basis for brief overnight assignments, visits to a city council meeting where live characters perform the student's imaginary play, term papers, or classroom debates over group recommendations.

SCHOOL-COMMUNITY RELATIONSHIP

Bogan underlined the need for schools to accept a larger role in preparing citizens to participate in environmental decisions.

"To participate effectively in air quality hearings, citizens have to be comfortable with the concepts involved—environmental, economic and social. Everyone wants clean air, but the thought of coming before the city council to speak about particulates and ozone levels or to discuss the economics of air quality leaves most people weak. The school has an important role to fill here. Evening seminars conducted by teachers in various disciplines can equip the average citizen with enough information to participate fully in decision-making affecting air quality in his community. The school falls short of its responsibility if it doesn't accept this challenge."

A visit with Bogan re-affirms the status of environmental education as a concept and a definite societal need. As a funding priority, however, it will likely remain low.

Capitalizing on any manpower and resources at our disposal, we must gain recognition for environmental education as something worthy of permanent integration into school curricula. The task requires cooperation, communication, and above all, dogged persistence.

"THE EDUCATION THAT CAN'T WAIT," WAITS

(By Bickley S. Dodge)

Two years ago, U.S. Education Commissioner Sidney Marland coined a new slogan when he labeled environmental education "the education that cannot wait." His slogan has become only one of many bitter ironies that have plagued the program from the beginning. Today, environmental education is not only still waiting, it appears to be in imminent danger of total extinction as a federal program.

The 1974 federal budget, released in late January, confirmed a distressing rumor. In one sentence it announced the intention of disposing of environmental education: "This program will be terminated in 1974." Official Administration opposition to the program, centered within the Department of Health, Education and Welfare (HEW) itself, rests mainly on three arguments. First, it is said, we don't need separate legislation to support environmental education—we can do it through already existing programs. Second, environmental education is a narrow categorical program and therefore conflicts with Administration philosophy. And, third, the program has failed anyway. Each of these arguments can be easily refuted.

The environmental education program has always been described within HEW as "core" funding, as a catalyst which would generate lots of additional federal money for environmental education. This strategy has proven more effective in keeping appropriations for the program low than in actually generating new environmental education money. In fiscal 1972 the total federal appropriation for the Office of Environmental Education (OEE) was only $3.4 million. The Office of Education claimed that in addition it would spend $11 million on environmental education

through other programs. To date it has still not been able to document that claim. A list, purporting to document the $11 million expenditure, exists, but the validity of many of the projects listed is so questionable that apparently the commissioner is too embarrassed to release it.

Even if other educational programs *were* doing what they should be, they are limited in their scope and target. Title III of the Elementary and Secondary Education Act, for example, can support environmental education but only through local education agencies. No other program is as flexible as the Environmental Education Act in terms of program content or the range of permitted "target groups." Most importantly for environmental action organizations, no other program has the flexibility of the Environmental Education Act to support non-formal environmental education projects sponsored by community groups.

The language of the Environmental Education Act is strikingly broad in scope and intent, and administrative pronouncements have re-emphasized that breadth. Yet the executioners of the program are now claiming it is too narrow and categorical—and thus inconsistent with the Administration's "New Federalism." In May, 1971 Marland described the program this way:

Environmental education can be the core, the unifying concept around which Office of Education categorical grants can be coalesced into a modern educational response to the environmental/ecological crisis.

Does that sound like a description of a narrow categorical program?

If anything, in fact, some environmentalists have criticized the program for having been too broad in the past, for having stressed the creation of an "environmental ethic" so vague and general as to risk obscuring specific environmental substance and skills. Last year's environmental education grantees, for example, spent 30 percent of their resources on subjects not even covered by the act, and less than 10 percent each on resource depletion, transportation, technology and population, according to a recent survey by Friends of the Earth. There is encouraging evidence of greater substantive focus this year. In any case, the program's focus could tighten up much further before it could accurately be described as a "narrow categorical program."

The official critics' final argument is that the environmental education program has failed anyway, and therefore deserves to die. The program has been subject to internal bureaucratic delays, snafus and harassment at every step of its unhappy existence; there was no director for nine months, no advisory council for a full year, a skeleton staff even now, and of course almost no money. And now those responsible dare to call the program a failure. This is like the boy who kills his mother and father and then pleads to the judge for mercy on the grounds that he is a poor orphan.

Of course, environmentalists have been disappointed in their expectations of what the environmental education program could have been. But the potential still exists. Change, not abolition, seems to be in order. Moving OEE from the Office of Education to a more hospitable home—possibly the Council on Environmental Quality or the Environmental Protection Agency—or elevating it within the HEW bureaucracy might be one improvement.

Since the official arguments against environmental education are all so refutable, what are the *real* reasons it's slated to die? One possibility that must be strongly considered is that, being small, weak and relatively unnoticed, it is an easy sacrificial lamb for an Administration that wants to claim it's cutting government costs without really doing so in any effective way.

Ralph Nader was once asked whether he believed in capitalism. He replied, "I don't know; we haven't tried it yet." The federal environmental education program is in somewhat the same category. It's time we tried it. Whether or not it expires first will depend a great deal on the amount of public and congressional concern expressed in the next few months.

S. 1647

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(c) (1) of the Environmental Education Act (20 U.S.C. 1532) is amended by adding at the end thereof the following new sentence: "Subject to section 448(b) of the General Education Provisions Act, the Advisory Council shall continue to exist until July 1, 1976."

Sec. 2. Section 7 of such Act is amended by striking out "and" after "1972," and by inserting after "1973," the following: "$——— for the fiscal year ending June 30, 1974, $——— for the fiscal year ending June 30, 1975, and $——— for the fiscal year ending June 30, 1976.".

By Mr. MAGNUSON (for himself, Mr. JACKSON, Mr. BIBLE, Mr. ROBERT C. BYRD, Mr. CANNON, Mr. CHURCH, Mr. COTTON, Mr. CURTIS, Mr. DOLE, Mr. EASTLAND, Mr. GOLDWATER, Mr. GRAVEL, Mr. HART, Mr. HOLLINGS, Mr. HUGHES, Mr. INOUYE, Mr. MANSFIELD, Mr. MCGEE, Mr. MCGOVERN, Mr. MONDALE, Mr. MOSS, Mr. NELSON, Mr. PASTORE, Mr. PELL, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SCOTT of Pennsylvania, Mr. SCOTT of Virginia, Mr. SPARKMAN, Mr. STEVENS, Mr. THURMOND, and Mr. WILLIAMS):

S. 1648. A bill to establish the calendar year as the fiscal year of the Government, to provide for separate periods during sessions of the Congress for the consideration of appropriations bills, and to provide for the establishment of annual appropriations and expenditure ceilings. Referred to the Committee on Government Operations.

Mr. MAGNUSON. Mr. President, I am introducing today for appropriate reference, a bill to reform the way Congress decides how Federal funds will be spent.

The bill's key feature is a requirement that Congress set an annual ceiling for itself on the amount of money it will appropriate for Federal programs. Other basic elements of the bill would:

Set aside a period each year for Congress to devote its attention to spending decisions.

Change the Federal Government's fiscal year, which now runs from July 1 of one year through June 30 of the next, to coincide with the calendar year.

Require coordination between the congressional committees that decide how much you pay in Federal taxes and the Appropriations Committees that decide how your tax dollars are spent.

My bill is an updated version of legislation that I have introduced in the past several Congresses. In the last Congress, the earlier bill won the support of both the Senate majority and minority leaders as well as more than half the entire Senate.

President Nixon has repeatedly charged that Congress is irresponsibly appropriating more than the Nation can afford to spend, and he is impounding, or refusing to spend, some $8 billion appropriated by Congress for the current year.

Responding to these allegations, many in Congress claim the President has exceeded his constitutional authority in refusing to spend those appropriations. They argue that the President's real purpose in impounding the funds is to simply kill domestic programs which were created by Congress.

Although the President's wholesale impoundment of appropriations concerns me very deeply and raises a serious legal question, I do not believe that is what really worries most Americans. I think the average taxpayer's concern is that he not have to pay higher taxes and that Uncle Sam properly spend the taxes he is already collecting.

Satisfying thosec oncerns is going to require reform both at the White House and in the Congress. The President needs to reexamine his budget priorities. I hope he will, but I am not counting on it.

For its part, Congress can take the lead by streamlining its own procedures so that it can set a spending ceiling that makes sense and then stick to it. That is why I am introducing my bill.

Under my bill, Congress would spend the first 7 months of each year working and voting on what are called authorizing bills—the legislation that creates new programs or changes old ones.

Then, sometime after August 15, the House and the Senate would focus their attention on the far fewer—but more important—appropriation bills. These are the bills that actually make funds available for programs and therefore make or break them.

The appropriations period beginning sometime after August 15 would extend to no later than December 1. By that time, all of the appropriations bill making funds available for the next calendar year would be passed by the Congress and on the President's desk awaiting his signature.

During the period devoted to authorizing legislation—January-August 15—no appropriations bills could be voted on in either the House or the Senate. Likewise, no authorizing bills could be voted on during the appropriations period. Exceptions from these rules would be provided in only certain specific emergency situations or where Congress had to vote on a Presidential veto. Committees would remain free to hold hearings and prepare legislation at any time.

At the beginning of each appropriations period, my bill would require the House Appropriations Committee and the House Ways and Means Committee, which writes tax bills, to meet and jointly recommend to the House an overall spending ceiling for the following calendar year. The same requirement would also be imposed upon the Senate Appropriations Committees and the Senate Finance Committee which has responsibility for tax legislation. Presently, there is no such direct coordination between the committees that write tax laws and the Appropriation Committees that decide how tax dollars are spent.

Ultimately, the Senate and House would have to agree on a single overall spending ceiling that would be binding on the entire Congress.

With the ceiling set, the various Appropriations Subcommittees which write the different appropriations bills—Defense, Public Works, Agriculture, Labor-HEW, et cetera—would have to coordinate their efforts so that the sum total of the various bills did not exceed the ceiling.

If it becomes law, my proposal, parts of which I have been promoting for years on Capitol Hill, would bring about radical changes in the way Congress works.

Under the present system, which often looks like a chaotic nonsystem to outside observers, the Congress often winds up passing authorizing legislation creating a new program at the same time it is passing an appropriation bill that should contain funds for the program but does not.

Far more important, however, is the fact that the present system leaves each Appropriations Subcommittee free to recommend any amount of spending it wishes. Usually, Members who don't belong to these subcommittees rely upon their recommendations and consequently, their recommendations generally become law.

Therefore, a big increase in the defense appropriation bill which is written by one subcommittee is not offset by reductions in, say, the public works appropriations bill that is written by another subcommittee. The end result can be a sum total of appropriations that's greater than the amount actually available in the national treasury.

When that happens, deficits, new taxes, Presidential vetoes or impoundments are likely to follow. In forcing the Appropriations Subcommittees in both Houses to work within a single overall spending ceiling my bill would go far toward quieting the battle raging between the White House and Congress while also relieving some of the taxpayer's concern over taxes and inflation.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD at this point after my remarks.

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

S. 1648

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Appropriations Reform Act."

TITLE I—CHANGE OF FISCAL YEAR

CALENDAR YEAR AS NEW FISCAL YEAR

SEC. 101. Section 237 of the Revised Statutes (31 U.S.C. 1020) is amended to read as follows:

"SEC. 237. (a) The fiscal year of the Treasury of the United States, in all matters of accounts, receipts, expenditures, estimates, and appropriations—

"(1) shall, through June 30, 1974, commence on July 1 of each year and end on June 30 of the following year;

"(2) shall for the period commencing July 1, 1974, and ending on December 31, 1974, be for such period; and

"(3) shall, beginning on January 1, 1975, commence on January 1 of each year and end on December 31 of that same year.

"(b) All accounts of receipts and expenditures required by law to be published annually shall be prepared and published for each fiscal year as established by subsection (a)."

SPECIAL APPROPRIATION

SEC. 102. For the fiscal year commencing July 1, 1974, and ending December 31, 1974, there are appropriated, out of any money in the Treasury not otherwise appropriated for any projects or activities conducted in the fiscal year ending June 30, 1974, for which authority to conduct such project or activity did not expire prior to June 30, 1974, an amount equal to 50 per centum of the amount appropriated for that project or activity for such fiscal year ending on June 30, 1974. Appropriations made under this section shall be available to the extent and in the manner appropriations were made available for that project or activity during the fiscal year ending on June 30, 1974.

TRANSMITTAL OF BUDGET AND EXPENDITURE MESSAGES

SEC. 103. Section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11), is amended—

(1) by striking out of that matter of subsection (a) preceding clause (1) the phrase "during the first fifteen days of each regular session" and inserting in lieu thereof "at the time specified in subsection (e)(1)";

(2) by striking out in subsection (a)(5) "on or before October 15 of each year," and inserting in lieu thereof ", at the time specified in subsection (e)(2),";

(3) by striking out in subsection (b) "on or before June 1 of each year, beginning with 1972," and inserting in lieu thereof "at the time specified in subsection (e)(3)";

(4) by striking out in subsection (c) "on or before June 1 of each year, beginning with 1972," and inserting in lieu thereof "at the time specified in subsection (e)(4)"; and

(5) by adding at the end thereof the following new subsections:

"(d) In addition to the information required by subsection (a), the budget shall contain a statement, in such form and detail as the President may determine, of the capital assets of the Government, and their value, as of the end of the last completed fiscal year.

"(e)(1) In accordance with subsection (a), the President shall transmit each budget to the Congress as follows:

"(A) for the fiscal year ending on June 30, 1974, during the first fifteen days of that regular session of the Congress which assembles under section 2 of article XX of the articles of amendment to the Constitution prior to the commencement of the fiscal year; and

"(B) for each fiscal year beginning on or after January 1, 1975, on or before April 15 of the year preceding the commencement of that fiscal year.

"(2) In accordance with subsection (a)(5), estimated expenditures and proposed appropriations for such legislative branch and Supreme Court shall be transmitted to the President, for each fiscal year commencing on and after January 1, 1975, not later than January 15 of the year preceding that fiscal year.

"(3) In accordance with subsection (b), the President shall transmit each supplementary summary of the budget to the Congress, for each fiscal year beginning on or after January 1, 1975, on or before October 1 of the year preceding that fiscal year.

"(4) In accordance with subsection (c), the President shall transmit summaries of estimated expenditures on June 1, 1974, and November 1 of each year thereafter.

"(f) No budget, supplementary summary of the budget, or estimated expenditures and proposed appropriations for such legislative branch and Supreme Court shall be transmitted for the fiscal year commencing July 1, 1974, and ending on December 31, 1974. For purposes of subsection (a)(7), the phrase "last completed fiscal year" shall mean for the budget to be transmitted to the Congress on or before April 15, 1975, for the fiscal year commencing on January 1, 1976, those fiscal years ending on June 30, 1974, and December 31, 1974. The fiscal year ending on December 31, 1974, shall not be considered a fiscal year for purposes of subsection (c).

"(g) If the Congress is not in session on the day on which the President submits a budget, a supplementary summary of the budget, or a summary of estimated expenditures, such budget or summary shall be transmitted to the Clerk of the House of Representatives and shall be printed as a document of the House of Representatives."

ACCOUNTING PROCEDURES

SEC. 104. (a) Subsection (a)(1) of the first section of the Act entitled "An Act to simplify accounting, facilitate the payment of obligations, and for other purposes," approved July 25, 1956, as amended (31 U.S.C. 701), is amended to read as follows:

"(1) The obligated balance shall be transferred, at the time specified in subsection (b)(1) of this section, to an appropriation account of the agency or subdivision thereof responsible for the liquidation of the obligations, in which account shall be merged the amounts so transferred from all appropriation accounts for the same general purposes; and".

(b) Subsection (b) of such section is amended to read as follows:

"(b)(1) Any obligated balance referred to in subsection (a)(1) of this section shall be transferred as follows:

"(A) for any fiscal year or years ending on or before June 30, 1974, on that June 30 which falls in the first month of June which occurs twenty-four months after the end of such fiscal year or years; and

"(B) for any fiscal year commencing on or after July 1, 1974, on December 31 of the second fiscal year following the fiscal year or years for which the appropriation is available for obligation.

"(2) The withdrawals required by subsection (a)(2) of this section shall be made—

"(A) for any fiscal year ending on or before June 30, 1974, not later than September 30 of the fiscal year immediately following the fiscal year in which the period of availability for obligation expires; and

"(B) for any fiscal year commencing on or after July 1, 1974, not later than March 1 following the fiscal year in which the period of availability for obligation expires."

ECONOMIC REPORTS

SEC. 105. (a) Section 3 of the Employment Act of 1946 (15 U.S.C. 1022), is amended by striking out "The President shall transmit to the Congress not later than January 20 of each year" and inserting in lieu thereof the following: "Not later than January 20 of each year before 1975, and not later than April 15 of each year after 1974, the President shall transmit to the Congress".

(b) Section 5(b)(3) of such Act (15 U.S.C. 1024) is amended by striking out "(beginning with the year 1947)" and inserting in lieu thereof "before 1975 and not later than June 1 of each year after 1974,".

CONVERSION OF AUTHORIZATIONS OF APPROPRIATIONS

SEC. 106. Any law providing for an authorization of appropriations commencing on July 1 of a year shall, if that year is any year after 1973, be considered as meaning January 1 of the year following that year. Any law providing for an authorization of appropriations ending on June 30 of a year shall, if that year is any year after 1974, be considered as meaning December 31 of that same year. Any law providing for an authorization of ap-

propriations for the fiscal year 1975 or any fiscal year thereafter shall be construed as referring to that fiscal year commencing on January 1 and ending on December 31 of the calendar year having the same calendar year number as the fiscal year number.

REPEALS

SEC. 107. The following provisions of law are repealed:

(1) the ninth paragraph under the headings "Legislative Establishment", "Senate", of the Deficiency Appropriation Act, fiscal year 1934 (48 Stat. 1022; 2 U.S.C. 66); and

(2) the proviso to the second paragraph under the headings "House of Representatives", "Salaries, Mileage, and Expenses of Members", of the Legislative-Judiciary Appropriation Act, 1955 (68 Stat. 400; 2 U.S.C. 81).

TECHNICAL AMENDMENT

SEC. 108. (a) Section 105 of title 1, United States Code, is amended by striking out "June 30" and inserting in lieu thereof "December 31".

(b) The provisions of this section shall be effective with respect to Acts making appropriations for the support of the Government for any fiscal year commencing on or after January 1, 1975.

TITLE II—SEPARATE CONSIDERATION OF APPROPRIATIONS MEASURES

DEFINITIONS

SEC. 201. For purposes of this title—

(1) "legislative period" means that period of a regular session of the Congress beginning on the third day of January of each year (or on such other day as the Congress appoints by law) and ending on August 15 of that year, or on such earlier day of that year on which a House of the Congress, with respect to that House, terminates its legislative period in order to consider appropriations for the support of the Government;

(2) "fiscal period" means, with respect to each House, that period of a regular session of the Congress beginning on the day after a legislative period of that House has ended and ending on December 1 of that year or on such earlier day of that year on which that regular session has been adjourned sine die;

(3) "appropriations" has the same meaning given that term by section 2 of the Budget and Accounting Act, 1921 (31 U.S.C. 2); and

(4) "committee" includes any joint committee of the Congress and any select committee of either House of the Congress.

LEGISLATIVE PERIODS

SEC. 202. (a) Except as otherwise provided in section 204, the Senate and House of Representatives shall not consider, and the Committees on Appropriations of the two Houses shall not report, during any legislative period any measure or matter making an appropriation for the support of the Government.

(b) The provisions of this section shall not be construed as prohibiting during any legislative period—

(1) the introduction in or submission to, either House of the Congress, of any measure or matter relating to appropriations for the support of the Government; or

(2) the consideration by the Committee on Appropriations of the Senate or the House of Representatives of any measure or matter over which such committee has jurisdiction, or the holding of hearings or the conducting of studies and investigations with respect to any such measure or matter.

FISCAL PERIODS

SEC. 203. (a) Except as otherwise provided in section 204, the Senate and House of Representatives shall not consider, and no committee of either House (other than the Committees on Appropriations of the two Houses) shall report, during any fiscal period any measure or matter other than a measure or matter making only appropriations for the support of the Government.

(b) The provisions of this section shall not be construed as prohibiting during any fiscal period—

(1) the introduction in, or submission to, either House of the Congress of any measure or matter not relating to appropriations for the support of the Government; or

(2) the consideration by any committee of either House of any measure or matter over which such committee has jurisdiction, or the holding of hearings or the conducting of studies and investigations with respect to any such measure or matter.

(c) The Senate and House of Representatives shall consider, and the Committees on Appropriations of the two Houses shall report, during a fiscal period occurring in one year only measures and matters making appropriations for the support of the Government for the fiscal year following that fiscal period and measures or matters making supplemental or deficiency appropriations for the current fiscal year.

EXCEPTIONS

SEC. 204. (a) The Committees on Appropriations of the Senate and the House of Representatives may report, and the two Houses may consider—

(1) during the legislative period occurring in 1974, any measure or matter making only supplemental or deficiency appropriations for the fiscal year ending June 30, 1974; and

(2) during each legislative period occurring in a year, beginning with the legislative period occurring in 1975, any measure or matter making only supplemental or deficiency appropriations for that year.

(b) The appropriate committee of the Senate or the House of Representatives may report to its House, and that House may consider, during any fiscal period, any measure or matter if—

(1) in the case of a treaty or nomination submitted to the Senate, the President of the United States or the President pro tempore of the Senate determines, and notifies the Senate in writing, that an emergency exists requiring that the Senate be allowed to consider immediately that treaty or nomination; and

(2) in the case of any other measure or matter the President of the United States or the President pro tempore of the Senate and the Speaker of the House of Representatives (acting jointly) determine, and notify both Houses in writing, that an emergency exists requiring that the two Houses be allowed to consider immediately that measure or matter.

For purposes of this subsection, "emergency" means any circumstance that affects, immediately and seriously, the national interest.

(c) Any measure or matter returned to the Senate or the House of Representatives under the second or third paragraph of section 7 of article I of the Constitution may be considered during any legislative or fiscal period.

(d) The Senate and House of Representatives may consider, and the Committees on Appropriations of the two Houses may report, during the legislative period occurring in the year 1974 any measure or matter making an appropriation for the fiscal year ending June 30, 1974, for the support of the Government.

EFFECTIVE DATE

SEC. 205. The provisions of this title shall become effective on the day on which the Congress assembles, under section 2 of article XX of the articles of amendment to the Constitution, in the year 1974.

LIMITATION

SEC. 206. No provision of this title shall be construed as giving authority to any committee of either House of the Congress to report any measure or matter if that committee is not otherwise given that authority by another provision of law, or by rule or resolution of that House of the Congress.

By Mr. SCHWEIKER:

S. 1653. A bill to prohibit the importation into the United States of commercially produced domestic dog and cat animal products; and to prohibit dog and cat animal products moving in interstate commerce. Referred to the Committee on Finance.

TO BAN USE OF DOG AND CAT SKINS

Mr. SCHWEIKER. Mr. President, today I introduce legislation which will prohibit the importation of commercially produced domestic dog and cat skins and pelts into the United States, and ban their movement in interstate commerce.

I have been distressed by reports of proposals by private individuals in South Africa and Venezuela to commercially raise dogs and cats to be slaughtered for their furs. The pelts would then be turned into fur coats.

The prospect of these animals receiving such inhumane treatment is abhorrent to anyone who knows them to be affectionate pets. With the supply of wild animals skins constantly diminishing due to decreasing numbers and the prohibition on the taking of certain animals protected by the Endangered Species Act and other restrictions, it is probable that pressures to use domestic dogs and cats for fur will continue. The purpose of my bill, is to make it clear that the United States cannot be considered as a marketplace for these gruesome products. Similar legislation has been introduced in the House of Representatives and I am hopeful that enactment of the bill will discourage any further proposals based on this inhumane use of domestic dogs and cats.

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

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

S. 1653

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Domestic Dog and Cat Animal Protection Act of 1973".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. The Congress finds that—

(1) The importation into the United States of domestic dog and cat products derived from commercially raised domestic dogs and cats is imminent.

(2) The encouragement of factory-farming and other commercial raising of domestic dogs and cats by permitting the importation into the United States of products derived from factory-farming and other commercially raised animals;

(A) is inconsistent with the affectionate esteem for these animals existing throughout the United States, and

(B) would in all likelihood encourage the creation of inhumane factory-farming and other rearing environments completely beyond United States jurisdiction.

DEFINITIONS

SEC. 3. For the purpose of this Act—

(1) The term "domestic dogs and cats" means all cats bred from domesticated stock of the genus felis and all dogs bred from domestic dog stock of the species commonly referred to as canis familiaris.

(2) The term "animal products" means any item of merchandise manufactured, consisting of, or composed of any part or all of any domestic dog or cat skin or pelt.

(3) The term "commercially raised" means the commercial raising of cats and dogs for the production of animal products. It includes both small- and large-scale commercial breeding and raising of dogs and cats, including factory-farming to produce these animal products.

(4) The term "person" includes any private person, partnership, corporation, or other entity.

(5) The term "Secretary" means the Secretary of Commerce.

(6) The term "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, the possessions of the United States, an the Trust Territory of the Pacific Islands.

TITLE I

PROHIBITIONS

SEC. 101. There shall be a prohibition on the importation into the United States of commercially produced domestic dog and cat animal products and there shall be a prohibition on the interstate commerce of such animal products.

PENALTIES

SEC. 102. (a) Any person who violates section 101 or of any regulations issued thereunder may be assessed a civil penalty by the Secretary of not more than $10,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Each unlawful importation or interstate shipment shall be a separate offense. Upon any failure to pay a penalty assessed under this subsection, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which such a person is found, resides, or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action.

(b) Any person who knowingly violates any provision of this title shall, upon conviction, be fined not more than $20,000 for each such violation, or imprisoned for not more than one year, or both.

FORFEITURE OF ANIMAL PRODUCTS

SEC. 103. Any animal products unlawfully imported into the United States or shipped in interstate commerce shall be subject to seizure and forfeiture. All provisions of law relating to the seizure, judicial forfeiture, and condemnation of cargo for violation of customs law, the disposition of such cargo, and the proceeds from the sale thereof, and the remission or mitigation of any such forfeitures, shall apply with respect to the animal product cargo of any vessel or other conveyance seized in connection with the unlawful importation of animal products as such provisions of law are applicable and not inconsistent with the provisions of this title.

ENFORCEMENT

SEC. 104. (a) Except as otherwise provided in this title, the Secretary shall enforce the provisions of this title. The Secretary may utilize, by agreement, the personnel, services and facilities of any other Federal agency for purposes of enforcing this title.

(b) The Secretary may also designate officers and employees of any State or of any possession of the United States to enforce the provisions of this title. When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes, but they shall not be held and considered as employees of the United States for the purposes of any laws administered by the Civil Service Commission.

(c) The judges of the United States district courts and the United States magistrates may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process, including warrants or other process issued in admiralty proceedings in United States district courts, as may be required for enforcement of this title and any regulations issued thereunder.

(d) Any person authorized by the Secretary to enforce this title may execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this title. Such person so authorized may, in addition to any other authority conferred by law—

(1) with or without warrant or other process, arrest any person committing in his presence or view a violation of this title or the regulations issued thereunder;

(2) with a warrant or other process, or without a warrant if he has reasonable cause to believe that a vessel or other conveyance subject to the jurisdiction of the United States or any person on board is in violation of any provision of this title or the regulations issued thereunder, search such vessel or conveyance and arrest such person;

(3) seize the animal products cargo of any vessel or other conveyance subject to the jurisdiction of the United States used or employed contrary to the provisions of this title or the regulations issued hereunder or which reasonably appears to have been so used or employed; and

(4) seize, whenever and wherever found, all animal products taken or retained in violation of this title or the regulations issued thereunder and shall dispose of them in accordance with regulations prescribed by the Secretary.

(e)(1) Whenever any animal product is seized pursuant to this section, the Secretary shall expedite any proceedings commenced under section 102 of this Act. All animal products so seized shall be held by any person authorized by the Secretary pending disposition of such proceedings. The owner or consignee of any such animal product shall, as soon as practicable following such seizure, be notified of that fact in accordance with regulations established by the Secretary.

(2) Upon the assessment of a penalty pursuant to section 102 of this Act, all animal products seized in connection therewith may be proceeded against in any court of competent jurisdiction and forfeited to the Secretary for disposition by him in such manner as he deems appropriate.

(3) If with respect to any animal product seized a civil penalty is assessed under section 102(a) of this Act and no judicial action is commenced to obtain the forfeiture of such animal product within thirty days after such assessment, such animal product shall be immediately returned to the owner or the consignee.

By Mr. JAVITS:

S. 1654. A bill to provide for the extension of the Developmental Disabilities Services and Facilities Construction Act and for other purposes. Referred to the Committee on Labor and Public Welfare.

DEVELOPMENTAL DISABILITIES AMENDMENTS OF 1973

Mr. JAVITS. Mr. President, I introduce on behalf of the administration a bill to extend and improve the Developmental Disabilities Services and Facilities Construction Act.

Developmentally disabled children and adults have substantial handicaps which originate at birth or during childhood, and which are expected to continue throughout their life. The developmentally disabled can be found in any community and in every economic, racial, and ethnic group. There are about 5 million developmentally disabled individuals in our Nation today. They include mentally retarded, cerebral palsied, and epileptic persons, as well as other individuals handicapped by conditions related to mental retardation.

Experiencing disability during the crucial developmental years inevitably makes it difficult for disabled people to participate in the adult world of work and family and social life. Even if early hurdles can be surmounted, developmentally disabled individuals still confront many serious obstacles. They suffer a high unemployment rate, discrimination in housing, public transportation, and other community amenities, and a shortage of health and habilitation facilities, services, and personnel in their communities. Family income is often not adequate to meet the basic needs of the individual over a lifetime.

I am pleased that there has been an increasing degree of concern and activity aimed at improving the situation by public and voluntary efforts removing the barriers that prohibit this group of handicapped persons from the opportunity to lead full and productive lives.

I am also pleased that the administration has expressed a deep concern with improving the lives of the developmentally disabled and supported the objective of "deinstitutionalization"; that is, removing from institutions those persons who should be receiving family and community-based care. The Department of Health, Education, and Welfare has also issued proposed medicaid intermediate care facilities regulations that would set standards for institutions which care for many of our Nation's mentally retarded persons.

However, I am disappointed that the Department of Health, Education, and Welfare did not deem it appropriate to recommend under this measure for enactment into law my "Bill of Rights for the Mentally Retarded,'" which incorporates standards for the care, treatment, and protection of the mentally retarded. My introduction of the instant measure will in no way diminish my efforts and work to establish a national commitment for a "Bill of Rights for the Mentally Retarded." I feel strongly that the "Bill of Rights for the Mentally Retarded" should be enacted into law this year.

The present Developmental Disabilities Act, enacted less than 3 years ago, is valuable mechanism for improving the lives of the developmentally disabled through improving the delivery of services. In its brief existence, it has already established itself as a successful service program and this bill to extend the Developmental Disabilities Act was drawn up by the Department of Health, Eduction, and Welfare.

The bill provides that the program should be extended for 3 years, an extension which would indicate continuing Federal concern for assisting the States to improve their capacity to utilize the resources available to them to benefit developmentally disabled individuals.

The most significant substantive

amendment proposed by the administration's bill is a change in the present definition of developmental disability to include "autism" which is far too limited a change.

Mr. President, I should like to assure concerned citizens that my introduction of the administration's bill is in no way any lessening of my commitment to broadening the definition of "developmental disabilities"—as I indicated during hearings on that measure—beyond the limited expansion of this bill. In fact, I believe an expanded definitional change is consistent with the original intent of the law and is necessary primarily because of the extremely narrow interpretation the Department has chosen to give "developmental disabilities." This amendment is proposed by the administration because some States have wished to include services similar or identical to those presently provided under the Developmental Disabilities Act. Thus, the work "autism" would be included in the definition. I believe this is true and, as I have indicated, other handicaps should be included in the definition.

Other amendments proposed in the bill are:

First. That the Trust Territories of the Pacific, Guam, American Samoa, and the Virgin Islands receive a minimum allotment of not less than $50,000, since amounts presently available under the formula are insufficient to carry out a developmental disabilities program or even assist significantly in establishing a program;

Second. Deletion of the requirement for Federal approval of State construction grant applications which causes undue delay in construction of needed community facilities, with resulting increases in the cost of construction.

Third. Provide a single Federal share for planning, administration, services, and construction—the current Federal share for construction is 66⅔ percent and for other activities in 70 percent—and make the Federal share for all activities 70 percent for fiscal year 1974, 60 percent for fiscal year 1975, and 50 percent for fiscal year 1976. I am concerned that the decreasing rate is intended to demonstrate that this program is basically a State responsibility and that Federal involvement is catalytic and temporary in nature.

Fourth. The bill would delete the 90-percent limitation on the Federal share with respect to any project in a poverty area. I am not convinced that each State should be able to apportion Federal funds within the State according to its over evaluation of local need, with its potential for neglect of poverty area special needs.

Fifth. Authorize States to pay for land acquisition from Federal funds as a part of construction costs.

Mr. President, I believe we should extend the developmental disabilities program, build upon the promise of the program's early years and point the way to continued improvements in the lives of persons afflicted with developmental disabilities.

Mr. President, I ask unanimous consent that the letter from the Secretary of Health, Education, and Welfare transmitting the proposed legislation, a summary of the bill, and the text of the bill itself be printed at this point in the RECORD.

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

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
March 23, 1973.

HON. CARL ALBERT,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Enclosed for the consideration of the Congress is a draft bill "To provide for the extension of the Developmental Disabilities Services and Facilities Construction Act, and for other purposes." I am also enclosing for your convenience a brief summary of the major provisions of the bill.

We have been generally pleased with the operation of the programs authorized by the Developmental Disabilities Services and Facilities Construction Act. Our experience with those programs, however, has led us to the conclusion that some minor modifications in the statutory authority would improve the capacity of the Federal government and the States to work cooperatively to improve the lives of the developmentally disabled. The enclosed draft bill, in addition to extending for three years the programs authorized by parts B and C of the Developmental Disabilities Act, would amend those programs in ways which we believe will increase their effectiveness.

Amendments contained in the bill would eliminate the requirement of Federal approval of construction projects assisted with funds made available to States under part C of the Act. The effect of these amendments would be to simplify the approval process, and thereby decrease the time and funds required, for the construction of needed community facilities. This amendment is in accord with the President's objective of returning responsibility to the States and localities whenever possible.

Also in keeping with the Administration's philosophy of greater State responsibility, the bill would delete the 90 percent limitation on the Federal share with respect to any project in a poverty area. We believe the States should judge the needs of their communities. So long as the Federal share limitation with respect to States is met and so long as States meet the State plan provision requiring special assistance to urban and rural poverty areas, each State should be able to apportion Federal funds within the State according to its evaluation of local need.

In order to further simplify the administration of the programs authorized under the Developmental Disabilities Act, the draft bill would provide a single Federal share of State expenditures under the Act for planning, administration, services, and construction. Currently, the Federal share for construction is 66⅔ percent, and for other activities it is 70 percent. The amendment would make the Federal share for purposes of all activities under the State plan 70 percent for the fiscal year 1974, 60 percent for the fiscal year 1975, and 50 percent for the fiscal year 1976.

The draft bill would also amend the definition of developmental disabilities by including autism as a disability for which services would be covered under the Developmental Disabilities Act. This would allow for treatment, under the program, of autistic children, whose disability requires treatment similar to that provided to individuals with neurologically caused developmental disabilities. Concurrently, these individuals are excluded from participation in the program because of the lack of certainty over whether their disabilities are neurologically based.

Other amendments contained in the draft bill would provide a minimum allotment of $50,000 to the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands and would include in construction costs the cost of land acquisition.

We recommend prompt and favorable consideration of this bill. We are advised by the Office of Management and Budget that enactment of this proposed legislation would be consistent with the Administration's objectives.

Sincerely,

FRANK CARLUCCI,
Acting Secretary.

SUMMARY OF THE PROPOSED "DEVELOPMENTAL DISABILITIES AMENDMENTS OF 1973"

The first section of the bill provides the short title: the "Developmental Disabilities Amendments of 1973."

Section 2 of the bill would amend sections 121(a) (relating to authorization of appropriations for construction grants), 122 (b) (relating to authorization of appropriations for demonstration and training grants), and 131 (relating to authorization of appropriations for the formula grant program) of the Developmental Disabilities Services and Facilities Construction Act to authorize the appropriation of such sums as may be necessary to carry out the purposes of those sections for the fiscal year ending June 30, 1974, and each of the next two fiscal years.

Section 3 of the bill would amend section 132(a)(1) of the Developmental Disabilities Services and Facilities Construction Act to provide a minimum allotment of $50,000 for each of the territories. Currently the minimum allotment for the States is $100,000, but there is no minimum allotment for the territories.

Section 4 of the bill would amend various provisions of the Developmental Disabilities Services and Facilities Construction Act and the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 to eliminate the requirement of Federal approval of construction projects assisted with funds made available to States under part C (providing for allotments to States on a formula basis) of the Developmental Disabilities Services and Facilities Construction Act.

Section 5 of the bill would amend section 135(b) of the Developmental Disabilities Services and Facilities Construction Act (as that section would be redesignated by section 4 of this bill) to provide a single Federal share with respect to any State for planning, administration, services, and construction. Currently, the Federal share for construction is 66⅔ per cent, and for other activities it is 70 per cent. The amendment would make the Federal share for purposes of all activities in any State 70 per cent for the fiscal year 1974, 60 per cent for the fiscal year 1975, and 50 per cent for the fiscal year 1976.

Section 5 of the bill would also delete from the section redesignated as section 135(b) of the Developmental Disabilities Services and Facilities Construction Act the limitation on the Federal share with respect to any project located in a poverty area. Currently, the Federal share with respect to any such project cannot exceed 90 per cent.

Section 6 of the bill would amend section 401(e) of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 to include the cost of land acquisition in the construction costs which may be assisted with funds made available under the Development Disabilities Services and Facilities Construction Act.

Section 7 of the bill would amend the definition of "developmental disability" in section 401(1) of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 to include in the State program for developmental disabilities individuals suffering from autism.

Section 8 of the bill would make the amendments contained in the bill effective with respect to appropriations for fiscal years beginning after June 30, 1973.

S. 1654

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 "Developmental Disabilities Amendments of 1973".

EXTENSION OF AUTHORIZATIONS

SEC. 2. (a) Section 121(a) of the Developmental Disabilities Services and Facilities Construction Act is amended by inserting after the first sentence thereof the following new sentence: "There are also authorized to be appropriated for such purpose such sums as may be necessary for the fiscal year ending June 30, 1974, and for each of the next two fiscal years."

(b) Section 122(b) of the Developmental Disabilities Services and Facilities Construction Act is amended by striking out "and" before "$20,000,000" and by inserting before the period at the end thereof "; and such sums as may be necessary for the fiscal year ending June 30, 1974, and for each of the next two fiscal years".

(c) Section 131 of the Developmental Disabilities Services and Facilities Construction Act is amended by striking out "and" before "$130,000,000" and by inserting before the period at the end thereof ", and such sums as may be necessary for the fiscal year ending June 30, 1974, and for each of the next two fiscal years".

MINIMUM ALLOTMENT FOR TERRITORIES

SEC. 3. Section 132(a)(1) of the Developmental Disabilities Services and Facilities Construction Act is amended by striking out "any State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands)" and inserting in lieu thereof "the Virgin Islands, American Samoa, Guam and the Trust Territory of the Pacific Islands for any such fiscal year shall not be less than $50,000, and the allotment of each other State".

ELIMINATION OF REQUIREMENT OF FEDERAL APPROVAL OF EACH CONSTRUCTION PROJECT

SEC. 4. (a)(1) The Developmental Disabilities Services and Facilities Construction Act is amended by striking out sections 135 and 136, and by redesignating sections 137, 138, and 139 as sections 135, 136, and 137, respectively.

(2) Section 123(a)(2) of such Act is amended by striking out "139" and inserting in lieu thereof "137".

(3) Section 134(b) of such Act is amended by striking out "and" after the semicolon at the end of paragraph (17), by redesignating paragraph (18) as paragraph (20), and by inserting the following new paragraphs after paragraph (17):

"(18) provide reasonable assurance that adequate financial support will be available to complete the construction of, and to maintain and operate when such construction is completed, any facility, the construction of which is assisted by funds made available pursuant to section 132;

"(19) provide reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on any construction project assisted with funds made available pursuant to section 132 will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a, 276a–5); and the Secretary of Labor shall have with respect to the labor standards specified in this paragraph the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z–15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c); and".

(4) The heading of the section of such Act redesignated as section 135 by paragraph (1) of this subsection is amended by inserting "CONSTRUCTION," after "PLANNING,".

(5) The heading of the section of such Act redesignated as section 136 by paragraph (1) of this subsection is amended by inserting "CONSTRUCTION," after "PLANNING,".

(6) The section of such Act redesignated as section 135(a)(1) by paragraph (1) of this subsection is amended by striking out ", other than expenditures for construction,".

(7) Section 140 of such Act is amended by striking out so much thereof as precedes subsection (b) (other than the section heading), striking out "(b)" and inserting in lieu thereof "Sec. 138.", and by inserting "construction," after "planning,".

(8) Section 142(a)(2)(A) of such Act is amended by inserting "which was used by the State in which the facility is located" before "to assist in financing the construction of the facility".

(b)(1) Section 401(h)(1) of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 is amended by striking out "part C of title I or".

(2) Section 401(h)(2) of such Act is amended by striking out "(A) for any project under part C of title I may not exceed 66⅔ per centum of the costs of construction of such project; and (B)".

(3) Section 401(h)(3) of such Act is amended by striking out "under part C of title I or".

(4) Section 403(a) of such Act is amended by striking out "section 134 in the case of a facility for the mentally retarded or persons with other developmental disabilities, or" and by striking out "section 136 or" and "as the case may be," from clause (2) thereof.

(5) Section 403(b) of such Act is amended by striking out "135 or".

(6) Section 404 of such Act is amended by striking out "135 or" and "136 or" from the first sentence thereof.

(7) Section 405 of such Act is amended by inserting "or section 135" after "section 403".

(8) Section 405(1) of such Act is amended by striking out "135 or" from clause (A) thereof and by inserting "(in the case of a community mental health center)" after "205" in such clause.

AMENDMENTS TO FEDERAL SHARE PROVISION

SEC. 5. The section of the Developmental Disabilities Services and Facilities Construction Act redesignated as section 135(b) by section 4(a)(1) of this Act, is amended to read as follows:

"(b) The 'Federal share' with respect to any State for purposes of this section shall be 70 per centum for the fiscal year ending June 30, 1974; 60 per centum for the fiscal year ending June 30, 1975; and 50 per centum for the fiscal year ending June 30, 1976."

INCLUSION OF LAND ACQUISITION COSTS

SEC. 6. Section 401(e) of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 is amended by inserting ", for purposes of title II of this Act only," before "the cost of the acquisition of land.".

INCLUSION OF AUTISM

SEC. 7. Section 401(e) of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 is amended by inserting "(including autism)" after "condition of an individual".

EFFECTIVE DATE

SEC. 8. The amendments made by this Act shall become effective with respect to appropriations for fiscal year beginning after June 30, 1973.

By Mr. SCHWEIKER:

S.J. Res. 97. A joint resolution to authorize and request the President to issue annually a proclamation designating the week beginning on the 14th day of May as "Diabetes Week." Referred to the Committee on the Judiciary.

DIABETES WEEK

Mr. SCHWEIKER. Mr. President, I am pleased today to introduce a joint resolution which would authorize and request the President to issue annually a proclamation designating the week beginning the 14th day of May as "Diabetes Week."

On February 26, 1973, the Senate Health Subcommittee, of which I am ranking Republican member, held hearings at my request on the problem of diabetes. I am confident this hearing, which I chaired signaled the beginning of a major national assault against diabetes. Whatever legislative measure emerges as a result of this hearing and the deliberations of the subcommittee will provide the blueprint for finding a way to more effectively deal with this problem. In my judgment, the Nation's diabetics, who up to now may have felt neglected by their Government, are entitled to a commitment to increase the effort against this disease and thus increase the chances for making some real progress in the detection and treatment of diabetes and, hopefully at some point, its control and cure.

I feel the problem of the incidence of diabetes is one to which we have not addressed much attention. Studies show there is a 9 percent increase each year in the diabetic population. An important factor is diabetic children. Until 1921, diabetic children died. There was no chance for them. After the discovery of insulin by Drs. Banting and Best in 1921, children and young adults survived, grew to maturity, and have been producing children with diabetes or with a strong inherited factor for diabetes. There are now about 8 million diabetics with a 50-percent chance of producing diabetic children.

If we are to face the facts squarely, we must realize that the discovery of insulin was not a cure as was originally felt, but only one step in the battle against diabetes, "the invisible disease." Is it because it is "invisible" that diabetes now dominates the medical scene yet so little is being done to solve the mysteries of this illness?

I have introduced S. 17, the "National Diabetes Research and Education Act," a followup to a bill I offered during the last session of the Congress, which was the first legislative proposal in recent history to address itself to the problem of diabetes. Its purpose is to expand and coordinate the research effort against diabetes and to advance patent, professional and public education activities to alert Americans to early indications of diabetes and to emphasize the significance of early detection, proper control,

and the complications which evolve from the disease. Under this proposal, a national task force on diabetes, to include lay persons, would be established to formulate a long-range plan to combat diabetes. Also, the feasibility of operating model diabetes research, treatment and education clinics for detection, intervention and development of manpower would be tested.

We cannot legislate a cure for diabetes, but we can certainly establish a framework for a more effective diabetes program and provide the support necessary to carry out such a program.

It is my hope that this proclamation of "Diabetes Week" will call attention to the diabetic, his unique problems, and the means we must take to help alleviate the disease.

By Mr. HUMPHREY:

S.J. Res. 98. Joint resolution relating to nationwide gasoline and oil shortages. Referred to the Committee on Banking, Housing and Urban Affairs.

FUEL SHORTAGE EMERGENCY

Mr. HUMPHREY. Mr. President, today President Nixon is transmitting a message to Congress on national energy policy, calling for long-range programs to improve and protect America's energy resources. As this message is being reviewed, however, a national fuel shortage emergency already exists, demanding immediate action by the President. I regret that his message does not adequately address this immediate problem.

I am today introducing a joint resolution to provide the President with the necessary authority and tools to accomplish this essential task. This legislation directs the President to establish priorities of use for petroleum products and to assure their fair allocation to various sections of the Nation, while also acting to prevent anticompetitive practices in the petroleum industry. To carry out Presidential directives, as authorized by this resolution, an Emergency Fuels Allocation Board would be established in the executive office of the President and be provided with effective enforcement powers. This 5-member Board, appointed by the President by and with the advice and consent of the Senate, is to be representative of the production, transportation, protection, and use and consumption of all fuel resources, and of executive departments and agencies having a significant responsibility in these respective areas.

The Emergency Fuels Allocation Board is needed now to assure all sections of the Nation fair treatment in the allocation of increasingly scarce supplies of crude oil, fuel oil, gasoline, and other petroleum products. The warning signs of the fuel crisis have been with us a long time and emergency action must be taken to prevent serious difficulties in the months ahead. These shortages threaten the Midwest and other major areas of America with heatless homes in subzero weather, unharvested crops because of tractors without adequate fuel supply, school closings, and industrial shutdowns.

Because Midwest States are at the end of the pipeline, they have been the first to feel the pinch and continue to be especially hard hit by the scarcity of fuel. Already, many gas tanks are dry, and many independent suppliers are threatened with bankruptcy. Even if this were only a temporary emergency, the aftereffects will be long lasting. Many of these small independent oil dealers will be forced to close their doors.

It is incredible that, at present, there simply is no comprehensive national energy policy. The absence of this policy has resulted in the mismanagement of energy resources, unacceptably high adverse environmental impacts, inadequate incentives for efficient utilization and conservation of energy resources, shortages of supply, and soaring energy prices.

Mr. President, the full impact of the gasoline and fuel shortage will be known in possibly 2 or 3 weeks.

I have received reports today that:

A number of our major and independent gasoline suppliers have pulled out of Minnesota entirely. This means they are no longer acting as jobbers to supply retail distributors with gasoline. These companies include Bell Oil and Triangle Refiners, both major suppliers.

Other major companies have sharply cut back their supplies to independent dealers associated with them. These include Gulf Oil, Sun Oil and Clark Oil which has discontinued distribution of all fuel except some gasoline.

Ninety-three independent gas stations have closed in the last few weeks because of the cutoff in supplies to them.

Another 200 independent gas stations are in immediate jeopardy according to the estimates of the Minnesota Petroleum Dealers Association. Some of these will be closed by the end of this week.

The Minnesota Association of Motor Transport reports that six or seven trucking firms have had their contracts for fuel oil and gasoline terminated by the suppliers. These important firms are still getting some fuel, but prices are increasing gradually and the suppliers refuse to negotiate new contracts because of the uncertainties of price and supply.

The independent stations whose supplies have been cut off have nowhere to turn. The major gasoline companies will not or cannot supply new independent customers because of quotas or limits below usual needs already established by their corporate headquarters. A specific case was reported to me of a well-established large independent gas station with a good credit rating. When the independent supplier cut off gasoline to this station, every major gasoline corporation was asked for assistance. All refused.

The situation with respect to diesel fuel for railroad trains may become difficult soon, although no cancellations are reported at the moment. A few months ago, however, the Burlington Railroad laid off some freight trains because of lack of fuel. This was true of some bus companies as well at the time.

Farmers across the State are finding that full deliveries cannot be made to them, even by the major gasoline corporations with whom they have been dealing over the years. Only partial deliveries of ordered fuel are being made in an increasing number of cases, thus creating uncertainty with respect to the farmer's ability to carry out his crop plan.

Governor Anderson of Minnesota has directed all State agencies to immediately carry out a plan for conservation of fuel and gasoline.

Mr. President, the joint resolution I am introducing today contains specific policy objectives to address this crisis, including certain recommendations recently made to the President by the Midwest Democratic Conference of Senators.

These policy objectives, to be carried out by Presidential directives and Board actions over the next 2 fiscal years, include:

The importation of sufficient amounts of crude oil, No. 2 fuel oil, and finished gasoline to meet current needs and to build up adequate winter stocks, without inhibiting the expansion of U.S. refining capacity, while also channeling domestic products to inland shortage areas.

The implementation of specific programs to promote the expansion of domestic fuel production capacity.

Allocating sufficient supplies of diesel and other fuels to railroads, electric utilities, and motor transport to provide essential services.

Assuring that any quota system by refiners is handled on a percentage basis across the board in a manner that will protect small independent suppliers.

And undertaking a public awareness program to inform people of the dimensions of the fuel shortage and to encourage voluntary action to curtail nonessential use of private transportation and living conveniences requiring electric power.

Mr. President, on the basis of an initial review, I do not believe President Nixon's message adequately addresses the fuel shortage emergency confronted by the Midwest, the Northeast, and other major areas of our Nation. It does not provide an effective mechanism to allocate supplies to shortage areas. It suggests a less-than-adequate effort will be made toward the development of new energy resources. And it fails to present an effective energy conservation policy.

In short, while certain recommendations in the President's message to increase fuel supplies are to be commended and supported, we must still wait for a truly comprehensive energy policy which meets the monumental challenge we face, and which provides for specific actions to address the fuel shortage emergency already having a severe impact upon major areas of America.

We are facing a critical gasoline and petroleum shortage. We have refineries in the Midwest that are operating at 20 percent of their capacity. Some of them get no crude oil at all. It is not sufficient merely to remove import quotas. We have to have a movement of the crude oil that comes into this country on an equitable basis to all sections of the country. Presently, when it comes to the eastern seaboard or the western seaboard, or to the Gulf States it has difficulty finding its way to our part of the country. The pipeline does not seem to reach that far and if it does, what comes out of the pipeline is less than adequate for our needs.

We are going to have not only an energy crisis, which is now upon us, but a

food crisis unless we can have the petroleum products that are necessary in reference to the petro-chemical industry, the fertilizers, and fuel that is necessary for our tractors.

The boxcar shortage has reduced fertilizers by over 35 percent. Every projection of crop estimates by the Department of Agriculture is based on ample use of fertilizers to increase production. All we need to suffer is a 5 percent to 10 percent crop loss in the coming crop year, and this Nation and the world will face a national and international food crisis that will make the energy crisis look like a pleasant afternoon.

We are living on the borders of a food shortage. How many times have I heard in the Senate since I have been here about our surpluses? How many resolutions have been introduced to get rid of our surpluses? Now, there are no surpluses. Our export trade itself will be in jeopardy if we suffer any kind of crop loss. Many a farmer in the Midwest is today unable to put in his crop. Many a farmer in the Midwest, from Iowa, to Minnesota, to Kansas, all through that area, the producers of feed grain and wheat for much of America, could not plow their land because of a freeze that made it impossible to have a fall plowing, and it resulted in a crop loss of soybeans and corn of 10 to 20 percent.

Many farmers cannot get adequate fuel to operate their tractors. Mr. President, if you do not have your crop planted in my part of the country by the end of April there will not be any crop.

The American people should be aware of the dangers we face. There is the transportation crisis that does not permit us to move the crops we have or to bring in supplies of fertilizer. We have the energy crisis that does not permit us to have sufficient gas for tractors, which could result in a food crisis, which could bring about even higher prices for consumers, and very serious consequences for the country.

Mr. President, the fuel shortage emergency has only recently received critical attention in the press. I ask unanimous consent that, in addition to the text of my joint resolution, the following articles be printed at this point in the RECORD: "The Growing Gasoline Gap," in the April 16, 1973 issue of Time magazine; "Gasoline Runs Short Throughout the U.S.," by Thomas O'Toole, and appearing in the April 16, 1973, issue of the Washington Post; an article in the St. Paul Dispatch of April 9, 1973, on the serious problem of rising gas prices in Minnesota; and a three-part series of articles on the worldwide energy crisis, by Juan de Onis, William D. Smith, and John Noble Wilford, and appearing in the April 16–18, 1973 issues of the New York Times.

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

S.J. RES. 98

Whereas the Nation is threatened by an immediate crisis in fuel supplies; and

Whereas there are serious shortages of gasoline, heating oil, and diesel fuel in parts of the Midwest and Northeast which have resulted in the closing of schools, the suspension or limitation of industrial operations, and thousands of homes without heat, serious cutbacks in railroad and motor transportation, the closing of independent gas service stations, and electric power shortages during peak use periods; and

Whereas thousands of oil dealers and suppliers are threatened with bankruptcy because their supply of fuel has been terminated; and

Whereas the combination of petroleum product shortages and relaxation of price controls has already raised prices substantially; and

Whereas major oil companies have instituted systems of gasoline rationing in the marketing of their products; and

Whereas the President's recent action to remove the limit on the power of the Oil Import Appeals Board to issue hardship allocations, while commendable, will not bring relief to the Midwest and other inland areas due to limited supplies of domestic crude oil and to the prohibitive cost of foreign finished products as well as increasing prices of foreign crude oil; and

Whereas there is at present no comprehensive national energy policy; and

Wheras the lack of such policy has resulted in the mismanagement of energy resources, unacceptably high adverse environmental impacts, inadequate incentives for efficient utilization and conservation of energy resources, shortages of supply, and soaring energy prices; and

Whereas, notwithstanding such national policies respecting the protection, development, and allocation of energy resources as may be recommended in a Message to the Congress from the President or provided for in legislation enacted by the Congress, there exists an emergency fuel shortage requiring that certain extraordinary measures be taken by the Government of the United States to address transportation, heating, and power requirements in the Nation; and

Whereas it is contended that no Federal agency has authority to allocate fuel except with a declaration of a national emergency; and

Whereas immediate action should be taken by the Government of the United States to establish a system on an emergency basis for the equitable allocation of scarce petroleum products to assure that all areas of the Nation obtain a fair share of available petroleum supplies and to prevent anti-competitive practices in the petroleum industry: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President shall, after public hearing, conducted with such notice, under such regulations, and subject to such review as the exigencies of the case may, in his judgment, make appropriate, provide for the establishment of priorities of use and for systematic allocation of supplies of petroleum products including crude oil in order to meet the essential needs of various sections of the Nation and to prevent anti-competitive effects resulting from shortage of such products.

(b) To expedite the implementation of directives by the President, as authorized by this resolution, there shall be created in the Executive Office of the President an Emergency Fuels Allocation Board (hereinafter referred to as the "Board"). The Board shall be composed of five members who shall be appointed by the President by and with the advice and consent of the Senate. The members of the Board shall serve through the duration of authorities provided for under this resolution. The President shall designate one of the members of the Board to serve as Chairman. The members shall be representative of the production, transportation, protection, and use and consumption of all fuel resources, and of executive departments and agencies having a significant responsibility in these respective areas.

(1) Regular meetings of the Board shall be held at least twice each month, with emergency meetings scheduled on the call of the Chairman.

(2) Three members shall constitute a quorum, and decisions of the Board shall be made by majority vote.

SEC. 2. (a) In order to carry out the provisions of this resolution, the Board is authorized to—

(1) appoint and fix the compensation of personnel of the Board in accordance with the provisions of title 5, United States Code;

(2) make, promulgate, issue, rescind, and amend rules and regulations as may be necessary to carry out the functions vested in the Board and delegate authority to any officer or employee;

(3) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(4) appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments as it deems desirable, to advise it with respect to its functions under this resolution;

(5) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, and local public agencies with or without reimbursement therefor;

(6) accept voluntary and uncompensated services, notwithstanding the provisions of section 3676 of the Revised Statutes;

(7) accept unconditional gifts or donations of services, money, or property, real, personal, or mixed, tangible, or intangible;

(8) take such actions as may be required for the accomplishment of the objectives of the Board; and

(9) make contracts with public or private nonprofit entities to conduct studies related to the purposes of this resolution.

(b) Upon request made by the Board, each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent consistent with other laws to the Board in the performance of its functions with or without reimbursement.

(c) Each member of a committee appointed pursuant to clause (4) of subsection (a) of this section who is not an officer or employee of the Federal Government shall be compensated at the rate prescribed for GS–18 under section 5332 of title 5, United States Code, for each day he is engaged in the actual performance of his duties (including traveltime) as a member of a committee. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties.

(d) (1) The Board or any duly authorized subcommittee or member thereof may, for the purposes of carrying out the provisions of this resolution, hold such hearings, sit and act at such times and places, administer such oaths, and require by subpena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Board or such subcommittee or member may deem advisable. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board or before such subcommittee or member. Subpenas may be issued under the signature of the Chairman or any duly designated member of the Board, and may be served by any person designated by the Chairman or such member.

(2) In the case of contumacy or refusal to obey a subpena issued under paragraph (1) by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, such court, upon application made by the Attorney General of the United States at the request of the Chairman of the Board, shall

have jurisdiction to issue to such person an order requiring such person to appear before the Board or a subcommittee or member thereof, there to produce evidence is so ordered, or there to give testimony touching the matter under inquiry. Any failure of such person to obey any such order of the court may be punished by the court as a contempt thereof.

SEC. 3. (a) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(59) Chairman, Emergency Fuels Allocation Board."

(b) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(96) Members, Emergency Fuels Allocation Board (4)."

SEC. 4. Specific policy objectives to be carried out by Presidential directive and Board actions shall include, but not be limited to, the following:

(a) The importation of crude oil in sufficient amounts to meet the input requirements of coastal refineries, simultaneous with the allocation of adequate domestic crude supplies to inland refineries and guaranteed on a long-term basis in order to encourage the expansion of refining capacity;

(b) The importation of number 2 fuel oil in amounts sufficient to build up stocks for the next heating season;

(c) The importation of finished gasoline to East and Gulf Coasts under conditions that insure that domestic product which would otherwise be distributed in those markets is channeled for delivery to inland shortage areas;

(d) The allocation of sufficient supplies of diesel and other fuels to railroads, electric utilities, and motor transport to provide essential services;

(e) Under any policy or practice of allocations by refiners to marketers, any reduction of supplies by a refiner to any customer whom he has supplied regularly over a reasonable past period shall be in line with quotas established by the Board utilizing this base period in which regional supplies and demands were in approximate balance, and the same percentage reduction shall be applied to all customers of such refiner, regardless of whether such customers market under the refiner's brand name or their private brand names;

(f) As an alternative to price controls on fuels and to meet emergency fuel shortages in the absence of refinery expansion, it shall be a general policy to permit expanded importation of crude oil and gas and to encourage maximum gasoline yields by domestic refiners.

SEC. 5. The Board shall implement specific programs to promote (a) the expansion of domestic refinery capacity consistent with reasonable requirements of environmental protection; and

(b) public awareness of the dimensions of the fuel shortage crisis in the United States, and voluntary action to curtail nonessential use of private transportation and of living conveniences requiring electric power.

SEC. 6. The Attorney General is directed to take such steps as may be necessary to assure that during the existing fuel shortage emergency, marketing practices by major refiners and fuel allocation policies by the Government of the United States are not detrimental to the maintenance of a viable competitive domestic petroleum industry and do not result in a foreclosure to independent marketers of supplies from major oil companies.

SEC. 7. The authorities provided for in this resolution shall be effective through the fiscal year ending June 30, 1975.

SEC. 8. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this resolution.

[From Time Magazine, April 16, 1973]

THE GROWING GASOLINE GAP

Cassandras of the energy crisis have long warned that some day gasoline rationing would allow only a few gallons per customer and that autos, buses, police cars and fire trucks across the nation would be stranded for lack of fuel. Suddenly, some day seems ominously close. Many parts of the country are, in fact, short of gasoline and diesel fuel. The scarcities threaten to persist, at least in some localities, throughout the peak summer driving season.

Texaco, the nation's largest marketer of gasoline, is already allocating its distributors only as much fuel as they received last year, even though demand is up. Gulf has declined to continue supplying diesel fuel to the Metropolitan Atlanta Rapid Transit Authority, and the city's 606 buses will be stalled if another supplier cannot be found by April 30. For the first time in memory, authorities in Des Moines and Boston have not received a single bid for contracts to supply city vehicles. Boston's police and fire departments have only enough gas to last through June.

Independent oil marketers—the chains of off-brand stations that buy surplus gasoline and resell it at discount prices—are being squeezed hardest as major oil companies save what gas they have for their own stations. White Eagle Oil Co. of Chico, Calif., closed six outlets last month; Gibbs Oil Co., a 350-station chain in the Northeast, has shut 15 stations and may put others on short hours. Eleven Sears, Roebuck & Co. outlets around Miami have begun to limit motorists to ten gallons per visit. Metro 500 of Minneapolis has temporarily closed 16 of its 17 stations, and Owner Paul Castenguay is keeping the sole survivor open only by stealth: late at night he drives his tank truck to major-brand stations where friends will secretly sell him a few gallons, on which Castenguay makes no profit.

Refineries are simply not turning out as much gasoline as motorists want to buy. Production currently is running around 42 million bbl. a week, but consumers are buying about a million barrels a week more than that. The excess is being siphoned out of gasoline inventories, which are about 16% below those of a year ago. This summer, demand is expected to hit 50 million bbl. a week. One main reason: manufacturers put nearly 11 million new cars on the highways last year, and more of them than ever before are equipped with air conditioning and other power options that reduce gas mileage.

Independent marketers, who have captured 22% of the retail gasoline trade, suspect that major oil companies have contrived the shortage to force them out of business, drive up prices, and silence environmental critics. They note bitterly that despite the gas shortages last week the nation's refineries worked at only 88.7% of capacity, the lowest level since last November.

Spokesmen for the major oil companies claim that refinery runs are down because their stocks of unrefined crude oil are dwindling in the face of a worldwide tightness of supply. Lowered gasoline output also reflects the fact that last winter oil companies shifted much refinery capacity to production of home-heating oil; they are just beginning to switch back. In addition the Cost of Living Council last month reimposed mandatory price controls and profit-margin limits on the petroleum industry; one effect is to discourage many refiners from importing expensive foreign crude to augment their supplies. Further exacerbating the problem, environmentalists have recently blocked construction of new refineries that they feared would cause ecological damage along the coasts of California, Delaware and the Gulf of Mexico.

Executives of major oil companies suggest a number of predictable remedies for the shortage: raise the oil-depletion allowance so that they can afford to spend more money on exploration; lift price controls so that they can raise gasoline prices to levels that would discourage consumption; and delay proposed federal antipollution standards that seem likely to cut auto gas mileage.

POOLS

In Minnesota, where at least 113 independent stations have closed already, the state legislature has taken another tack. It is considering a bill that would force major oil companies to sell independents at least 10% of all gasoline brought into the state. In Washington, D.C., Darrell Trent, acting director of the Office of Emergency Preparedness, suggests that commuters form car pools or take public transportation to work and that states reduce highway speed limits because cars consume less fuel at lower speeds.

Many independent marketers favor removing all restrictions on imports of foreign oil. President Nixon is unlikely to go that far, but he is expected shortly to replace quotas, at least temporarily, with a tariff system that would permit much more crude oil to be imported at higher prices. If that step is taken, Administration officials are convinced that the nation can get through the summer suffering nothing worse than localized gasoline shortages and some rise in prices. There is one major hitch: if refineries produce enough gasoline to meet peak demand this summer, they may have to curtail heating-oil output enough to threaten more chill-outs next winter.

[From the Washington Post, Apr. 16, 1973]

GASOLINE RUNS SHORT THROUGHOUT THE UNITED STATES

(By Thomas O'Toole)

What began 10 days ago as spot scarcities of gasoline in a handful of states has now blossomed into a coast-to-coast shortage.

It is not so bad that motorists can't buy gasoline, but it is serious enough to have forced the closing of hundreds of discount and off-brand gas stations whose supplies have been cut off by the major oil companies. It is also bad enough to have closed major-brand stations in states like Minnesota and Florida that are at the end of the gasoline distribution network.

"These are the states that are on the drag end of the pipeline system," said an official of Gulf Oil Corp. "Things are very tight right now in Florida, where there isn't even a refinery to help things out."

The Middle West has been hit hardest by the shortage. Metro 500 of Minneapolis has closed 21 of its 22 stations. All last week, gas stations in northern Illinois found themselves out of either regular or premium gasoline. Gas stations throughout Iowa were being rationed to between 70 and 90 per cent of what they got last year, even though demand was running 10 per cent ahead of last year's pace.

Oil jobbers (wholesale distributors) insisted it would get worse in the Middle West. Over the weekend, a refining subsidiary of Kerr-McGee Oil Co. named Triangle Petroleum closed its storage terminals in Des Moines, Kansas City, Chicago and Madison, Wis., a move that cut off independent distributors in a four-state region from a 25 million gallon gasoline supply.

"There's no question it's going to close a lot of independents," said William Deutsch, who represents all the independent marketers in Illinois. "It will even put some of the branded stations in trouble."

Things were almost as bad in New England, where an average of five stations were closed in both Connecticut and Masachusetts each day of last week.

Sure Oil Co. was forced to close 12 of the 50 stations it runs in Massachusetts and Connecticut. Sure said it had been getting 40

tank-loads of gasoline per week, was cut back to 20 two weeks ago and has been told it will be down to 10 in another two weeks.

Rural Connecticut has been hit especially hard. Sure closed three Save-Way stations selling the only discount gas in the farm country of eastern Connecticut. Several distributors of bulk gasoline in the same region of the state have been told they will get no gas next month, which means that the farmers they serve exclusively will have trouble getting gas for their tractors.

Further south, things aren't that bad, but neither are they very good. The Greenbelt Consumer Services, Inc., which runs a chain of 10 stations that discount BP gasoline in the Washington area, has just been told that the 9 million gallons that BP supplies it with every year will not be forthcoming after July 9.

"They've cut us off from the only supply of gasoline we've had for the last 10 years," said Eric Waldbaum, president of Greenbelt Consumers Services. "We've gone to other suppliers, who have all told us they don't have enough to service us or any other new customer that might come along."

One of the ironies of the sudden shortage of discount gas is that the major oil companies are getting into the discount business at the same time that the independents are being forced out of it.

Exxon is now marketing discount gas under the brand name Alert at 16 stations in four states. Gulf discounts gas under two labels, Economy and Bulko. Shell markets it under the brand name Ride, Mobil under the name Cello. Phillips Petroleum discounts Blue Goose and Red Dot gas.

The emergence of the big discounters come at a time when major oil companies are closing their unprofitable brand name stations all over the U.S.—stations that are more than 300 miles from a refinery, have only a few pumps and do auto repair.

Exxon is in the process of closing 150 of its 400 retail stations in Illinois, Michigan, Wisconsin and Indiana. Gulf has put up for sale 3,500 stations in 21 states, from Illinois across the country to California and Washington State. BP has already pulled out of the Northeast, and Sun Oil Co. has withdrawn from Tennessee and most of the upper Midwest. Cities Services, Atlantic Richfield and Phillips Petroleum are also closing stations.

The oil companies insist that the big reasons for the gas shortage are a worldwide shortage of "sweet" (low sulfur) crude oil and a nationwide shortage of refinery capacity. They claim they need five new refineries a year to keep up with demand. They point out that not one new refinery is being built in the U.S. today.

The refinery shortage is so acute that the independent refineries find themselves being courted with more fervor than at any time in memory. An aide to Rep. Robert H. Steele (R–Conn.) claims that the competition for refined products like gasoline is one reason Sure Oil has had to close some of its Connecticut stations.

"The company was about to negotiate a contract with a Canadian refinery," the aide said, "when a major oil company offered to buy the refinery's product at the same prices Sure offered but won the contract when it guaranteed to supply the refinery with crude oil."

The head-to-head combat between the major oil suppliers and the independent distributors is bound to get worse as the gasoline shortage gets worse.

Greenbelt Consumer Services has filed a formal complaint with the Federal Trade Commission protesting the move by BP that will cut them off from gasoline, and in the only known court action so far a federal judge in Phoenix ordered Phillips Petroleum to restore gasoline sales to a discount chain it tried to cut off.

Meanwhile, the gasoline shortage itself promises to get worse as motorists take advantage of the improving weather. Last week, Detroit, Indianapolis, and Boston reported that they did not receive a single bid for contracts to fuel city vehicles. For the first time in history, they faced the prospect of being unable to run police cars and fire trucks because of the gasoline shortage.

OIL COMPANY SPOKESMAN SAYS GASOLINE PRICES COULD SOAR: URGES NIXON TO ACT

(By Harry Hite)

A spokesman for independent oil companies in Minnesota warned today that gasoline prices could "skyrocket" to cost between 55 and 70 cents a gallon for regular gasoline by summer unless there is intervention by the federal government.

John Swanson, executive secretary of the Minnesota Independent Retailers Association, said there may not be any independent gasoline stations remaining in the United States "unless the government steps in to get petroleum supplies for independents."

He said the sharp upswing in gasoline prices would occur if independents can't get relief from their current gasoline supply problem.

Retail prices for the major oil companies have been frozen by the government, while the wholesale price of gasoline to independent stations has gone up for 3 to 4 cents a gallon, according to Swanson.

Swanson said he can't see any significant help for independents if they are able to obtain finished petroleum products from foreign countries.

Swanson said there's a possibility that the wholesale cost of imported gasoline will be almost at the current retail price at independent stations.

"If independents are still in business," he said, "the imported gasoline will cost them 33 to 34 cents a gallon for regular."

Swanson said some private brand independent stations are now selling regular grades of gasoline at the same price as major dealers.

A majority of the major stations are getting 38.9 cents a gallon for regular gasoline and 4 cents more for premium, although some majors are at 34.9, 35.9 and 36.9, according to Swanson.

He said that independents are selling regular gasoline in a range of 31.9 to 36.9 cents a gallon in the Twin Cities area, with premium 2 cents higher.

Swanson said about 50 independent stations closed in the Twin Cities area in March and approximately 22 more stations have gone out of business so far in April.

"If the independent oil companies are unable to purchase petroleum products for sale through their service stations," Swanson said, "there will be about 75 to 80 more stations closing by the end of the month in Minnesota."

Swanson said he has been informed that Crown Oil Co. will be closing 10 of their 52 stations in Minnesota and Wisconsin in April.

He said Big Discount Stations had been forced to close 12 of their 14 stations in Minnesota because of a cut in their gasoline allocation.

[From the New York Times, Apr. 16, 1973]

MASTERY OVER WORLD OIL SUPPLY SHIFTS TO PRODUCING COUNTRIES

(By Juan de Onis)

RIYADH, SAUDI ARABIA, April 4.—In a dramatic rise in economic power, the oil-exporting countries have broken the mastery of Western oil companies over production and marketing and imposed their terms on the biggest commodity in international trade.

"We are in a position to dictate prices, and we are going to be very rich," said Ahmed Zaki al-Yamani, Saudi Arabian Minister of Petroleum Affairs, whose Government is accumulating foreign reserves from oil exports at a rate of $4-billion a year.

Ambitious economic development plans and large military expenditures by the Middle Eastern and North African oil countries are absorbing most of this income now, but in the near future the major petroleum exporters are going to have to decide how to use more money than they can invest at home.

The wealth being amassed by the producer countries as a result of having forced oil prices to double since 1970 is on a scale that affects international monetary relations and intensifies the balance-of-payments problems of industrialized countries, including the United States, where President Nixon is expected to send an energy message to Congress soon.

World petroleum consumers can expect steadily rising prices and threats of political manipulation of supplies by some producers. However, there is a consensus that the flow of Middle Eastern oil will increase if there is no new Arab-Israeli war.

The political implications of this new oil power in the Middle East, where Arab nations are major producers, are not yet fully clear. Both radical and moderate Arab leaders see it as a potential turning point in relations with the West regarding their conflict with Israel, but there is no agreement on whether to use oil as a "weapon" by limiting or halting supplies.

In Western European countries such as France and Italy, which are heavily dependent on Middle Eastern and North African oil, the situation clearly influences their policy of cultivating Iraq and Libya, both big producers, and of selling them arms.

"When a million little Bedouins in Libya have the power, by denying their oil, to paralyze the economy of a modern European nation of 50 million people such as Italy, that is a ridiculous situation, but that is where we are," a European oil-company official commented.

As for the United States, the supply of oil from the Middle East has not been a vital source for domestic consumption until now. A recent study by the organization for Economic Cooperation and Development, which includes the major industrialized nations, forecasts that by 1980 the United States will depend on imports for 40 per cent of its oil, compared with 21 per cent in 1970.

LOOKING TO THE FUTURE

To find out what the Middle Eastern producing countries want to do with their new bargaining power in the market and the political arena, and how they plan to invest their growing wealth, Arab petroleum leaders and development planners were interviewed along with Western oil-company executives, bankers, oil consultants and diplomats in the region and in Europe. The interviews turned up a wide range of views, but there was general agreement on these main points:

There is little likelihood of even a partial political boycott of sales to Western allies of Israel unless there is a renewal of Arab-Israeli hostilities on a large scale, in which case a serious oil crisis could develop.

Prices will continue to rise, with supplies keeping pace with growing demand while the producing countries seek greater earnings to finance domestic development. Monetary stability and security for investments abroad will be necessary if production is to keep on expanding beyond what is needed to finance domestic growth.

Greater cooperation between producers and consumer governments is necessary to solve trade, monetary and investment problems arising out of the huge surpluses from oil earnings. This could include more indus-

trial projects in the region using Middle Eastern resources and capital, but with export access to Western markets.

OLD ARRANGEMENTS DISPLACED

The new-found strength of the producer countries grows out of their reecnt success in recovering control over their resources. In the past control rested in the major Western oil companies under long-term concessions.

In Saudi Arabia the major concession, going back to an exploration permit in 1932, was obtained by the Arabian American Oil Company, formed by Standard Oil of California, Texaco, Exxon and Mobil.

In Kuwait the major concession was split in equal shares between British Petroleum and Gulf. In Iraq development since 1927 was through joint companies owned by the British Petroleum, Royal Dutch Shell, Campaignie Française de Pétroles, and, with lesser shares, Mobil and Exxon.

In Iran the so-called Western consortium, led by British Petroleum, had as participants all the Western companies operating in Saudi Arabia, Kuwait and Iraq, plus six small American independents with token shares.

The same companies, with minor exceptions obtained the principal concessions in the small sheikdoms—protected by the British until recently—of Bahrain, Qatar, Abu Dhabi, Dubai and Oman, which are on top of some of the world's richest oil fields along the Persian Gulf and the Gulf of Oman.

10 CENTS A BARREL

With wells that commonly produce 10,000 barrels a day, the cost at the wellhead in the area is estimated at 10 cents a barrel. There is no cheaper oil, though some of the low-sulfur grades—they cause less pollution—command a premium.

Under the traditional concession terms the companies decided how much oil to produce, where to sell it and how much to charge. The host government received a fixed royalty, usually 12.5 per cent of the sale price, and a tax, which was eventually fixed in the nineteen-fifties at about half the net sale price after deducting the royalty and production costs.

That system led to a dispute between the companies and the governments in 1960 that would prove fateful. With oil supplies relatively abundant and competition from small independents undercutting prices, the major companies announced a reduction in posted prices—those on which taxes are calculated—in the Middle East, thereby reducing governmental revenues.

The host countries protested against the "unilateral" decision, but the companies insisted on their freedom to set prices. The result was that Iran, Iraq, Kuwait and Saudi Arabia, joined by Venezuela, formed the Organization of Petroleum-Exporting Countries in Baghdad in September, 1970.

Initially they sought only to restore the posted prices to the levels of August, 1960, and they were largely unsuccessful until after the 1967 Arab-Israeli war, which brought the closing of the Suez Canal. Then their bargaining position improved.

OWNERSHIP BEING ENLARGED

By 1969 they were engaged in a full-scale assault on the concession system. Their effort has borne fruit in the last two years through measures establishing the right of host governments to fix prices and to obtain part or full ownership of oil resources through participation agreements or outright nationalization.

An oil executive, describing the change in relations between companies and governments as a shift from the tribal to the national concept in the Middle East, said: "It is only recently, with the Westernization of the Arab mind, that they have sought to exercise the full sovereign rights of a nation-state over its physical territory and its national resources."

A major factor in the new shape of the world oil relationship has been that the exporters' organization, expanded to include the 11 top producers, which provide 80 per cent of the oil in the world trade, has maintained a solid bargaining front. At the same time the Western companies and their governments have shown little ability to deal effectively with producer demands.

Government-owned European companies, such as Compagnie Francaise des Pétroles and Ente Nazionale Indrocarburi, as well as American independent companies in competition for crude, have been prepared to accept Arab terms on prices and ownership that undercut the concession agreements.

"Too many companies look only to their own short-term interests and forget about the long-run effects, which is why the producers are on top," said an economist for one of the big American concerns.

LIBYAN OUTPUT SLASHED

Critics of Western policy tend to emphasize the breakdown of company unity in 1970, when Libya, under her new revolutionary leader, Col. Muammar al-Qaddafi, demanded an increase in posted prices and tax rates and threatened to cut production. Libya was then supplying about 25 per cent of Western European oil because of the transportation advantage she enjoyed as a Mediterranean country in view of the closing of the Suez Canal.

The companies fought the increases for seven months, during which Libya cut production by 800,000 barrels a day from a high of 3.3 million. The Libyans, holding more than $2-billion in reserves then, could afford to squeeze the companies.

The break came when Occidental Petroleum, an independent American concern getting a third of its crude from Libya, accepted the new terms, which raised the posted price by 30 cents a barrel. The other companies, including such major ones as Shell, Texaco and Standard of California, followed suit. The critics say the major companies could have held the line by supplying Occidental with crude.

The outcome of the Libyan dispute with the companies was a milestone. Within a few months the Persian Gulf producers were demanding a 45-cent increase in tax payments per barrel. The companies settled for 30 cents in 1971, to rise to 50 cents in 1975.

Subsequently the producers demanded a periodic increase in prices to offset devaluation of the currencies in which their Western customers paid. This was accepted by the companies.

NATIONALIZATION BY ALGERIANS

In other actions influencing the attitude of the companies, Algeria nationalized her vast natural-gas fields in 1971 and took over 51 per cent of oil concessions on behalf of her national company, Sonatrach. This broke the favored position of French oil companies in France's former territory.

A long-festering dispute with the Western-owned consortium in Iraq reached a climax in June, 1972, with the nationalization of the big Kirkuk field. An attempted legal blockade of sales was undermined by the decision of the French national concern to continue buying 23 per cent of the Kirkuk crude and by purchases by Communist countries and such countries as India and Brazil.

Kuwait and Abu Dhabi drew on their huge wealth to lend Iraq money to offset her temporary loss of export revenue. The Soviet Union, which had become a close ally of the left-wing Iraqi Government, accepted oil on barter.

At the end of nine months the companies reached a settlement with Iraq surrendering the Kirkuk field in exchange for future delivery of 110 million barrels of oil and the right to expand production at the Basra field in partnership with the Iraqis.

The threat of nationalization, which became a reality under the revolutionary governments in Algeria, Libya and Iraq, has convinced the companies to accept more gradual participation agreements with Saudi Arabia, Kuwait, Abu Dhabi and Qatar. The accords give the host countries an immediate 25 per cent share of the concession companies, which agreed to hand over 51-per-cent control by 1982. Compensation for the partial take-over has been estimated at about $1-billion.

INVESTMENT IN PRODUCTION

Because of enormous increases in income, it has become easy for the Middle Eastern countries to buy out the oil companies and to assume additional responsibilities for investment in production.

The revenues for 1971–75 are estimated at $30-billion, without including adjustments for currency devaluations and the higher prices paid for the governmental share in jointly produced oil.

In the case of Saudi Arabia—the world's largest exporter, shipping six million barrels a day—the increase is from 90 cents a barrel in 1970 to $1.75 now.

Company profits per barrel are estimated at 25 cents, compared with 40 cents in the early sixties, but volume has doubled. Most of the price increase has been passed on to the consumer—and more expensive oil is to come.

The escalation of prices is built into the existing agreements, which expire in 1975. But can the industrialized countries, which are the major consumers, live with steadily rising prices? What are the exporters going to do with all their money?

The two questions are closely linked, and experts on both sides are searching for answers in this new area of international relations.

SAUDIS: KEY TO FUTURE

Saudi Arabia is considered by many Western observers to hold the key to the future. With the largest proven reserves in the world, placed at 145 billion barrels, the desert kingdom has more oil than the United States and Latin America together, and much exploration remains to be done.

On the basis of known reserves, it is estimated that the Saudis could push production to 15 million to 20 million barrels a day by 1980—the estimated import requirements of the United States and Japan at the end of the decade.

Other Middle Eastern exporters have less potential on the basis of present reserves. Iran talks of reaching eight million barrels a day; Iraq could go to four million to five million; Kuwait and Abu Dhabi are in a range of three million to four million.

Taken with the potential for expanded oil and gas production in Libya, Nigeria, Algeria, Venezuela and Indonesia, the Middle Eastern resources are sufficient to avert shortages in Europe, Japan and the United States.

The question is whether the Middle Eastern producers, led by Saudi Arabia, will want to increase output sufficiently, and at what price.

The alternatives, which are under active discussion in the Saudi Government, led by King Faisal, who has ruled since 1962, were discussed in an interview by Sheik Yamani. The Petroleum Minister is 42 years old, studied law at Harvard and has been an adviser to King Faisal for 13 years.

He spoke of his country's enormous needs for investment in education, health, roads, power and social welfare as well as industrialization. "This is a very big country and we are starting from scratch," he said, looking at a large relief map on the office wall.

It shows Saudi Arabia spanning the Arabian Peninsula, from the mountainous

western region along the Red Sea to the Persian Gulf on the east, where the oil-rich desert sands slide into the sea. Strategically situated, its 870,000 square miles make it more than three times the size of Texas.

Population figures are uncertain—the first modern census is planned for next year—but there are estimated to be five million to six million people. Some are Bedouins, shepherding flocks on sparse desert grass; many more are villagers who have gotten their first schools, regular water supply and electricity.

In sharp contrast, the oil companies have introduced a highly modern sector of petroleum exploration, pipelines, refineries and big terminals where the world's largest tankers load oil. The industry, employing only 15,000 people directly, generates 95 per cent of exports and close to 60 per cent of national income.

In the larger cities such as this inland capital and the ports of Jidda and Dhahran, there is much that is modern in stores, television, airports and a growing network of highways. But there is also much visible poverty, with large shantytowns holding families that have come to the cities with primitive ways. They keep their goats in pens around shacks made of old boards and tin, and the women carry water in jugs from a few communal taps. Barefoot children abound.

IN THE FUTURE, A PARADISE

"Saudi Arabia will be a paradise in another 10 or 20 years," Sheik Yamani said, not boastfully but with quiet self-assurance. He was referring to the large-scale development programs that are under way in a five-year economic plan that calls for $11-billion in spending, including defense.

The plan is in its fourth year, and a new one to begin next year is under study. Hisham Nasr, an economist with a master's degree from the University of California at Los Angeles who is head of the planning organization, said it would be budgeted at $40-billion.

Some Western observers doubt that the Saudis can spend that much on domestic development, mainly for lack of projects and skilled manpower. The sources said that the more modest plan now in effect was behind schedule because of contract problems.

A major investment in the last 10 years has been in scholarships for study abroad in technology, administration and economics. Many of the several thousand people who benefitted can be found in Government ministries and enterprises and in private concerns.

Sheik Yamani points with particular pride to the establishment here of a higher institute of technology, the Petroleum College, which is turning out hundreds of Saudis trained in applied engineering.

INCREASED DEFENSE OUTLAYS

After development investment absorbs all it can, there will still be a surplus in oil revenues.

Some will go into defense spending. Saudi Arabia, a conservative, anti-Communist country, views with suspicion such left-wing governments as that in the Southern Yemen, on its southern flank, and the Chinese-backed rebellion in Oman.

The Saudi Air Force has been spending hundreds of millions of dollars acquiring British Lightning jets and has begun to get delivery on an order for 20 United States Northrop F-5 jet trainers and 30 F-5E fighters, which are very modern aircraft that cost $2.7-million each. The Saudi Army is receiving delivery of tanks from France under a $350-million contract.

Even the defense spending, budgeted now at $1-billion a year, will leave large surpluses. Sheik Yamani's solution is for Saudi Arabia to embark on a major industrialization program, emphasizing industries that can absorb energy sources here.

Speaking of the United States he said: "Remove from your economy industries that are now absorbing a lot of energy, such as aluminum, and install them here. This will provide demand for capital goods which you produce and get you back something in equipment sales while reducing your energy demand."

He recognized that this model of interdependent economic relations between oil exporters and industrial countries would require the opening of the developed countries' markets to imports of manufactures.

"The alternative is that there will be an enormous financial accumulation in our hands," he remarked. "Do you want to gamble on that?"

WARY OF FOREIGN PROJECTS

The possibility that oil exporters will invest surplus resources in financial holdings overseas or industrial enterprises in distant countries is viewed with growing reluctance in the Middle East.

Some investment is likely in so-called downstream oil ventures, such as overseas refineries and tanker fleets to deliver the oil of the national companies set up by most of the producers. Ten Persian Gulf producers, led by Kuwait, are setting up a tanker company with initial capital of $500-million.

Beyond that, there are doubts here whether it is desirable to raise output to earn more foreign currency than can be invested. Prince Saud, the Saudi Deputy Minister of Petroleum Affairs, said: "It may be that oil reserves in the ground are more valuable in the long run than financial reserves in a foreign bank."

The management of the monetary reserves is already a headache for the oil-exporting countries in view of currency instability. Middle Eastern bankers say that 80 per cent is held in bank deposits in Europe and the United States or as foreign government securities. About 20 per cent is invested in equity holdings in banks, real estate and enterprises.

ROLE IN MONEY CRISIS DENIED

Financial authorities in Saudi Arabia and in Kuwait, which, with the help of British advisers, is probably the most advanced Middle Eastern country in financial management, scoff at reports that the holdings contributed significantly to the recent dollar crisis. "We were hurt by the dollar devaluation," a Saudi financial official said. In Kuwait a parliamentary debate on foreign investment heard a report that Kuwait lost $50-million to $60-million in the recent currency crisis.

Other large producers, with larger populations than Saudi Arabia and the Persian Gulf sheikdoms, have development needs that require maximum exports to finance investment and defense.

This is the case in Iran, with 30 million people and a five-year development plan calling for $23-billion in development investment, plus $2-billion for arms. Algeria is planning to spend $2.6-billion on development this year and Iraq more than $1-billion.

In the view of Western oil analysts, the development plans and military expenditures are the best guarantee that supplies will continue to flow, at least for the immediate future.

In the long run, on the other hand, the situation points to greater economic and political power for the Middle Eastern oil countries. With the exception of Iran they are all, to a greater or lesser degree, at odds with the United States policy of support for Israel, and they expect that a world that depends increasingly on their oil will eventually give more weight to their views.

ENERGY CRISIS: SHORTAGES AMID PLENTY

(By William D. Smith)

There is no physical shortage of energy resources in either the United States or the world for the foreseeable future and yet Americans may spend the rest of this decade coping with brownouts and blackouts and perhaps even rationing of gasoline, heating oil and natural gas.

The key to this paradox is that although there is plenty of energy it may not be available or acceptable because of price, environmental effect, geographic and political considerations, or technological capability.

The energy crisis, a phrase that covers several distinct energy-related problems, is basically an immediate problem. If the right decisions are made now, according to most informed sources, there should be no crisis over the long term.

But the immediate problem is not a simple one. It is basically logistical—developing new oil fields, building refineries and nuclear reactors, establishing energy conservation programs—and there appears to be a very good chance that it cannot be resolved in time for the country to avoid difficulties.

At present, for example, although there is a shortage of suitable oil refining capacity in the United States, not one new refinery is being built. Although the size of new tankers is climbing from 250,000 tons to 500,000 tons, America does not have a single port that can accept a loaded ship of more than 80,000 tons.

Thus, in one sense, whatever President Nixon proposes in his upcoming energy message is probably already too late.

"To be effective it should have been President Johnson's energy message and been delivered six years ago," one Washington source commented. He was not trying to shift the blame for possible problems from the Republicans to the Democrats. Rather, he was trying to point out that there are possibly no short-term solutions that will guarantee Americans protection from some unpleasant changes in their style of living.

The situation has been put most starkly by Senator Henry M. Jackson, Democrat of Washington, who is considered by many the most informed and unbiased man in the capital on energy matters: "The most difficult problem facing the nation today, either internationally or domestically, is the energy crisis."

To Americans who are told every day that they must face up to yet another crisis—urban, racial, monetary, economic—the placing of energy at the top of the list may seem an overstatement. Yet a strong case can be made for its pre-eminence, for solutions to many of the other problems may depend on solving the energy problem.

"Energy is the life's blood of American civilization," according to Walter J. Levy, the dean of international oil economists. He argues that the nation's main domestic problems cannot be solved if the energy systems that run the economy are not working properly and that the effect on world political stability of an energy-short United States could be very dangerous.

The United States grew up and became a super state on a diet of cheap, plentiful, indigenous energy resources. With 6 per cent of the world's population, the United States accounts for almost 33 per cent of the world's energy consumption. This ready supply of energy has played a major role in making America the world's largest industrial complex and in giving its citizens, even its poorer ones, a standard of living unrivaled in history.

From New York to San Francisco, the average American, spurred on by governmental policy and industrial advertising, is a profligate user of natural resources. He floods his home with light, even when no one is in; he heats rooms until they are hot as ovens. He drives a gas-devouring car for a pack of cigarettes rather than walk a block. There are electric tooth-brushes, combs, tie racks and hair dryers. In the view of most experts, some of these creature comforts will have to go and, for those that remain, higher prices may have to be paid.

The vast storehouse of coal, oil and natural gas that has catered to American affluence has also allowed America an independence in foreign policy unequalled in the West. But America is no longer self-sufficient in energy and its control over its own destiny is accordingly beginning to be circumscribed. Now only the Soviet Union and China of all the major countries remain totally free of foreign influence over their energy needs.

COLOSSUS IN THE MIDDLE EAST

The rest of the nations of the world will probably have to depend to a greater or lesser extent on the Middle East and North Africa to bridge the gap between indigenous supplies of energy and growing demand. In return for their oils these Middle Eastern nations will receive a vast influx of marks, yen, dollars and other currencies. And before the turn of the decade, they will in all likeliness wield major influence in world monetary affairs as well as dominating the world's energy.

This likelihood prompted Britain's prestigious International Institute for Strategic Studies to warn recently: "The threat of the burgeoning power and changing tactics of the Middle East oil producing countries seemed to overshadow almost all military threats to North America, Europe and Japan."

The United States has arrived at its present condition through a combination of growing demand for energy, declining fuel reserves, inadequate planning by Government and industry, and waste of nonreplaceable resources.

S. David Freeman, former energy adviser to President Johnson and head of a Ford Foundation study of the energy situation, contends that a basic cause is that Government policy since New Deal days has been aimed at keeping energy costs as low as possible in order to stimulate ever-expanding use for the good of the people. "This was right for the times but times have changed and policy hasn't," he says.

The oil industry lays a large portion of the blame on environmentalists for "unreasonably delaying the delivery of oil from the North Slope (in Alaska) and blocking refinery, drilling and nuclear plant construction."

Others blame the oil industry. "The energy crisis is a device the industry is using to get higher prices," says Martin Lobel, a Washington lawyer who was energy adviser to Senator George S. McGovern.

A HOT POLITICAL ISSUE

Energy has become a hot political issue. While 10 years ago only legislators from the oil states took a deep interest in energy matters, now almost every Congressman feels obligated to speak out on the issue. Beyond establishment politics, activists including some consumer and environmental groups are giving signs of making energy a rallying point, "a sort of peacetime Vietnam."

Most partisans on the energy issue can, broadly speaking, be separated into two basic groups, which for convenience's sake can be identified as Malthusian and Machiavellian.

The Malthusians are mostly independent economists, oil industry executives, bankers, engineers, geologists and government officials. They believe that the present situation is the result of natural consumption of a finite resource (fossil fuels) at a time when demand has been accelerated and distorted by political events. Peter Peterson, former Secretary of the Treasury, typified the Malthusian outlook when he described the nation's energy situation as a case of "Popeye running out of cheap spinach."

In opposition are the Machiavellians, who tend to be academic economists, liberal Congressmen, consumer interest groups and activist lawyers. They view the present energy situation as a contrived affair, orchestrated by the oil interests and their dupes, to squeeze more money out of the public.

A comment of Senator Thomas J. McIntyre, Democrat of New Hampshire carries the general message of the Machiavellians: "In my opinion it is apparent that either of two things happened. Either the Federal officials responsible for oil policy in this country displayed an unbelievable level of incompetency, or the petroleum industry itself misrepresents the facts. I personally believe that a combination of both factors was at work."

ACCOMPANYING PROBLEMS

As for solutions to the problems, most experts say there are four basic approaches—sharply increased oil and gas imports; greater exploration and production from domestic areas; development of alternate energy sources, and energy conservation programs.

Each of them, however, has its problems:

Increased imports bring with them dependence upon potentially unreliable foreign sources as well as a likely massive and unacceptable increase in our balance of payments deficit.

Greater domestic exploration issues higher prices and environmental hazards almost * * *

Alternate sources of energy—solar, nuclear fusion, geothermal—are unproven, very costly or far in the future.

Conservation programs, if enforced strictly, could raise a political furor and, if applied loosely, would make only a minor contribution.

How serious is the energy situation? Every expert has his own opinion. Optimists see the situation at worst as involving some minor dislocations over the short term—periodic fuel shortages and occasional regional brownouts and blackouts.

Pessimists give the future a far more dire cast. Few see a darker future than Professor * * * University of West Virginia. He says: "The day of Sunday, July 4, 1976, the 200th birthday of the United States of America, will dawn on a nation not in celebration but one that will be desperately trying to save itself from the crush of a collapsing economy because of a shortage of energy."

He envisions an unemployment rate of 22.6 per cent with some 31 million cars unable to move for lack of gasoline; 20 million homes without oil or gas and a million businesses, from manufacturing plants to barber shops, forced to close down.

The positions of most experts fall between those two, but most lean toward the optimistic.

AN OVERVIEW PRESENTED

What exactly is the state of America's and the world's energy resources?

Man has used more energy in the last 30 years than he consumed in all history prior to 1940. The apex of this enery orgy is yet to be reached, according to many experts. World energy consumption is expected to double between 1970 and 1980, increasing from the equivalent of 87 million barrels of oil a day to 150 million barrels a day as population grows and less industrialized nations strive to develop.

Energy consumption in the United States doubled between 1950 and 1970 and is expected to double again between 1970 and 1985, increasing from the equivalent of about 31.8 million barrels of oil a day to 62 million barrels. Since there are usually no alternative data, most figures in energy matters come from the oil industry and can be considered one-sided. The trend, however, would appear inarguable.

On the supply side, the United States "has basic energy materials to meet our needs for at least 200 years at present levels of consumption," according to John G. McLean, chairman of the Continental Oil Company and head of the National Petroleum Council, an industry body.

But there is a huge step between potential reserves and currently available fuel. Covering the distance takes time, money and technology, and that is why the short-term outlook is nowhere near as sanguine.

THE CLEANEST OF FUELS

The most critical immediate problem facing the country is natural gas. Over the last three years schools and factories in various sections of the nation have had to close for short periods for lack of it. The Federal Power Commission reports that curtailments of natural gas by suppliers to customers with firm contracts are increasing—from 350 billion cu. ft. in 1971 to 910 billion cu. ft. in 1972. From November, 1972, to March, 1973, curtailments are estimated at about 480 billion cu. ft.

Natural gas is the cleanest and therefore most environmentally desirable of the world's traditional fuels. But production in the United States is expected to peak in 1975 at 24.7-trillion cu. ft. Production has exceeded reserve additions in each year since 1968.

The industry contends that higher prices will indirectly increase supplies by increasing incentives for exploration, but how much of an increase would be involved is a question. Moreover, it would have little effect immediately. In the next year or two, more plants and schools will probably be cut off from supplies.

Coal would appear to be the obvious answer to the nation's energy problems. It is by far the most abundant source of fossil fuel, with several hundred years potential supply. But Mr. Freeman, head of the Ford Foundation's energy study, puts it: "There are two things wrong with coal today. We can't mine it and we can't burn it."

Coal for all its potential is a difficult fuel. Obtaining it means deep mining or strip mining, both of which are objectionable because of human hazards or environmental depredation. And consuming coal carries its own environmental threat since about 80% of supplies are high in sulphur content and emit harmful pollutants into the air as they are burned. Beyond those drawbacks, coal is also expensive and unwieldy to transport.

CRASH PROGRAM URGED

Efforts are being made to clean the pollutants out of the smoke pouring from the stacks at large, coal-burning utilities and factories. But the technology has not yet been perfected. High sulphur coal can also be processed into clean natural gas or oil, but here the technology, although available, is not economically feasible.

Some experts, including Dr. Lawrence Rocks, and Dr. Richard P. Runyon, authors of the book "The Energy Crisis," believe that a crash program to develop coal-based synthetic fuels must be started now if the United States is to avoid very serious problems before it is ready to enter the nuclear age of nuclear power sometime in the 21st Century.

Nuclear energy is now showing signs of living up to its promise.

The Atomic Energy Commission predicts that nuclear power capacity will represent about 23 per cent of the nation's total electric capacity by 1980, 32 per cent by 1985 and about 50 per cent by the year 2000. The National Petroleum Council, for its part, expects nuclear power to account for about 17 per cent of the source by 1985.

America's nuclear trump is the fast breeder reactor, which theoretically can generate more nuclear fuel than it consumes over a 30-year period, creating a sort of perpetual motion energy machine.

But there are drawbacks here, too.

BIG FUTURE ROLE FOR OIL

The first "commercial demonstration" unit in the United States is not scheduled for operation until 1980, and the breeder creates massive amounts of radioactive wastes, whose danger to man lingers for thousands of years.

An even more exotic nuclear solution is fusion, the process that powered the hydrogen bomb and is the energy source for the sun and the stars. Its basic fuel would be hydrogen so abundant in sea water that it would provide enough energy to meet the world's electricity needs for as long as anyone can project. But it will not be a factor, if at all, until the 21st century.

When all is said and done, it is likely that oil, the present mainstay of American energy, will have to do even more in the future. Oil is the energy jack-of-all-trades. It is a swing fuel capable of running huge electrical generators or the family car. Just as important, it is easily transported and can be used in hundreds of products from gasoline to plastics. As a result, oil is expected to be carrying more than 50 per cent of America's energy burden by 1980.

The trouble is that the United States exhausted its reserve production capacity in 1970 and will probably never again be able to meet its oil needs from domestic sources.

This year demand will exceed 17 million barrels a day, with domestic production a little more than 11 million. By 1980 demand will be around 24 million barrels a day with production about 12 million, according to the State Department.

Only one option seems possible in the short term—increased importation of oil from foreign sources. In 1965, the United States imported 2.5-million barrels a day, or about 20 per cent of its demand, with all but 2 per cent coming from Venezuela or Canada. Imports inched up to 23 per cent by 1970, but jumped to 27 per cent last year, and this year will meet about 35 per cent of total demand. By 1980, the United States is expected to be dependent on foreign sources for between 40 and 60 per cent of its oil.

BALANCE-OF-POWER SHIFT

This country's traditional suppliers, Canada and Venezuela, appear unable to increase their output significantly so much of new imports will almost certainly come from the Middle East, where 75 per cent of the world's proved oil reserves lie buried beneath the sands.

The failure to discover a substitute for Middle Eastern oil is not from want of trying, for in recent years 95 per cent of new exploration activities by the oil companies has been outside the Persian Gulf.

America's dependence on foreign energy sources comes at a time when the balance of power in the international oil trade has decidedly shifted to the producing nations after having resided with oil companies and thus with the consuming nations since the inception of the oil trade in the early part of this century.

The vehicle for this shift in power has been the Organization of Petroleum Exporting Countries, which was formed in September, 1960, by Venezuela, Saudi Arabia, Iran, Iraq and Kuwait. Its membership now includes Nigeria, Algeria, Abu Dhabi, Qatar, Indonesia and Libya, and the 11 countries are responsible for more than half of the world's production and almost 90 per cent of the exports.

During the nineteen-sixties the balance of power remained with the companies, strained only by the Arab-Israeli War of 1967. Then a combination of events, some planned, others accidental, produced a dramatic change.

The Suez Canal was closed as a result of the Arab-Israeli hostilities, making supplies from the Persian Gulf less accessible and forcing tanker rates to an all-time high. Then a Nigerian civil war blocked oil from that source and the pipeline between Saudi Arabia and the Mediterranean was damaged in Syria.

While all this was happening, Europe had become dependent on "friendly" King Idris in Libya just across the Mediterranean for almost 30 per cent of its oil. But in 1969 King Idris was overthrown by a 28-year-old anti-Western, anti-Communist, fervent Muslim, Col. Mummar al Qaddafi.

Realizing Europe's dependence on Libya's North African oil, Colonel Qaddafi immediately demanded an increase in payments. The companies replied with what some observers now consider an "insultingly small" price improvement.

The Libyans became enraged, cut back on production and within no time the companies had capitulated to terms far greater than most observers think Colonel Qaddafi would have originally accepted. It was by far the greatest victory ever won by an oil producing country and its shock waves went out to all other producing nations.

The gains won by young revolutionary colonels had to be exceeded by the Shah and King Feisal, so that even greater payments were obtained by the O.P.E.C. at Teheran in February, 1971. Since then the companies have been agreeing to ever higher settlements, a process that culminated in an agreement earlier this year giving the Persian Gulf producing countries a 25 per cent interest in existing concessions and stipulating that that interest will grow to a majority 51 per cent by 1983.

Thus, the oil companies, once masters, are now well on their way to becoming servants and the consuming countries' governments, once in control of the world oil trade, are now reacting to the beat of the producer countries.

The almost total reversal of roles has left some clichés about the producing nations in need of revalidation. One is that the producing nations "can't drink their oil," in other words that to live off their oil they must sell it. Another is that a boycott by the O.P.E.C. nations is bound to be a failure because all such boycotts in the past have been failures.

The producers still can't drink their oil, but growing monetary reserves in the hands of countries with small capital demands such as Libya, Saudi Arabia and Kuwait make it increasingly possible for the sheiks to live off their bank accounts in a showdown with an industrialized nation over an extended period of time.

The combined revenues of O.P.E.C. governments have risen from $4.5-billion in 1966 to more than $7.5-billion in 1970, almost $12-billion in 1971 and more than $15-billion in 1972.

By 1975, according to the State Department, the Middle Eastern and North African nations, including Iran, will be receiving annual revenues of almost $20-billion. By 1980 the governments of the area will have an annual income of some $63-billion from their oil.

James E. Akins, head of the State Department's energy section and one of the major contributors to the President's upcoming energy message, has commented: "With the possible exception of Croesus, the world will never have seen anything quite like the wealth which is flowing and will continue to flow into the Persian Gulf."

The total annual value of United States net imports of energy materials, mostly oil, may easily reach $18- to $24-billion by 1980, according to the Department of Commerce, while that of Europe may hit $23- to $31-billion and that of Japan $12- to $16-billion.

Last year the United States had a balance of payments deficit of about $6.5-billion, with about $4-billion the result of energy imports. No small part of the pressure on the dollar during the recent monetary crisis has been the result of this payments deficit.

What the producing nations do with their money and how the consuming nations obtain their oil and balance their budgets are the big questions for the remainder of the nineteen seventies.

HOW TO SPEND IT ALL?

Saudi Arabia, not to mention Iraq, Libya, Kuwait and the various sheikdoms with tiny populations, have more money than they know what to do with. The financing of a massive war against the Israelis is only the most obvious action open. They could also purchase control of vital companies and industries in developed countries.

Nonetheless, America and the other consuming nations are not defenseless, for they remain the repositories of both financial and technological capabilities.

There have been increasing calls for cooperative efforts by the consuming countries to offset the unity of the producers. Informed opinion indicates that a workable consumer energy union would require massive stockpiling of oil by the Common Market, Japan and the United States; comparable emergency rationing programs; import sharing in time of need, and a clear idea of what to do if a confrontation occurs.

Prof. Maury Adelman of the Massachusetts Institute of Technology goes much further than calling for consumer cooperation. Indeed, to him the crushing of the O.P.E.C. cartel is the first order of business.

"The world energy crisis or energy shortage is a fiction," he says. "But belief in the fiction is a fact. It makes people accept higher oil prices as imposed by nature, when they are really fixed by collusion."

Professor Adelman attributes present international energy problems on the strength of the "O.P.E.C. cartel," which, he contends, was aided in recent negotiations by the American State Department and is now supported by the oil companies, which simply pass price increases along to the consumers.

In response to calls for consumer unity, Sheik Ahmed Zaki Yamani, the Saudi Arabian Oil minister, has said: "If it is war they want, then war they shall have. They will be starting it and they will be the losers."

SOVIET ROLE UNCERTAIN

It should be noted that Saudi Arabia is considered the Arab nation with the closest ties to the United States and that she is expected to be responsible for about one-third of the world's oil supplies by around 1980.

In the middle of the energy maelstrom is the relationship of the United States to Israel. Will American support for Israel weaken when and if the United States need for Arab oil becomes crucial? If the American-Israeli relationship changes, will it become a major divisive issue on the American political scene?

The great unknown in the world energy picture is the Soviet Union. The Russians are net exporters of both oil and gas and they have recently been negotiating with the United States on a large natural gas deal. The Russians have steadily increased their influence in the Middle East despite their recent expulsion from Egypt, and the potential use of energy supplies as a political weapon definitely exists.

"To ignore Russia's potential for mischief in matters of energy would be naive," Prof. Dankwart A. Rustow of the City University of New York has said.

Caught in the middle of all this change are the developing nations, which in all likelihood will have to pay more for both energy and manufactured goods, a cost almost certain to hinder their progress.

One solution to the energy dilemma favored by everyone but the marketing vice presidents of oil companies is conservation, or a simple reduction in the use of energy.

Dr. Barry Commoner, the environmentalist, contends that conservation practices can bring a 23 per cent reduction in energy usage without reducing the amount of goods produced.

But his program calls for changes in the lifestyle of the average American as well as a large-scale change in the nation's industrial structure, including a 75 per cent reduction in automobile traffic. Would most Americans support such a program? Many experts doubt it.

Indeed, the personal and industrial side-

effects of even the smallest changes in energy policy can be far-reaching. If the size of cars is reduced, for example, it will mean a cutback in the amount of metal used in auto production, which in turn may mean reducing the work force and profits of both the metal and automobile industries.

"What we are doing is shifting from the age of oil to another energy age," says John Lichtblau, head of the Petroleum Industry Research Foundation. "Historically speaking, transition periods are very interesting but living through them may not be so much fun."

ENERGY CRISIS: IN QUEST OF NEW SOURCES

(By John Noble Wilford)

In all the debate over the causes, consequences and possible cures of the nation's energy crisis, scientists and economists, industrialists and environmentalists generally agree on one point—the critical need for development of new sources of energy.

Many want to accelerate research aimed at converting coal to gas, shale to oil and sunlight to electricity. They want more study of ways to harness the winds and the tides. They want to exploit the heat from the earth's interior and even from tropical waters.

They also want to increase research in nuclear and hydrogen technologies, for they envisage the day when most electricity will have to be generated by nuclear power and when hydrogen may be the primary fuel for space heating, heavy industry and transportation.

The reasons for beginning now to develop alternate sources of energy are considered imperative. What took nature millions of years to create—the fossil fuels from the slow decay of living matter in bogs and beneath ancient seas—are being consumed at such prodigious rates that petroleum supplies may be good for only 50 more years, coal for two or three more centuries.

President Nixon, in his energy message today, is expected to outline priority plans for the development of such new energy sources as coal gasification, solar power and the nuclear breeder reactor.

The Administration has already asked Congress for authority in the fiscal 1974 budget to spend $774-million for research in new energy sources—an increase of $130-million at a time when funding for many Federal programs is being slashed.

Even so, Senator Henry M. Jackson, Democrat of Washington and chairman of the Senate Interior Committee, says this is not enough. He proposes a 10-year, $20-billion research effort, on the scale of the Apollo Project, aimed at making the United States self-sufficient again in energy by 1983.

Most current research however, is directed toward finding long-term solutions rather than alleviating current shortages. The following are the achievements, obstacles and goals of some of the more promising efforts:

NUCLEAR BREEDER

The Nixon Administration has called the fast-breeder nuclear reactor "our best hope today for meeting the nation's growing demand for economical clean energy."

Accordingly, the Atomic Energy Commission has ordered the first demonstration breeder plant to be built near Oak Ridge, Tenn., at a cost of more than $700-million. Operation is not expected before the early 1980's. Testing of fuels and materials is under way at the AEC's East Flux Test Facility at Richland, Wash.

Fuel economy is the breeder's chief attraction.

Conventional nuclear reactors (29 commercial plants are now in operation in the United States) use only uranium-235, which is less than 1 per cent of all available uranium and is in danger of depletion in a few decades. The more abundant U-238 is the nonfissionable part of the fuel mix.

In the breeder process, surplus neutrons produced by the splitting of U–235 atoms will be accelerated in such a way as to react with the U–238 in the fuel mix. The reaction should produce 14 atoms of plutonium for every 10 atoms of fuel consumed. The plutonium can then be used as a substitute fuel for the scarce U–235.

But the process has some problems that go beyond the ordinary radiation hazards associated with nuclear power generation.

Plutonium is an extremely lethal material, an essential ingredient of atomic bombs, and so long-lasting that unused wastes from the breeder could still be dangerous to humans for more than 200,000 years. Thus large-scale reliance on breeder reactors has many risks—how to safeguard plutonium from falling into unauthorized hands, for example, and how to store the wastes.

Dr. Manson Benedict, professor of nuclear engineering at the Massachusetts Institute of Technology and an authority on breeder technology, believes that necessary safeguards can be "managed." But he is less sure about the economics of the process.

The competitiveness of the breeder with other means of generating electricity will be determined by operations of the Oak Ridge demonstration plant. Dr. Benedict doubts that breeders will be operating on a full commercial basis before 1990.

NUCLEAR FUSION

If the breeder is the nuclear version of the alchemist's dream, controlled thermonuclear (fusion) power is the Lost Dutchman Mine of nuclear science. Few are absolutely certain that it is achievable in their lifetime. But the search goes on, with some tantalizing laboratory successes, because the potential reward is so great—a clean, cheap and virtually inexhaustible soure of energy.

Fusion power is based on the same principle of reaction that produces hydrogen bomb explosions and the powerful radiations emanating from the sun and other stars. It involves the release of tremendous energies through the fusing of light atoms, such as those of hydrogen. One of these, deterium, is derived from sea water.

The problem is controlling and sustaining a fusion reaction.

To bring hydrogen nuclei together, and thus release enormous energy, requires extremely high temperatures, many millions of degrees. Much of the current research, primarily in this country and the Soviet Union, is directed at producing such temperatures, confining the nuclei long enough for fusion to take place and sustaining the reactions with fusion's self-generated energy.

Success is decades and billions of dollars away. Estimates of the time when fusion power will be feasible range from 20 to 100 years.

"It's much more difficult than the fission problem," says Dr. Ira Bernstein of Yale University's department of engineering and applied science, "and to realize its potential is going to require engineering more complicated than anything ever before. We might as well get used to the fact that it will be a long-term research and development project requiring great quantities of money and the expiration of many blind alleys."

SOLAR POWER

Although the sun is the indirect source of all fossil fuels, it has been neglected as a direct source of power. Yet the potential is tremendous: The energy in the sunlight falling on the surface of Lake Erie in a single day is greater than the entire nation's present annual energy consumption.

In recommending a large research effort in solar energy, a joint panel of the National Science Foundation and the National Aeronautics and Space Administration reported last December that by the year 2020 the sun could provide 35 per cent of heating and cooling in buildings, 30 per cent of the nation's gaseous fuels and 20 per cent of its electricity.

Solar water heaters are already used in Australia, Israel and Japan. Solar space heaters have also been tested. In both cases, the systems consist of a black metal surface under glass on the roof to absorb sunlight for heating water or air.

On a grander scale, sunlight could be converted to electricity. This is already being done on many spacecraft, using conversion devices made of silicon and called photovoltaic cells. Much more efficient and inexpensive cells must be developed, energy experts say, before the system could be widely applied to generating electricity on earth.

Even then, such systems would have to be spread over large expanses of land—"solar farms"—to collect sufficient sunlight. One of the more advanced proposals, by Dr. and Mrs. Aden Meinel of the University of Arizona, calls for a solar farm of about 25 square miles out in the desert, costing about $1-billion to develop, to produce electricity at the rate of 1 million kilowatts.

A more radical concept for harnessing solar energy has been suggested by Dr. Peter Glaser of Arthur D. Little, Inc., an industrial consulting firm. He proposes collecting the solar energy in space, where sunlight is more intense and more constant.

Dr. Glaser's idea is to place a 25-square-mile array of photovoltaic cells into a stationary orbit 22,000 miles out in space. The cells would collect the energy and convert it to a current, which would then be beamed to earth as microwaves. They would be received on earth at a 36-square-mile antenna. The planned space shuttle, a reusable vehicle, would be used to service the orbiting electric plant.

Technical details of the plan are being studied by a group of aerospace companies—the Grumman Corporation, Textron Inc. and Raytheon Company. Dr. Glaser estimates that 10 million kilowatts of electricity could be produced this way at a total development cost of about $20-billion.

Solar power's imponderables are economic as well as technological. For most applications, according to the N.S.F.-NASA assessment, "The cost of converting solar energy to useful forms of energy is now higher than conventional but due to increasing prices of conventional fuels and increasing constraints on their use, it will become competitive in the near future."

SOLAR SEA POWER

Between the tropics of Cancer and Capricorn, the sun heats the surface sea water to temperatures that never drop below 82 degrees Fahrenheit and the deep currents from the poral latitudes bring in subsurface water 35 to 38 degrees cooler. Such temperature differences are called ocean thermal gradients, and they are a source of untapped energy.

A method of extracting such energy was first demonstrated off Cuba in 1929, but little research has been done since then.

Basically, the concept involves drawing the warm surface water down through a hollow shaft and through a heat exchanger system, which would probably use a fluid like a refrigerant freon. Some of the heat from the indrawn water would be absorbed by the freon and used to drive turbines to generate electricity.

One problem is that the efficiency of heat converted to power would be low, about 2 per cent. Another would be getting the current to shore by cable.

A possibility, according to the N.S.F.–NASA report on solar energy, is to use the electricity at the ocean site to produce hydrogen from sea water by electrolysis. Then the hydrogen could be piped ashore for use in fuel cells—devices that generate electricity through the chemical reaction between

hydrogen and oxygen—or eventually as a clean fuel replacing natural gas.

TIDES AND WINDS

The rise and fall of the tides, particularly where the tidal range can be as much as 50 feet, is another source of energy.

Two systems, involving dams across bays, have been developed—at La Rance in France and Kislaya Guba in the Soviet Union. Fifty more potential tidal power sites have been identified in the world, including the Bay of Fundy in Canada and Cook Inlet in Alaska.

The Passamaquoddy project to exploit the tides on the Bay of Fundy has been discussed for half a century—studied and discarded and studied again. Like most tidal power sites, it is far from the big users of energy and would make only a small contribution to energy needs.

Although the windmill has all but disappeared from the landscape, ideas for using wind power have not. Dr. William E. Heronemus of the University of Massachusetts proposes erecting windmills on off-shore platforms to generate electricity for converting sea water to hydrogen and oxygen for fuel cells.

GEOTHERMAL ENERGY

Heat from the interior of the earth, geothermal energy, is being hailed by some experts as a major source of cheap and relatively nonpolluting power.

A National Science Foundation panel headed by Walter J. Hickel, former Secretary of the Interior, recommended last December that the Federal Government set up a $684.7-million research and development program on geothermal energy. Such an effort, the panel said, could lead by the year 2000 to a geothermal capacity for generating electricity that would exceed the total electricity generating capacity of the United States today.

Underground hot water and steam reservoirs, the source of geysers, are most accessible in the Western states. The only exploited field in the United States is at The Geysers, near San Francisco. The San Diego Gas and Electric Company is beginning construction of a $3-million pilot plant on the geothermal energy-rich Imperial Valley of Southern California.

As soon as environmental issues are resolved, the Department of the Interior plans to put up for lease 59 million acres of geothermal land in 14 western states.

GAS FROM COAL

Since natural gas appears to be the scarcest of the fossil fuels, Government and industry researchers are stepping up efforts to develop a synthetic gas from coal, the most abundant of the fossil fuels.

Although there are several variations to the process, the basic idea is to use steam to react chemically with the carbon in coal to make a hydrogen-rich gas. Then the gas is "cleaned" of its sulphur by an additional chemical reaction.

This would permit the use of otherwise environmentally unacceptable low-grade, less expensive coal that has a high sulphur content. The problem is that, in most cases, the heat content of the synthetic gas is not as high as in natural gas.

Some coal gasification systems have already been developed in Europe, and others are ready for pilot plant operations in this country. Dr. Jack B. Howard, professor of chemical engineering at the Massachusetts Institute of Technology, estimates that it will be "at least 15 or 20 years before we have a significant contribution from gasification."

OIL FROM SHALE

Deposits of oil shale, which contains a waxy substance called kerogen that can be refined to a burnable oil, are extensive in Colorado, Utah and Wyoming. Research indicates that it would be possible to extract 25 gallons of oil from each ton of high-grade shale mined and processed.

Since it is chemically more like petroleum, many industry engineers prefer shale oil to gas as a synthetic fuel. But shale oil processing raises the tough environmental problem of how to dispose of all the wastes, for 80 per cent of the shale is left over after the oil extraction.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 156

At the request of Mr. HUMPHREY, the Senator from Iowa (Mr. CLARK) was added as a cosponsor of S. 156, a bill to terminate all weapons range activities on the island of Culebra by July 1, 1975.

S. 203

At the request of Mr. TAFT, the Senator from Rhode Island (Mr. PASTORE) was added as a cosponsor of S. 203, to amend the Internal Revenue Code of 1954 to permit the exclusion from gross income of a portion of the compensation received by full-time law enforcement officers and firemen employed by State and local governmental instrumentalities.

S. 397

At the request of Mr. STEVENSON, the Senator from Oklahoma (Mr. BARTLETT) was added as a cosponsor of S. 397, a bill to require financial disclosure.

S. 1030

At the request of Mr. HUMPHREY, the Senator from Iowa (Mr. HUGHES) and the Senator from Connecticut (Mr. RIBICOFF) were added as cosponsors of S. 1030, a bill to establish a congressional office of budget analysis and program evaluation, and for other purposes.

S. 1033

At the request of Mr. PACKWOOD, the Senator from Indiana (Mr. HARTKE) and the Senator from South Dakota (Mr. ABOUREZK) were added as cosponsors of S. 1033, the Timber Export Administration Act of 1973.

S. 1082

At the request of Mr. WEICKER (for Mr. BAYH) the Senator from Maine (Mr. HATHAWAY), and the Senator from Pennsylvania (Mr. SCOTT) were added as cosponsors of S. 1082, the Bread Tax Repeal Act of 1973.

S. 1098

At the request of Mr. BIBLE, the Senator from Kansas (Mr. DOLE) was added as a cosponsor of S. 1098, a bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business.

S. 1137

At the request of Mr. JAVITS, the Senator from Ohio (Mr. TAFT), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Minnesota (Mr. HUMPHREY) were added as cosponsors of S. 1137, the Federal Narcotics Drug Trafficking Offenses and Sentencing Act of 1973.

S. 1138

At the request of Mr. JAVITS, the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Ohio (Mr. TAFT), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 1138, the Federal Drug Abuse Enforcement Reorganization Act of 1973.

S. 1149

At the request of Mr. MANSFIELD (for Mr. MAGNUSON), the Senator from Illinois (Mr. STEVENSON), the Senator from Alaska (Mr. STEVENS), the Senator from Nebraska (Mr. CURTIS), and the Senator from South Dakota (Mr. ABOUREZK) were added as cosponsors of S. 1149, a bill to increase the supply of railroad rolling stock and to improve its utilization to meet the needs of commerce, users, shippers, national defense, and the consuming public.

S. 1221

At the request of Mr. BIBLE, the Senator from Oklahoma (Mr. BARTLETT), the Senator from Idaho (Mr. CHURCH), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Arkansas (Mr. MCCLELLAN) were added as cosponsors of S. 1221, a bill to provide that Federal employees shall be entitled to accumulate annual leave in excess of 30 days, or receive payment therefor, for periods such employees have been in a missing status while serving in Southeast Asia during the Vietnam era.

S. 1329

At the request of Mr. SPARKMAN, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 1329, to amend laws relating to the Federal National Mortgage Association.

S. 1379

At the request of Mr. RANDOLPH, his name was added as a cosponsor of S. 1379, to authorize further appropriations for the Office of Environmental Quality, and for other purposes.

S. 1401

At the request of Mr. HRUSKA, the Senator from Nevada (Mr. BIBLE) and the Senator from Nevada (Mr. CANNON) were added as cosponsors of S. 1401, a bill to establish rational criteria for the mandatory imposition of the sentence of death, and for other purposes.

S. 1439

At the request of Mr. MANSFIELD (for Mr. MUSKIE), the Senator from California (Mr. TUNNEY) was added as a cosponsor of S. 1439, the Tax Reform Act of 1973.

S. 1500

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the names of the following Senators be added, at the next printing, as cosponsors of S. 1500, my bill to establish the FBI as an independent agency and to fix a term for the director of 7 years: Mr. CHURCH, Mr. CRANSTON, and Mr. STENNIS.

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

S. 1500

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the next printing the name of the distinguished Senator from Kentucky (Mr. HUDDLESTON) be added as a cosponsor of my bill (S. 1500).

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

S. 1527

At the request of Mr. WEICKER, the Senator from Mississippi (Mr. EASTLAND) and the Senator from Maryland (Mr. MATHIAS) were added as cosponsors of S. 1527, the Lobster Conservation and Control Act of 1973.

S. 1541

At the request of Mr. MANSFIELD, the Senator from Florida (Mr. CHILES) and the Senator from Kentucky (Mr. HUDDLESTON) were added as cosponsors of S. 1541, a bill to provide for the reform of enactment of fiscal measures; to provide ceilings on Federal expenditures and the national debt; to create a Budget Committee in each House; to create a congressional Office of the Budget, and for other purposes.

S. 1572

At the request of Mr. CLARK, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of S. 1572, a bill to provide equity in the feed grain set-aside program by allowing participants in plan B to switch to plan A.

S. 1578

At the request of Mr. BAYH, the Senator from Alaska (Mr. GRAVEL), the Senator from California (Mr. TUNNEY), the Senator from Iowa (Mr. HUGHES), and the Senator from Nevada (Mr. BIBLE) were added as cosponsors of S. 1578, a bill to provide for a national program of disaster insurance.

SENATE JOINT RESOLUTION 48

At the request of Mr. HELMS, the Senator from Texas (Mr. TOWER) was added as a cosponsor of Senate Joint Resolution 48, to establish a National Commission on Social Security.

SENATE JOINT RESOLUTION 80

At the request of Mr. ROTH, the Senator from Oregon (Mr. PACKWOOD) and the Senator from Pennsylvania (Mr. SCHWEIKER) were added as cosponsors of Senate Joint Resolution 80, to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month."

ORDER FOR STAR PRINT ON S. 855

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senator from Illinois (Mr. STEVENSON), I ask unanimous consent that a star print of S. 855 be ordered so that certain minor corrections may be made in the original bill.

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

SENATE RESOLUTION 101—ORIGINAL RESOLUTION REPORTED RELATING TO EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY (S. REPT. No. 93-128)

(Referred to the Committee on Rules and Administration.)

Mr. TUNNEY, from the Committee on the Judiciary, reported the following original resolution:

S. RES 101

Resolved, That Senate Resolution 56, 93d Congress, agreed to February 27, 1973, is amended as follows:

(1) In section 2, strike out "$3,946,800" and insert in lieu thereof "$4,091,800".

(2) Renumber sections 18 and 19 as sections 19 and 20, respectively.

(3) Immediately below section 17, insert the following new section:

SEC. 18. Not to exceed $145,000 shall be available for a study or investigation of the representation of citizen interests, of which amount not to exceed $2,000 may be expended for the procurement of individual consultants or organizations thereof.

SENATE RESOLUTION 102—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF THE REPORT ENTITLED "DEVELOPMENTS IN AGING: 1972 AND JANUARY-MARCH 1973"

(Referred to the Committee on Rules and Administration.)

Mr. CHURCH submitted the following resolution:

S. RES. 102

Resolved, That there be printed for the use of the Special Committee on Aging one thousand eight hundred additional copies of its report to the Senate entitled "Developments in Aging: 1972 and January-March 1973".

SENATE RESOLUTION 103—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

(Referred to the Committee on Rules and Administration.)

Mr. ROBERT C. BYRD, for Mr. EASTLAND from the Committee on the Judiciary, reported the following original resolution:

S. RES. 103

Resolved, That the Committee on the Judiciary is authorized to expend from the contingent fund of the Senate, during the 93d Congress, $25,000 in addition to the amount, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act of 1946.

SENATE RESOLUTION 104—SUBMISSION OF A RESOLUTION FOR RENEGOTIATION OF PRIBILOF TREATY

(Referred to the Committee on Foreign Relations.)

SENATE RESOLUTION FOR RENEGOTIATION OF PRIBILOF TREATY

Mr. ABOUREZK. Mr. President, on behalf of myself and Senator TUNNEY, I rise today to introduce a sense of the Senate resolution calling upon the President and the Secretary of State to seek a new protective treaty for the fur seals, replacing the Pribilof Treaty which comes up for renegotiation in 1975. A new treaty would help end the old quadrapartite convention between the U.S.S.R., Canada, Japan, and the United States governing the harvesting and killing of the North Pacific fur seal. My aim is the preservation of these seals.

Albert Schweitzer once wrote that "if a man has been touched by the ethic of reverence for life, he injures and destroys life only under a necessity which he cannot avoid, and never from thoughtlessness." The Pribilof Treaty was originally signed to put an end to the killing of seals on the high seas, otherwise known as pelagic sealing. It was written by men who tried to meet the exigencies of their times. It is a treaty based on a concept that Eskimos and Aleuts live essentially on seal meat; it is a treaty that recognized the commercial value of seal fur; it is a treaty whose time has passed.

Today, there is no vital need for the United States or any country to continue to kill the North Pacific fur seal. Neither the food nor the fiber of this beautiful and intelligent ocean mammal is essential to any of our citizen's well-being. Neither can it be argued in 1973 that the seal population, unless scientifically harvested—which is another term for slaughtered—would grow to such size as to threaten any of our coastal towns with invasion. Nor can we justify the slaughter of these seals on our own soil because we are unable to produce other honorable jobs for the Aleuts who live on our Pribilof Islands. They must, of course, be offered retraining and whatever assistance is necessary to help them shift their life-style and economy from this brutal business into a more modern and productive vocation. Moscow, Tokyo, and Ottawa have indicated that, once they become signatories to the new treaty, their nationals would not get back into boats and resume the terrible practice of pelagic sealing. Finally, there is a strong movement in this country among women and young people, especially, to preserve the the fur seal as a living national treasure, not as a status symbol covering someone's shoulders.

Informal discussions both with the U.S.S.R. and with the Government of Japan indicate their interest in replacing the outdated Pribilof document. The resolution I offer today would not abrogate the old treaty, but it would begin the ball rolling toward a new era in conservation, recognizing that four nations together are harming a rare resource and living wonder of the North Pacific, and that seal slaughtering must stop.

My resolution provides that our Secretary of State shall put the signatories and all other interested nations on notice that the United States does not intend to renegotiate the North Pacific Fur Seal convention in its present form. In its stead, the Secretary of State shall initiate negotiations on a convention banning all killing of North Pacific Fur Seals on our Pribilof Islands and on the high seas.

Mr. President, this resolution would in effect, say to the President and the Secretary of State, that the Senate of the United States, close to its constituents throughout this country, feels that the American people want the killing of these seals stopped, for sure they want the spiral of brutality halted.

I hope my colleagues both on the Committee on Foreign Relations and in the

Senate will join me in helping to speed this resolution through and on to the President's desk before the seal slaughter starts again in June.

I ask unanimous consent that the resolution be printed here in the RECORD.

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

S. RES. 104

Whereas the Senate recognizes the existence of the North Pacific Fur Seal Convention between the United States, Canada, Japan, and Russia, which regulates the harvesting of North Pacific fur seals who annually migrate to the Pribilof Islands; and

Whereas the Senate recognizes that such convention was signed at a time when it was necessary to prevent pelagic sealing; and

Whereas the Senate recognizes that era is passed and that neither fur nor food from these mammals is any longer necessary for human existence; and

Whereas the Senate recognizes that the present harvesting is conducted in a brutal manner by the clubbing of the seals; and

Whereas the Senate recognizes that the public policy of the United States is now against inhumane treatment and unecessary killing of any animal; and

Whereas the Senate recognizes that it has in the past ratified this convention, however the Senate now would not ratify this treaty again: Now, therefore, be it

Resolved by the Senate of the United States, That it is the sense of the Senate of the United States that the Secretary of State shall not renegotiate the present North Pacific Fur Seal Convention and that it should be allowed to expire in 1976.

Further, it is the sense of the Senate that the Secretary of State should immediately notify the other parties to the convention that the United States does not intend to extend its life beyond 1976.

Further, it is the sense of the Senate that the Secretary of State should immediately initiate negotiations with the parties to the convention and any other interested States for the purpose of obtaining an international agreement or agreements to ban all killing of North Pacific fur seals whether on the Pribilof Islands or on the high seas.

Further, that appropriate and effectiveness penalties be prescribed by the Secretary of State for violation of the regulations which he shall prescribe and implement in accordance with this resolution and to carry out the new convention.

PROCLAMATION OF APRIL 1973 AS "HOBBY MONTH"—AMENDMENT

AMENDMENT NO. 92

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

Mr. JAVITS submitted an amendment, intended to be proposed by him, to the joint resolution (S.J. Res. 46) to authorize and request the President to proclaim April 1973 as "Hobby Month."

NOTICE OF HEARING BEFORE SUBCOMMITTEE ON INTERNATIONAL FINANCE

Mr. SPARKMAN. Mr. President, I announce for Senator STEVENSON, chairman of the International Finance Subcommittee of the Committee on Banking, Housing and Urban Affairs, that hearings on the bill to amend the International Economic Policy Act of 1972 which has just been introduced will be held by the International Finance Subcommittee on May 9, 10, and 11, 1973.

Any person wishing to appear as a witness at these hearings should contact Mr. Basil Condos at telephone number 225–2854.

HEARING ON PROPOSED TRANS-ALASKA PIPELINE SET FOR MAY 2 AND 3

Mr. JACKSON. Mr. President, public hearings will be held before the Senate Interior and Insular Affairs Committee on May 2 and 3 on the public policy issues presented by the timing, routing, and construction of a pipeline to transport Alaska's North Slope oil to markets in the lower 48 States.

Witnesses invited to appear before the committee will include representatives of the Treasury, State, and Interior Departments; spokesmen for conservation organizations; university economists; and oil industry representatives.

ANNOUNCEMENT OF HEARING ON FENCING OF STOLEN GOODS

Mr. BIBLE. Mr. President, as chairman of the Senate Select Committee on Small Business, I wish to announce that the full committee has scheduled hearings on May 1 and 2 at 10 a.m., in room 318, Russell Senate Office Building, into criminal redistribution or fencing of stolen goods and their impact on legitimate business activities.

Witnesses scheduled for May 1 will be Mr. Joseph P. Busch, district attorney for the County of Los Angeles, Calif., and associates. On May 2, Mr. Franklyn Snitow, assistant district attorney in charge of the Rackets Buerau, County of New York, and associates will testify.

They will provide to the committee an overview of criminal redistribution systems in the Los Angeles and New York City areas and how such are supportive of the $16 billion loss that the Commerce Department estimates is the yearly cost of property thievery nationally and the $1½ billion in hijacking and thievery losses annually from air, truck, rail, and maritime carriers.

Accompanying both district attorneys will be persons to be subpenaed by the committee who are alleged to have knowledge about trafficking in stolen goods, a subject under investigation by our committee for several years.

NOTICE OF HEARINGS RELATING TO SELECTED RECOMMENDATIONS OF PROCUREMENT COMMISSION

Mr. HATHAWAY. Mr. President, I wish to announce that on May 17 and 18, 1973, at 9:30 a.m., in room 1202 of the Dirksen Building, the Subcommittee on Government Procurement of the Senate Select Committee on Small Business will conduct hearings on three recommendations of the Commission on Government Procurement. These recommendations concern the creation of a procurement policy office, consolidation of the two major procurement statutes, and development of new standards for measuring the use of small business.

The purpose of these hearings is to obtain the views of the Commission, various executive agencies and small business associations whose members contract with the Government concerning the effect on the small business contracting community of the possible implementation of these recommendations.

Further information may be obtained from the Subcommittee on Government Procurement, room 424, telephone number 225–5175.

NOTICE OF HEARING ON BILL TO PROVIDE CONGRESS WITH INFORMATION RELATING TO BUDGET REQUESTS

Mr. MUSKIE. Mr. President, on behalf of the chairman of the Committee of Government Operations, I would like to announce that the committee will hold 1 day of hearings on S. 1214, a bill to amend the Budget and Accounting Act, 1921, so as to provide the Congress with information relating to budget requests of the various departments and establishments of the Government.

The hearing will be held on April 27, 1973, in room 3302 of the Dirksen Office Building, and will commence at 10 a.m.

The committee will welcome statements for inclusion in the record of hearings.

RESCHEDULING OF FIELD HEARINGS ON EASTERN WILDERNESS AREAS

Mr. HASKELL. Mr. President, I wish to announce for the information of the Members of the Senate and other interested persons that the field hearing scheduled for April 30 in Concord, N.H., before the Public Lands Subcommittee on legislation to establish eastern wilderness areas has been rescheduled for May 7. Due to the scheduling of a cloture vote by the Senate on April 30, we have been required to move the date of the hearing.

The site of the hearing will remain the New Hampshire Highway Hotel in Concord, with the hearing to start at 9:30 a.m.

Those interested in presenting testimony on any or all of the New England areas should write or wire the Senate Interior Committee, 3106 Dirksen Senate Office Building, Washington, D.C., 20510, prior to Tuesday, May 1.

I hope this change of date will not inconvenience those who plan to attend and testify.

RESCISSION OF ORDER FOR HEARING ON PENSION LEGISLATION ON MAY 21

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the request for hearings on pension legislation to be held at 1 p.m. on May 21 be rescinded.

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

ADDITIONAL STATEMENTS

THE BREAD TAX

Mr. SCOTT of Pennsylvania. Mr. President, there is one segment of the Nation's food industry, the bakers, which has been caught in an inflationary spiral not of its own cause. When the United States agreed to sell wheat to the Soviet Union, in huge quantities, there came an unexpected depletion of the wheat supply on the domestic market. As a result of this shortage, the price of flour soared, but economic controls prevented the necessary upward adjustment of the retail price of flour products.

Unlike the smaller companies, large bakers were prevented from raising prices and the resulting disparity gave an unexpected competitive advantage to the larger companies. But I do not wish to make a case here for an unnecessary increase in bread prices by either the large or small bakers, for I believe the situation can be controlled through the repeal of the bread tax.

At present, there exists a 75 cents per bushel tax imposed on wheat which is made into bread and other baked goods. The tax is collected from millers, those who turn wheat into flour. The revenues collected from the millers are used to pay a portion of the cost of farm subsidy payments.

Agriculture Department statistics show that there is an inverse relationship between family income and consumption of wheat products such as bread. In other words, the lower the income the greater the consumption. So the bread tax is a regressive tax, in that it hits proportionately harder at families at the lower end of the economic scale.

The bread tax also exerts an upward pressure on the price of baked goods since the miller's cost is reflected in the price he charges the baker for flour, and subsequently in the price the baker charges the consumer. It is certainly within the realm of possibility to lower the price of bread up to 5 cents a loaf if the bread tax is repealed, although some bakers may simply hold the line on a price increase. At the very least, any upward price adjustment could be held to a minimum. The bread tax is a bad tax—bad for the baker and bad for the consumer and it ought to go.

Repeal of the bread tax need not have any effect on the what subsidy payments made to farmers under existing law because general revenues could be used to make up the difference. In this way, the subsidy payments are more evenly distributed, in a more equitable manner, with no disruption to the bakers or consumer.

The baking industry in Pennsylvania is comprised of approximately 436 establishments employing over 26,000 people. The total annual payroll is in excess of $205 million.

In a recent letter to me from one Pennsylvania baker, Mr. Jacob Digiacomo, president of the Bond Baking Co., in Philadelphia, I was told of his company's economic situation in relation to the bread tax:

> The effect of this tax on Bond Baking Company of Philadelphia, Pennsylvania is an excellent illustration of the great harm the tax is having on the independent bakers of our country. With the support of state and local government agencies and financial institutions, a group of employees acquired the company in September 1972 from a large conglomerate. Were it not for this purchase, the company would surely have been liquidated because of increasing costs. The acquisition saved 1,000 jobs (a substantial number in the inner city), substantial real estate ratables and taxes from a company with gross annual sales of more than $25,000,000 and annual payroll in excess of $10,000,000. Today *Bond* is the only large independent bakery in the City of Philadelphia. The company has already instituted a series of economies and cost-saving devices, limited top management salaries to ridiculously low amounts and increased production through increased sales efforts. Yet all of the efforts undertaken by the company have only enabled it to keep pace with rising costs. *One glaring significant fact is that the cost of flour to the company has been increased by a staggering $60,000 per month since September 1972.* This $60,000 per month increase is essentially the charge of the wheat certificate tax passed on from the millers to the company. The company cannot and does not want to increase its prices to meet this added burden. By repealing the wheat tax, the company will receive immediate relief and the company's continued viability will be assured.

Typical of the other letters I get from Pennsylvania bakers comes from Schaller's in Greensburg. It is a family-owned business, plying its trade and paying its taxes for over 70 years, employing 60 people. It has never asked the Government for any help but it is in a position now that is critical. I am afraid that unless we give the smaller and independent bakers, like Schaller's, a lift we will all be buying bread from one supercompany—the one with the most economic muscle.

Mr. President, legislation is pending in the Senate Agriculture Committee to repeal the bread tax. Believing as I do that this bill, S. 1082, will ease the bread price pressures on both bakers and consumers, I am today joining as a cosponsor, in the hope that swift action will bring about some much-needed relief.

TWENTY-FIFTH ANNIVERSARY OF THE DRIVER AND SAFETY EDUCATION ASSOCIATION OF WEST VIRGINIA NOTED—SENATE PASSES NEW HIGHWAY SAFETY ACT—COOPERATIVE PROGRESS ACHIEVED

Mr. RANDOLPH. Mr. President, last week the Senate passed the Highway Safety Act of 1973. The vote was unanimous. Since the Federal Government has been involved with the improvement of highway safety, there has been progress in lowering the death and injury tolls on our Nation's roadways.

An important feature of our effort to make highways safer places to travel are the driver education programs that take place throughout our country. We know that drivers who have been properly trained and who are aware of the hazards they may encounter while behind the wheel are, in fact, the best drivers. Driver education programs, therefore, are filling a very real need in this Nation that depends on more than 100 million motor vehicles to transport people and products.

Driver education has become a part of the curriculum at many schools throughout the United States. It is not a new feature of our educational system, even though it is attracting increasing attention because of its successes.

Mr. President, the West Virginia Driver and Safety Education Association is, this week, celebrating its silver anniversary. The association is marking 25 years of progressive activity that has earned for our State a position of respect and leadership in the field of driver education.

Driver education programs in West Virginia actually predate by several years the creation of the West Virginia Driver and Safety Education Association. It was during the 1936–37 school year that schools in Mercer and McDowell Counties conducted the first driver education courses in West Virginia, making our State one of the first to incorporate this important subject into the school curriculum. Since then, there have been regular training courses to prepare teachers to instruct students in the proper ways of motor vehicle operation.

The program grew slowly during World War II, but by 1946–47, full-time driver education courses were offered in 54 schools with an enrollment of 2,004 students. In 1948 the program had grown sufficiently to warrant the appointment of a State director. Price E. Clark, superintendent of Morgan County schools, was subsequently named the first State director of safety education. He was succeeded by Clarence A. Brock, who held the position from 1954 to 1957, and Roy W. Walter, who served from 1957 to 1972. Milton Bennett assumed the position last year.

A milestone in the West Virginia effort occurred in 1949 when the first national conference on high school driver education was conducted at Jacksons Mill, W. Va. The conference attracted educators and safety authorities from many States. The number of meetings of driver education teachers were held and subsequently the West Virginia Driver and Safety Education Association was formally constituted. Since that time, the following persons have served as its president:

1949–51, Ramus Holtz, Upshur County.
1951–53, Harry Morris, Cabell County.
1953–54, Carleton Browne, Boone County.
1954–55, Robert Andrick, Webster County.
1955–57, Gene Stalnaker, Lewis County.
1957–58, Nellie Cundiff, Summers County.
1958–59, Chester Grossi, Hancock County.

1959–60, Marvin D. Mills, Kanawha County.
1960–61, Kenneth Hall, Calhoun County.
1961–62, Felix Colabrese, Tucker County.
1962–63, Charles P. Yost, WVU, Monongalia County.
1963–64, Fred Carroll, Grant County.
1964–65, F. A. Fitch, Marshall, Cabell County.
1965–66, Robert O. Roush, Jr., Boone County.
1966–67, Marion B. Vance, Lincoln County.
1967–68, James Riffle, Monongalia County.
1968–69, Thomas Bolyard, Taylor County.
1969–70, Milton Bennett, Monongalia County.
1970–71, Harry E. Hull, Upshur County.
1971–72, Elmer Dickinson, Mingo County.
1972–73, Dwain Wilcox, Wood County.

Mr. President, I am gratified that our State is recognized as a leader in this important field. The enthusiastic support of State government has helped achieve the preeminence of our West Virginia program. Both the executive and legislative branches have lent their support. Last year, for instance, the legislature approved a measure providing that every student in West Virginia schools would have an opportunity to take driver education courses. The program is supported by our Governor, Arch A. Moore, Jr., and receives day-to-day assistance from the Governor's Highway Safety Administration through Program Manager Harry E. Hull.

Since the Committee on Public Works, which I chair, is responsible for highway safety legislation, I have a continuing contact with both the problems and the importance of highway safety. It is the people in our schools; citizens like those who are members of the West Virginia Driver and Safety Education Association, who conduct the grassroots effort that contributes much to safer driving and safer roads.

PHASE II CONTROLS, AGAIN

Mr. GURNEY. Mr. President, the landslide reelection of President Nixon in 1972 was in large part due to the belief of the American electorate in the President's boldness, his decisiveness, in following through on a course of action he believed was right.

The President had personally established unprecedented diplomatic contacts with the Communist world. The highlight of his efforts was his penetration of the hitherto unpenetrable Chinese mainland. In Southeast Asia, the President backed up his overtures for peace negotiations in Paris with carefully measured, no-nonsense military action.

Nowhere did the President display his boldness and decisiveness more visibly than on the home front in his fight against inflation. President Nixon saw that inflation, fueled in large part by rampant Federal spending on Great Society programs which were not of his making, had to be stopped. He established wage and price controls. He realized that controls were not philosophically consistent with a free enterprise economy. Nevertheless, courageously, he did what he knew had to be done in order to stop an endless wage-price spiral which was eating into the pocketbooks of all Americans with an insatiable appetite.

Seeing that the President had a strong will to do what he thought was right, the American people gave him a landslide election victory. A recent poll in my own State of Florida shows that the President still has the overwhelming support of the people by a margin of 2 to 1. Eighty-eight percent of those who voted for him are still glad they did.

But now, uncharacteristically and with great cost to many Americans, the President is delaying needed action in the economic arena. He is following bad advice.

Confidence in our economy has fallen and prices have soared. We have witnessed boycotts of meat; we have heard threats of counter boycotts by farmers. The President finally did take some action by setting prices on certain meats. But there is an important fact to emphasize about that action. When the public learned that the President planned to make a major economic statement on March 29, 1973, the stock market climbed in anticipation. Upon the announcement that action was to be limited to ceilings on beef, pork, and lamb, the stock market fell.

Some analysts observed that this latter reaction was a collective disappointment to the limited extent of the President's action. It was a classic example of too little, too late.

But surely we are not going to wait until more people boycott more high-priced goods before more action is taken. That is no way to run an economy.

The President did not buckle under to the peace demonstrators when they tried to dictate military policy from the streets. But in delaying action on the economic front the President has the appearance of reacting only to the most visible of consumer wrath. That is not his style.

The President must take action now before there are more distortions in the economy, before prices soar even higher in anticipation of inevitable controls, before labor contract negotiations add cost-push inflation to the demand-pull inflation which we experience today. The President must return the economy to phase II controls.

A return to phase II controls is the most responsible alternative available to the President. Suggestions that the President freeze or roll back prices are irresponsible, and just plain bad economics besides.

Hindsight shows us that there are enormous demand pressures operating in the economy. We are just now feeling the effect of the expansionary money supply policies of 1972. The die has been cast on the underside of the economy. To clamp on a price lid or to roll back prices would create mammoth distortions and inequities throughout the economy. The protective reactions which producers would take would be particularly destructive over the long run. For instance, producers with the money to do so might hoard output to await the higher prices when the freeze or rollback is lifted. Producers without enough money to get them through a period of hoarding would have to sell the goods they had produced with high-priced supplies. The little man with small margins would be hurt the most.

A resumption of phase II controls does have certain disadvantages. For instance, it is not clear how much the previous phase II really contributed to the modest decrease in inflation and how much was the result of a previous slack in the economy. Furthermore, some economists believe that a return to phase II will give rise to an enormous surge of prices in the next phase III. Producers may try to get all they can as fast as they can before another return to controls. Finally, phase II controls are based on the premise that a small army of experts can really identify the kind and extent of economic forces at work in the enormous American economy.

In my view, these points show only that there are no easy choices and some risk involved. But it seems to me that phase II controls offer the most promising opportunity for the administration to stop inflationary prices—and this is the fairest of any of the actions which have a chance of working.

I realize that regardless of the choice of remedies—controls, rollbacks, or freezes, more must be done to permanently dampen inflation. Federal spending must be brought under control. The President is to be commended for his courageous initiative in cutting the budget. At long last Congress is showing signs of budget cutting, too.

The supply of money available to the economy must be held to a slow rise. A great new surge of money would be like a huge billows to the fires of inflation.

But above all, regardless of his choice of remedies, I urge the President to act now. If he decides he must have a rollback of prices, I urge him to do so on an equal basis throughout the economy. If he must freeze prices I urge him to do so equitably. But above all, I urge him to act without delay.

CONSERVATION OF ENERGY

Mr. BIDEN. Mr. President, the effort to provide a cleaner environment has many facets. One sometimes overlooked aspect is conservation of energy itself—and, in in this connection, the consumer himself has an important role. The consumer, too, must practice, so to speak, what he preaches.

In recent days, there have appeared two newspaper columns which discuss this point of view.

Mr. President, in a column appearing in the Baltimore Sun, April 17, 1973 columnist Joseph Kraft outlines what he calls a simple checklist of ideas which may help solve the energy crisis the United States is now facing.

Mr. Kraft suggests that one way to ease the crisis is to implement a program

of energy conservation—on a wide scale. He also sees the initiation of broad research and development programs as a strong tool to fight the impending energy shortage.

He also states in the article his view that:

By organizing with the governments of Japan and Western Europe a consumers' consortium against producers, this country could get far better terms than the oil companies, who really care hardly at all about the consumer.

In the New York Times of April 18, 1973, James Reston also underscores the urgency of energy conservation and calls upon consumers as a class to help in this regard.

He states, in part:

But something can be done about all this in the meanwhile if the consumer lobbies will start shouting not only at the Government and the polluting industries, but at the consumers themselves. They have the power to ease these problems if they will take the action available to them.

I ask unanimous consent to print these articles in full at this point in my remarks:

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

[From the Baltimore (Md.) Sun., Apr. 17, 1973]

SIMPLE CHECKLIST OFFERS HELP FOR "ENERGY CRISIS"

(By Joseph Kraft)

The self-same seers who brought you the missile gap, the domino theory and the Maoist menace now have picked up the energy crisis.

To hear them tell it, industry will halt, the highways will be black with gasless cars, and millions will freeze in the dark, unless America asserts itself against those supposed villains, the Arabs and environmentalists.

But in fact there are dozens of much more acceptable ways (some of them almost as virtuous as motherhood) for this country to ease the growing gap between energy consumption and energy production. Here is a checklist of possibilities which should provide some measure of the national energy policy the Nixon administration slowly is bringing to birth.

Conservation of energy heads the list. The United States, with 6 per cent of the world's population, consumes about 30 per cent of its energy. We consume, person for person, more than twice the amount used in such a heavily industrialized areas as Western Europe.

Much of the energy consumed is wasted in automobiles carrying only the driver. Enormous saving in energy could be achieved by moving commuters in buses or other forms of mass transit. Decent inter-city railroads would cause many people to leave their cars at home and travel by train.

A tiny effort probably could induce 2 per cent or 3 per cent of the population to move around by bicycle; and that tiny saving would cover at least the gasoline shortage predicted for this summer.

Housing offers only slightly less abundant opportunities for husbanding energy. A considerable part of this country's energy consumption goes for private homes with poor insulation. It would be child's play for federal authorities to insist that good insulation be a condition of getting mortgage money on which virtually all home building depends.

Next to conservation of energy, the best results would appear to spring from a research and development program. At present the United States government spends only about $700,000 on energy research—most of it in the atomic power field.

Private industry spends an estimated $300 million. Since the power industry grosses something like $60 billion annually, the total research input is trivial, especially in view of the likely pay-off.

Nuclear power does offer tremendous possibilities for the distant future if the technical problems of waste disposal and safe operation can be solved. Geothermal energy and solar energy may be equally bountiful sources for the future.

In the meantime, there are abundant supplies of coal shale and tar in this country, Canada and Latin America. Tremendous dividends would be yielded by a research program for cheap and clean devices to transmute those deposits to oil and gas.

Even before that, research can make large savings in fuel consumption by that worst of all wasters—the private car.

With phased federal standards that stipulated not only emission control but also energy control, Detroit might begin to turn its energies to producing a cleaner and smaller engine, rather than concentrating as now, in bucking the application of standards.

Pricing strategy offers still another way to meet the energy crisis, by which I do not mean socking small homeowners. I mean adjusting prices to industrial users. They gobble up about 40 per cent of the energy consumed in this country, and if prices were stiffer, they would turn off the lights occasionally.

Finally, important savings for the American consumer probably can be achieved by a new technique for buying oil abroad. At present the price is driven up by American firms competing against Japanese and West European firms.

By organizing with the governments of Japan and Western Europe a consumers' consortium against the producers' cartel, this country could get far better terms than the oil companies, who really care hardly at all about the consumer.

What all this says is that the United States can afford to be careful and picky about meeting the energy shortage. Nobody has to worry about having an Arab in his tank instead of a tiger.

If things do go wrong, if gas shortages develop, do not blame the Wildlife Foundation. Blame the responsible figures in the companies which have, for so long, been acting improvidently and the administration which has, for so long, been doing nothing.

[From the New York Times, Apr. 18, 1973]

THE CONSUMER LOBBIES

(By James Reston)

WASHINGTON, April 17.—The people who have been fighting for cleaner air and water and lower prices have developed into one of the most powerful political lobbies in America, and their battle grounds are expanding all the time.

In the past, they have been fighting primarily against the big polluters in industry and government, but as the so-called energy crisis deepens, they have a chance to turn their attention as well to the waste and pollution of the people themselves.

For example, there is nothing in the Constitution that says the people have to buy big heavy automobiles, with automatic transmissions, and gasoline spark-ignited reciprocating engines, which not only add to the fuel crisis but to the pollution problem as well.

It is probably too much to expect that Americans will do without air conditioners in their automobiles, which add about 9 per cent to the consumption of gas and can add as much as 20 percent in city driving on hot days, but automatic transmissions add about six percent to fuel consumption and heavy passenger cars consume over twice as much gas as the lighter 2,000-pound vehicles.

The U.S. Environmental Protection Agency estimates that in 1970 gas-powered vehicles in America produced 50 percent of the hydrocarbons, 70 per cent of the carbon monoxide and 30 percent of the nitrogen oxide emitted to the air. This is on a nationwide basis, but in some cities motor vehicles contributed as much as 90 per cent.

By 1976, if the regulations of the Clean Air Act of 1970 are enforced, the automobile will no longer be the most important source of these air pollutants. But much depends not only on what the automobile companies and the Government do to reduce pollution and conserve energy but what the people do.

The technology is available to meet the 1975 standards and can be secured at reasonable costs and with far less drain on the nation's inadequate energy supplies. For example, the diesel engine produces a 70 per cent increase in fuel economy over the gasoline engine in an automobile of the same weight, and the stratified charge engine—now being funded by the Army and E.P.A.—shows a 12 per cent increase in fuel economy.

No doubt the consumer lobbies can have some effect in protesting against industries that pollute the air and the rivers and coastal waters of the United States. They can also influence local, state and Federal officials by lobbying for better housing codes that require more effective insulation in houses, and campaigning for stiffer laws against pollution, but this is a long process, requiring sustained action.

Probably the fastest and most effective method of dealing with the energy and pollution problems, however, is through the old law of supply and demand. If there is a demand for smaller cars, with smaller and different engines, the demand will be met, but despite all the talk about the pollution crises and the energy crisis, the demand is still for the big heavy gas guzzlers.

Meanwhile, not to forget the dollar crisis, the official estimates here in Washington are that the United States, which is now paying a $7 billion a year for overseas oil, will be paying as much as $25 billion by 1985, thus adding alarmingly to the nation's balance of payments deficit.

But these estimates seem to assume not only that the 80 million cars in this country will increase by many more millions in the next decade, but that the cars will keep on getting bigger and more expensive, consuming more and more gas in present-type engines every year.

What we have now is one powerful lobby spending hundreds of millions to educate the people on the forthcoming energy crisis and another powerful lobby arguing for cleaner air and water, and a third crying alarm over the dollar crisis.

All three of these crises are real and all are interconnected, and you cannot tune in on the evening news without hearing somebody talking about forthcoming disasters down the pike a few years.

But something can be done about all this in the meanwhile if the consumer lobbies will start shouting not only at the Government and the polluting industries, but at the consumers themselves. They have the power to ease these problems if they will take the action available to them.

MAINE CITIZENS VIEW BUDGET CUTS

Mr. MUSKIE. Mr. President, several weeks ago I had the privilege of participating in a unique public hearing conducted by the Maine congressional delegation in our State Capitol at Augusta to determine the impact of the Federal budget on State and local budgets in Maine and to explore the capabilities of those governments to respond to the proposed shifts in the pattern of Federal expenditures. Gov. Kenneth M. Curtis, president of the Maine Senate, Kenneth McLeod, and speaker of the Maine House, Richard Hewes, joined the delegation at the hearing.

We heard testimony from citizens, the State legislature, town and county officials, and representatives from the Boston regional offices of HUD, HEW, and EDA. I ask unanimous consent that a list of those people participating in the panels be printed in the RECORD.

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

PANEL NO. 1—CITIZENS PANEL

1. Introduction and Overview.—Ms. Eola Wakefield, President, Maine Conference on Human Services.

2. Aging—Jack Libby, President, State Council of Older Persons, Armand Pelletier, So. Berwick (Consumer). Technical Assistance—Mrs. Lynn Fulton, Office of Community Services, Maine Department of Health and Welfare.

3. Health—Dr. Robert MacBride, Lubec, Director, Lubec Family Medical Center; Technical Assistance—Mark Knowles, Director, Maine Comprehensive Health Planning.

4. Housing—Mrs. Helen Talbot, Portland (and resident of multi-housing project area) Technical Assistance—James Mitchell, Director, Maine Housing Authority.

5. Child Care—Terry Morin, Portland (recipient of child care services funded by Title IV–A) Technical Assistance—Ann Northcotte, Director of Maine "4C Program" (Community Coordinated Child Care).

PANEL NO. 2—MAINE GOVERNMENT PANEL

Senator Joseph Sewall, Old Town, Chairman of the Appropriations Committee.

Earl C. Banks, County Commissioner, Penobscot County, Hampden.

John L. Salisbury, Executive Secretary, Maine Municipal Association, Hallowell, Maine.

John C. Orestis, Mayor, City of Lewiston.

Mr. MUSKIE. Mr. President, what we heard from these concerned Maine citizens gave us a very human perspective on the controversy surrounding the administration's budget proposals. I think this controversy should be placed in that perspective so that none of us loses sight of the consequences of our words and actions on people's lives.

I know of no one in this Congress who does not share the President's stated goals that we must limit Federal spending—within a congressionally fixed ceiling—control inflation, keep taxes down, and streamline government. These are our common objectives, and these are not the issues we are arguing about in the current budget debate. What is at issue is a philosophy of government and a question of law.

The President views government as a necessary evil. The Congress sees it as an instrument for the common good, a means of restoring our sense of shared purpose and of great national enterprise.

For a State such as Maine, with limited means but a proven and practical desire to link Federal, State, and local resources for the purpose of meeting the needs of its citizens, the President's philosophy seems strangely out of touch.

Consider the case of the 74-year-old South Berwick, Maine, man who is both blind and diabetic, but up until now has been able to remain nearly self-sustaining in his own home because a homemaker has visited him twice a week. That man, Armand Pelletier, told the delegation hearing that despite his physical problems, "I am still a happy man. With homemaker services, I still have independence in my home—I look for no help, and would not accept any as long as I can manage by myself." But, Mr. President, an estimated 4,218 elderly or disabled Maine citizens may not be able to manage by themselves any longer if the President's proposed termination of the homemaker service program is carried out. This is just one example of a budget cut that fails to consider the human costs involved.

Another such example is a 12-year-old girl in coastal Maine who had never visited a dentist until a Federal grant made it possible for her to have dental care for the first time. Her dentist told me that this child needed to have every tooth in her head pulled out. When her ordeal was over, the little girl told the dentist that she could not remember a day in her life when she did not have a toothache. But the Government assistance that spelled the difference between constant pain or health for this one child is also scheduled to be terminated by the President's budget.

These are just two examples of the consequences of the President's budget cuts in Maine. Some of his other actions are having equally harsh results on Maine citizens.

For instance, last year this President impounded $200 million the Congress had directed to be spent on the construction of 144,500 low-income housing units. Now he has frozen all direct subsidies to help build decent homes poor people can afford to rent.

What the housing moratorium means to Maine people is as instructive as it is painful. It means that 5,000 jobs in the construction industry will be lost. It means that an estimated 3,240 Maine families will be denied decent housing that would have been constructed with the help of Federal money. In the words of the director of the Maine Housing Authority:

> In Maine, 50 percent of last year's housing was subsidized. We simply cannot live through an 18-month moratorium. We would have contractor bankruptcies and a severe economic reversal if we lost the projected $100,000,000 worth of construction out of our small economic base.

Other Presidents have vetoed legislation. And other Presidents have had their vetoes overridden by Congress. Last October this President vetoed the Water Pollution Control Act and a few days later the Congress overrode that veto with only 12 Senators and 23 House Members supporting the Presidential veto. That bill required the Environmental Protection Agency to allocate $11 billion to the States for water and sewer construction programs this year and next, so that they could know what the Federal commitment to them would be. But this President has cut that allocation from $11 billion to $5 billion, directly defying the constitutional requirement that a law enacted over a veto be executed.

What does this impoundment mean for Maine?

It means that 44 municipal sewage projects, including those in the major cities of south Portland and Bangor, that are required by Maine law to be under construction by October 1, 1973, will not be started. It means that total construction work in Maine will be $64.5 million, instead of $142.4 million under full funding.

Additionally, sewer grant applications from 26 other small Maine communities have been rejected because of the President's impoundment of Farmers Home Administration rural facilities loan funds. For a community of under 5,000, it is totally unrealistic to speak of "local responsibility," and EPA funds cannot be stretched to cover these projects without further jeopardy to pollution control projects in larger communities.

Senator Joseph Sewall, Republican chairman of the Maine Legislative Appropriations Committee cited the impoundment of water and sewer funds by the administration as the source of greatest concern to him—not only because of the inability of Maine communities to raise such funds locally, but because of the impact the loss of funds will have on statutory deadlines and timetables for water pollution control.

Other Presidents have imposed their own interpretations on congressional actions. This President simply refuses to carry out the laws he does not like. Last September, the President signed a law extending the war on poverty for 2 full years. He signed that bill. He did not veto it. But now, without consulting the Congress, which passed the law he signed, he has decided to kill the Office of Economic Opportunity.

In Maine alone, this unilateral action means that 969 community action employees, 610 of whom are low-income citizens, will be out of work in the next few months. It means that 16 community action agencies, which have offered imaginative new services to people who have never been touched by Government programs before, will be forced to close.

All modern Presidents have issued regulations to clarify the workings of the law. This President has issued regulations to thwart the intent of the law.

Last October, Congress passed a law limiting Federal grants to various State social services to $2.5 billion a year. But this President's regulations have cut that program by more than half this year and may eliminate it altogether next year. One of his regulations—directly counter to the intent of Congress—imposes new, low limits on the incomes of mothers who can send their children to public day care centers. Such limits mean that many working mothers will be disqualified from the program. And many will have to give up their jobs to take care of their children—and will have to go back on welfare.

Ms. Terry Morin, a consumer member of the Maine State 4-C—Community Coordinated Child Care—committee described to us the disastrous effects of the proposed new regulations on Maine's working mothers:

There are currently 23 child care centers in Maine supported through Title IV-A. The new Federal regulations will force most to close and all will have to terminate services to many families because of ever more restrictive eligibility requirements. The cutback in Model Cities, the new restrictions on public seed money and the prohibition on private seed dollars spell the end to all of the 23 current programs.

Even if the private seed dollars are eligible, many families will lose child care because of the new eligibility requirements.

In our area, York, Cumberland and lower Oxford Counties, we polled nearly every family currently receiving child care services. Of the approximately 325 families we reached, 205 said they will lose their jobs when their child care center closes and 175 of these breadwinners said she will have no choice but to go on welfare . . .

Another mother I know of just was able to work her way off of welfare the week of February 16th. The very week the new regulations were printed in the Federal Register. The new IV-A regulations will eliminate her from care now that she is working and she has said she will now have to go back on welfare.

Mr. President, the effect of these regulations is a perversion of the law. The whole sweep of this President's policy endangers a society built on law. He preaches economy, but his economics are false. They do not count the human cost.

For instance, his budget would eliminate more than 150,000 desperately needed public service jobs. In Maine alone, that means the loss of more than 1,500 jobs. For a State with a total labor force of 419,000 and an unemployment rate of 7.2 percent that continues to linger above the national average, the loss of 1,500 jobs will have an adverse effect. In addition, many of the Maine PEP jobs have been filled by Vietnam veterans who have a right to expect a decent break from the country they fought for.

Another false economy is the budget approach to health care for elderly Americans. For some of them hospital charges will be doubled. And do you know why?

The answer the Secretary of Health, Education, and Welfare gave me at a recent hearing on medicare is this: Old people go to the hospital too much. He says if we make them pay more for hospital care, they will use it less, and hospital costs will go down.

There may be some accountant's logic in that answer, but there is no humanity and not much fact. It is not the elderly poor who are in and out of hospitals and overutilizing hospital beds. Whatever overutilizing there might be is largely attributable to wealthier people whose private insurance policies and own resources assure them the best medical treatment.

But in Maine, where 11.5 percent of our total population, or nearly 115,000 people, is over 65, any increase in hospital costs under medicare bears an unacceptable human pricetag. What will happen to the more than 27 percent of our senior citizens whose incomes already fall below the poverty level?

The practical result—the human cost and the false economy—is that poor people who really need medical attention will now be further discouraged from getting it.

My description of our hearing in Maine would be incomplete if I implied that the concern of those directly affected by program reductions or terminations was the sole topic of discussion. The comments of elected officials of State, county, and municipal governments provided additional insight into the impact of the administration's proposals.

Several officials commented on the fact that they were acting to respond to cutbacks in the Federal budget with State and local appropriations. Three days before our hearing, for example, the Maine Legislature appropriated $3 million to continue certain social services to low-income persons no longer eligible for HEW supported services under the regulations proposed on February 16. This and similar actions, demonstrate not only the continued need for Government assistance but also the desire of State and local governments in Maine to respond to those needs in a positive manner.

However, the testimony of these public officials also revealed several basic flaws in the thinking of the President's budget planners:

First, it documented that many of the programs which the President feels are no longer valuable are not perceived in this manner by Maine citizens. The result, therefore, is not the tax saving anticipated by the President, but a tax shifting from Federal to local taxes.

Second, the testimony revealed serious gaps in the President's announced plans for a transition from categorical programs to special revenue sharing. The mayor of the city of Lewiston, for example, noted that the termination of model cities and the freezing of other HUD programs this year is already having a sharp impact but that community development revenue sharing—which Congress has not even reviewed yet—would not go into effect until late in 1974. What, the mayor asks, is he supposed to do in the meantime?

Third, details of the President's budget proposals are only now becoming available to local officials—after town meetings in Maine have been completed, county budgets acted upon, and the State's fiscal program for the next 2 years prepared. It is too late to respond in many instances and there is too little time for an objective and reasoned formulation of a budgetary response.

Finally, local governments in Maine are in many instances willing to consider assuming responsibility for some of the social programs now administered with Federal funds but it will not be an easy transition for those programs which might legitimately be termed a "local" responsibility. County and municipal governments have not historically performed such services as senior citizens nutrition, homemaker programs, health care, et cetera. For the people now being served, however, the delay while local governments shift their attention is painful indeed.

Mr. President, Maine people are not known as wild-eyed liberals or government spendthrifts. We have a long tradition of fiscal conservatism and of viewing Federal programs skeptically until we see if they will work. We also share a humane philosophy that government must help those who need assistance in times of need.

The widespread fears of Maine citizens about the fiscal ability of their State government and local communities to pick up the costs of the Federal budget cuts, freezes, impoundments, and terminations clearly indicate the perceptions of concerned and sober people. The overflow crowd at the Augusta hearing, and the hundreds of letters I have received from Maine citizens, further support that conclusion.

Maine Gov. Kenneth M. Curtis has prepared a document explaining in detail the effects of this President's budgetary actions on the State of Maine. It shows that Maine will lose an estimated $44.36 million in fiscal year 1973 and $72.94 million in fiscal year 1974 as a result of those actions. I ask unanimous consent that it appear in the RECORD following my remarks.

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

[See exhibit 1.]

Mr. MUSKIE. Mr. President, the best political medicine in disputes like this is compromise, and I hope that compromise will emerge on specific questions of policy. But Congress will not abandon either

its philosophy of Government action or its legal right to implement that philosophy.

We will, if we must, write such clear directives for executing our authorization and appropriations laws that administration officials can only disobey them at the risk of a headon constitutional collision.

And we will, because we must, reform our own budgetary control procedures so that, using the information the executive now keeps to itself, Congress can set the Nation's priorities with coherence and restraint.

We will do these things because our country is not ready to abandon its national commitments to closing the great gaps in our social fabric—the disparities between rich and poor, between the races, between private opulence and public squalor.

I think we can narrow these gaps if we spend less time arguing over who is wasteful and give more attention to our shared concern with efficiency and economy in Government spending. After all, what both the Congress and the President agree on is that America can do things better than it has. It is time to stop the shouting and finger-pointing and past time to get to work.

EXHIBIT 1

STATE OF MAINE—IMPACT OF FEDERAL IMPOUNDMENTS, PROPOSED BUDGET REDUCTIONS AND TERMINATIONS

[2d survey, Mar. 7, 1973]

SUMMARY

	Fiscal year 1973	Fiscal year 1974	Number of programs	Page
Totals (in millions of dollars):				
Agriculture	$0.42	$1.9	5	2
Economic development		2.5	17	3
Education	.36	5.5	30	8
Environmental quality	30.7	32.0	3	14
Health	2.61	9.1	10	15
Housing	1.9	6.54	13	21
Manpower	.47	3.7	7	24
Natural resources	.1	1.6	2	26
Social services: OEO; Model cities; Social Security IV-A, etc	$2.2	$10.1	3	27
Transportation	5.6	?	1	34
Tota	44.36	72.94	91	
Value of housing construction	14.32	33.75		
Value of subsidized housing loans	7.00	30.00		

AGRICULTURE

[Legend: T—program terminated as of June 30, 1973; TS—T above and proposed for special revenue sharing; F—frozen as of January 1973; R—reduction, program continues; P—impoundment; INA—information not available]

STATE OF MAINE—2D SURVEY

Program affected	Impact of Federal impoundments, proposed budget reductions and terminations: Anticipated funding level, fiscal year 1973	Estimated dollar loss: Fiscal year 1973	Fiscal year 1974	Action date	Who/what is affected?
Agricultural Stabilization and Conservation Service: Rural environmental assistance program, No. 10.050.	$1,200,000	$300,000P/R	$1,400,000T		4,000 farmers and landowners participated. Increased erosion, river pollution, underground water pollution. Match is 50 percent Federal, 50 percent user.
Water bank program, No. 10.062	$15,000[1]	$15,000P	$15,000T		30 landowners will lose $150,000 collectively over normal 10-year contract period. Waterfowl acreage eventually lost.
Commodity loans and purchases (price supports) No. 10.051.	?	INA	INA R		Approximately 40 loans where interest rates have been raised from 3.5 percent to 6 percent.
Storage facility and equipment loans, No. 10.056.	?	$100,000 P	$100,000T		Approximately 10 loans per year at $8,000 to $10,000 each.
Food and nutrition service: School milk program, No. 10.556.	$486,324		$386,400R		Expect drop from $486,324 to less than $100,000. Some 800 Maine dairy farms affected.

ECONOMIC DEVELOPMENT

New England regional economic development (grant-in-aid supplements) No. 48.001.	$1,000,000		$1,000,000T		Public facility construction $400,000; coastal planning $50,000; executive staff $100,000; Bangor area: Integrated project center projects $375,000; jobs eliminated or affected at least 100; list of representative projects through fiscal year 1972 attached.
Economic Development Administration[2]	$1,500,000 F		$1,500,000T		List of representatives projects through jobs fiscal year 1972 attached eliminates or affects at least 25 jobs exclusive of construction—Lewiston Industrial Park application pending, in doubt.
Economic development: Loans for businesses and development companies, No. 11.301. Planning assistance, No. 11.302. Technical assistance, No. 11.303. Public works impact projects, No. 11.304.					
Small Business Administration, 59.001–59.012	$10,000,000		Unknown		
Guaranteed and direct loans, disaster loans, displaced business loans, local development corporation loans.					

[1] In new 10-year contracts.

[2] Not accepting new applications.

NEW ENGLAND REGIONAL COMMISSION—SUMMARY OF MAIN GRANTS THROUGH FISCAL 1972

Name	Amount		Name	Amount	
A. Supplemental grants:			B. Demonstration projects:		
1968 Bangor International Airport	$425,000		1969 Wastewater Institute	$25,000	
	360,000	(1972)		50,000	(1971)
1969 Wastewater Institute	20,000		Oil import testimony	7,000	
Augusta sewage interceptor facility	250,000		1970 Drug abuse councils	8,000	
St. Agatha sewage system	29,340		Aquaculture planning conference	5,000	
Calais sewage treatment plant	82,500		Housing demonstration	53,000	
1970 Portland ferry terminal	200,000		1971 St. John—Aroostook R.C. & D. project	500	
1971 Northern Aroostook Regional Airport	74,800			500	(1972)
1972 Brewer industrial park	60,000		Threshold to Maine R.C. & D. project	500	
				500	(1972)
Total	1,501,640				

Footnotes at end of table.

NEW ENGLAND REGIONAL COMMISSION—SUMMARY OF MAIN GRANTS THROUGH FISCAL 1972—Continued

Name		Amount	
B. Demonstration projects—Continued			
	Bangor Growth Center	$500,000	
		[1] 450,000	(1972)
	Fort Williams Marine Research Center	16,700	
		75,000	(1972)
	Greater Portland Council of Governments	4,000	
	GPCOG comp code enforcement training program	14,500	
	Newton Municipal Airport—Jackman, Maine	8,000	
1972	Ocean disposal of rubber tires	35,000	
	Maine Fisheries Development Corp	30,000	
	Maine State personnel project	4,000	
	School health curriculum development	3,800	
	Title IV A—Community coordinated child care	25,542	
	Washington County solid waste project	11,500	
	Elderly health program	40,900	
	Operation Healthmobile	44,350	
	Biddeford Airport	4,000	
	Houlton Airport	3,000	
	Total	1,420,292	
C. Studies:			
1967	State public investment plan	39,657	
		59,657	(1968)

Name		Amount	
C. Studies—Continued			
		$59,957	(1969)
		51,920	(1970)
		51,680	(1971)
1969	Occupational skills study	25,247	
	Cold weather construction survey	15,000	
	Machiasport evaluation	10,000	
	Food industry—Economic analysis	8,753	
1970	Maine coastal study	30,000	
	Management of thermal effluents study	10,000	
	Bloodworm culture study	6,000	
		6,000	(1972)
1971	Growth center evaluation	2,500	
	Maine coast natural areas inventory	30,000	
		8,000	(1972)
	Coastal zone management	20,000	
1972	State management grant	100,000	
	Transportation planning	70,000	
	Maine Medical School	40,000	
	Maine energy policy study	24,000	
	State airport system plan	50,000	
	Total	718,371	

[1] Includes $260,000 listed as Bangor International Airport supplemental grant.

Note: Breakdown by type of program: Action $2,560,000, 78 percent; planning $540,000,16 percent; studies $180,000, 6 percent; total $3,280,000.

EDA PROJECTS—MAINE THROUGH FISCAL YEAR 1972

[In thousands]

Project and date obligated	Planning	Tech. assist.	Public works	Business loans	Working cap.
Pride Inc., Brewer:					
June 1969	57				
June 1970	28				
December 1970	53				
December 1971	53				
Brewer: Eastern Fine Paper Corp.,					
Feasibility study: September 1969		2			
W/C: September 1969					270
Life Sciences Park Study: October 1972		48			
Woodchip Study: March 1972		30			
Lincoln Pulp-Paper Co.: March 1971				2,000	
Town of Milbridge Commercial Pier:					
May 1971			114		
No. Reg. Airport:					
Frenchville Construction/Airport:					
March 1971			369		
Terminal Bldg.: October 1972			114		
NM Reg. Planning Comm.:					
June 1969	34				
June 1970	32				
June 1971	30				
June 1972	30				
June 1972	10				
Maine Sugar Ind.: OBD Study:					
May 1969		4			
June 1969		137			
January 1969		39			
December 1969		10			
Saco Valley Ind. Dev. Corp.: Mfg. Shock Absorbers: December 1970				3,544	
Lubec-Milbridge Boat Landing & Fac.: October 1969			184		

Project and date obligated	Planning	Tech. assist.	Public works	Business loans	Working cap.
Jonesport: Pub. Landing & Boat Fac.: June 1970			455		
Passamaquoddy Reserv.: Swr Coll/Tmt—Wtr. Distr.: October 1970			436		
Study—Resources: June 1970		13			
Feasibility—Est. House Prfab Plnt.—Wash. Co.: February 1969		15			
Eastport Mem. Hosp.: Elevator—alter: December 1971			110		
Eastport—3-site study Ind. park.: June 1970		3			
Lubec—Feasibility Commercial Pier: January 1972		1			
Sew. Sys.—Greenville: June 1972			661,205		
No. Penobscot Pulpwood: Lincoln, Supplier of Pulpwood: June 1969				145	
Bangor Int. Airport—Arr'l Bldg. Feasibility Study: June 1972			360		
June 1969		9			
City of Brewer: 80 acre/Ind. Park: August 1969			388		
Mattawaumkeag Wilderness Park: February 1972			367		
City of Bangor: Inst.—Sanitary Sewer: June 1971			77		
Chapman Precision Prod.: Bangor—Machine parts: March 1969				300	
U of M Aeronautical Educ. Prog.: January 1969		3			

STATE OF MAINE—2D SURVEY

EDUCATION

[Legend: T—program terminated as of June 30, 1973; TS—T above and proposed for special revenue sharing; F—frozen as of January 1973; R—reduction, program continues; P—impoundment; INA—information not available]

Program affected	Impact of Federal impoundments, proposed budget reductions and terminations: Anticipated Funding level, fiscal year 1973	Estimated dollar loss: Fiscal year 1973	Fiscal year 1974	Action date	Who/what is affected?
HIGHER EDUCATION					
1. Nursing education at the University of Maine:					
13.386—Nursing Capitation Grants	$64,112		$64,112T		Loss of funding will mean discharge of recently hired faculty, and reduction of enrollment in associate degree program at UMA and baccalaurate program at UMPG.
13.388—Nursing Schools—Financial Distress Grants.	$158,300		$158,300T		
2. Allied health professions education at the University of Maine:					
13.377—Allied Health Professions—Special Improvement Grant.	$35,000		$35,000T		Loss of funding for Medical Technology Program at UMO; reduction in faculty and enrollment.
13.305—Allied Health Professions—Special Project Grants.			$304,000T		Loss of funding for long-planned dental hygiene program at UMB; no funding for proposals for health care administration program at UMA and programs planned on other campuses.
3. Community Services and Continuing Education:					
13.491—University Community Service—Grants to States (CSCE Programs).	$138,000	$38,000	$138,000T		Termination of support for projects at public and private institutions of higher education aimed at solving state's social, economic and environmental problems.
4. College Library Programs:					
13.406—College Library Resources (HEA—Title II—A).	$7,272		$7,272T		Loss of assistance to improve libraries of public and private colleges in Maine.

STATE OF MAINE—2D SURVEY—Continued

EDUCATION—Continued

[Legend: T—program terminated as of June 30, 1973; TS—T above and proposed for special revenue sharing; F—frozen as of January 1973; R—reduction, program continues; P—impoundment; INA—information not available]

Program affected	Anticipated funding level, fiscal year 1973	Impact of Federal impoundments, proposed budget reductions and terminations: Estimated dollar loss, Fiscal year 1973	Estimated dollar loss, Fiscal year 1974	Action date	Who/what is affected?
HIGHER EDUCATION—Continued					
Undergraduate Instructional Equipment: 13.518—Higher Education Instructional Equipment (HEA—Title VI).					Loss of assistance for improving use of technology in instruction at state's public and private colleges.
Academic Facilities (HEA, THE VII): 13.455—State Administration	$36,000		$36,000TS		Funding terminated. Funds shifted to State Postsecondary Education Commission.
13.457—Higher Education Academic Facilities Construction Interest Subsidization (Annual Interest Grant Program).	$400,000		$250,000T		Loss of interest subsidy on construction loans—estimated at $250,000 annually.
13.458—Higher Education Academic Facilities Construction Public and Private Colleges and Universities.					
13.459—Higher Education Academic Facilities Construction Public Community Colleges and Technical Institutes.	$300,000		$264,000T		Loss of needed funds for construction of academic facilities at state's public and private four-year colleges, two-year colleges and technical institutes.
7. Social Work Education: 13.758—Comprehensive Social and Rehabilitation Training (Manpower Development and Training).	$69,500		$40,000R		Reduction in faculty for FY 74 and termination of Federal Assistance in FY 75 meaning reduction in enrollment of program just initiated in FY 73.
8. Land-Grant University Support: 13.453—Higher Education—Land-Grant Colleges and Universities.	$200,000	$200,000P	$200,000T		Termination of support through the Bank—head Jones Land-Grant Program meaning loss of support for teaching, research and public service functions at UMO.
9. National Science Foundation: 47.012—Institutional Grants for Science	$27,500		$13,500R		Loss of basic support at UMO for science education and research.
47.009—Fellowships and Traineeship Program	$11,750		$11,750T		Loss of essential support for graduate programs and students.
47.001—Polar Research Programs	$24,000	$24,000P	$24,000T		Loss of basic research support.
11. National Institute of Mental Health: 13.244—Mental Health Training Grants	$96,000		$96,000T		Loss of support for teaching of psychology and for new mental health technology program at UMB.
12. National Institutes of Health	$25,000		$25,000T		
Cooperative State Research: Payments to Experiment Stations, No. 10.203.	$900,000	$54,148	$170,000R		Represents 20% reduction in Federal funds to Maine Agricultural Research Station. Cut represents about 7% of total budget.
Cooperative Extension Service, No. 10.500	$1,160,000	$8,900P	$82,800R		Supports educational programs in agricultural production and marketing, rural development, home economics and youth development.
Water Resources Research, No. 15.951	$140,000	$40,000P	$40,000R		Loss of research funds to Water Resources Center at University of Maine, Orono.
DEPARTMENT OF EDUCATION					
Elementary/Secondary Education Act: Educationally Deprived Children State Administration (Title 1 ESEA—State Administration) No. 13.430.	$150,000		$150,000T		Eliminates 11 administrative people who approve, monitor and evaluate programs involving $6,500,000 allocated to local school systems involving approximately 80,000 disadvantaged children.
School Library Resources, Textbooks and Other Instructional Materials (Library Resources) No. 13.480.	$432,000		$432,000T		Eliminates 2 administrative people who procure and account for $382,000 in materials purchased to upgrade some 950 school libraries. Provides books.
Strengthening State Departments of Education—Grants to States, No. 13.486.	$443,000		$443,000T		Eliminates 30 specialists filling positions specifically designed to originate, implement, monitor, alter and modify techniques and procedures which will improve educational services at all levels.
Public Library Services: Library Services—Grants for Public Libraries (LSCA—Title 1) No. 13.464; Interlibrary Cooperation (LSCA-Title III) No. 13.465.	$930,000		$930,000T		Eliminates 29 full-time and 10 part-time employees who administer, supervise and evaluate services to public libraries and who provide program services to public school children.
Aid to Impacted Areas: PL 874 School Assistance in Federally Affected Areas—Maintenance and Operation (Impact Aid) No. 13.478.	$3,500,000	INA	1,400,500R		Reduction starts July 1, 1973. Eliminates funding for students who live off federal property. Subsidy represented ½ regular off-base per student education cost in that local area.
Neighborhood Youth Corps (NYC) No. 17.222	$2,000,000	$200,000P	$200,000T	June 30, 1973	Presently 840 enrollees working in 113 local projects. Work time cut from 15 weeks each to 5 weeks. Local project directors no longer receiving pay. Summer program enrolls 3,800 students in jobs. Program terminating.
Drug Abuse Prevention, No. 13.420	$23,200		T		Programs in Drug Abuse Education to public schools will be terminated.
Follow Through, No. 13.433	$7,230		$5,000T		The program is being terminated by not allowing any new classes to start.
ENVIRONMENTAL QUALITY					
DEPARTMENT OF ENVIRONMENTAL PROTECTION					
Construction grants for sewage treatment plants, No. 66.400.	$48,300,000	$29,000,000P	$29,000,000P		44 municipal sewage projects required by state law to be under construction by Oct. 1, 1973 will not be started. Major population centers of Portland and Bangor are affected. Total construction work will be $64.5 million instead of $142.4 million under full funding, or a loss of $77.9 million in construction work.
FARMERS HOME ADMINISTRATION					
Water and Waste Disposal Systems for Rural Communities, No. 10.418.	$1,000,000	$490,000PF	$1,000,000TS		Sewer grant applications from 26 communities rejected.
HUD Water and Sewer Grants, No. 14.301	$2,000,000	$1,200,000F	$2,000,000TS		Funded 1 project in FY 73 before moratorium (Bangor $750,000) and six applications were pending including one from Old Orchard Beach for $1,253,000 which would have qualified for funding. Others—Lewiston $89,500, Lisbon $46,500, Auburn $750,000, Waterville $366,500—might have qualified. In FY 72 funded 3 projects for total of $1,180,000.

STATE OF MAINE—2D SURVEY—Continued

HEALTH

[Legend: T—program terminated as of June 30, 1973; TS—T above and proposed for special revenue sharing; F—frozen as of January 1973; R—reduction, program continues; P—impoundment; INA—information not available]

Program affected	Anticipated funding level, fiscal year 1973	Impact of Federal impoundments, proposed budget reductions and terminations: Estimated dollar loss, Fiscal year 1973	Estimated dollar loss, Fiscal year 1974	Action date	Who/what is affected?
Regional Medical Programs, No. 13.249	$2,000,000	$1,200,000P	$2,000,000T		33 activities contribute to the financial support of: 100 Allied Health Personnel, 109 Nurses, 109 Physicians. Improvement in Health Care Delivery—1972: 2,316 Health providers received training to improve their skills affecting 592,000 Maine residents. 596 New types of health personnel have been trained affecting 342,000 Maine residents. 400 Rural low income children in York County have received medical care for the first time. 900 Nurses and 350 physicians have been trained in coronary care affecting 48 Maine hospitals. Health care system for Stonington an adjacent area affecting 4,000 people. Note: These figures include loss of approximately $628,000 in specific projects for the University of Maine.
DEPARTMENT OF HEALTH AND WELFARE					
Health Facilities Construction Program (Hill-Burton Hospital Construction), No. 13.220.	$5,000,000		$5,000,000	T	Approximately 25% of population currently served by outmoded or poorly distributed hospital beds—primarily rural areas.
Emergency Moedical Services Program, No. 13.249	$200,000		$165,000	R	Moneys may be in another part of Federal Budget but, if so, no one (including Washington) knows where. If out training programs for about 5,000 emergency health service personnel will be curtailed.
Family Planning Projects, No. 13.217, also Family Planning, No. 49.006.	$600,000		$300,000	R	The $300,000 loss is a probable net loss of service moneys due to HEW being required to assume costs of family planning programs previously funded thru OEO without appropriate increase in HEW funding. Approximately 10,000 women are potentially affected.
Disease Control—Venereal Disease, No. 13.205	$126,000		$18,000	R	Approximately 1,000 persons at risk of getting V.D. (estimate).
Communicable Disease Control, No. 13.268	$130,000		$18,000	R	Approximately 10,000 children needing immunization (estimate).
COMMUNITY MENTAL HEALTH CENTERS, NO. 13.240					
Bath-Brunswick M.H. Center: Community MH Staffing Program.	None	$400,621R	$400,621R		Inpatient, outpatient care, mental health education and consultation. This 8-year grant would have totaled $2,749 ,831 services for Bath-Brunswick area.
Mid-Coast MH Center: Community MH Staffing Program	None	$404,673R	$404,673R		Inpatient, outpatient care, mental health education and consultation for Rockland area.
Community MH Construction	None	$100,000R	T		This 8-year grant would have totaled $2,787,470. Construction grant approval cancelled.
Mental Health—Hospital Improvement Grants (HIP), No. 13.237: Augusta State Hospital.	None	$94,264R	INA		Academic program for young patients whose education was interrupted by mental illness. Program was approued, then cut before implementation.
Rehabilitation Services and Facilities—Basic Support, No. 12.746.	$2,719,500	$374,300R	$374,300R		General restructuring and improvement of all bureau services and programs. Costs would include evaluation of effectiveness, efficiency, and productivity. Additional direct service support to various subprograms will also be affected.
		None	$368,000R		Approximately 1,000 disabled people will be denied service under the ongoing basic rehabilitation service program.
					NEW PROJECTS PLANNED—NOW DEAD
		None			Renovation and expansion of a facility which provides rehabilitative programs for blind and visually handicapped people will not take place. This facility serves 100 people per year. $65,500.
		None			A facility at a major medical center which would provide rehabilitation services to severely disabled people will not be established. Sixty (60) people per year will be affected. $169,500.
		None			A unit which would rehabilitate deaf people will not be established. Approximately 100 people per year will be affected. $128,200.
		None			Two units to rehabilitate handicapped youth will not be established. These units would serve approximately 200 handicapped youth per year. $143,800.
		None			2 rehabilitation units in the State hospitals will not be established. These units would serve approximately 200 mentally ill people per year. $120,000.
		None			Expansion of the core Rehabilitation Program will not take place. Approximately 2,000 physically and mentally handicapped people will not receive rehabilitation services. $736,000.
Rehabilitation Services and Facilities—Special Projects (Rehabilitation Services Projects) No. 13.763.	$101,800	$30,430T	$39,700T		A Master's Degree Training Program will not be established. Rehabilitation manpower will not receive intensive academic training and will, therefore, not be as effective or efficient as could be. The flow of trained manpower will be curtailed. In-service and academic training will be cut in half. Workshops, seminars, academic course work, staff upgrading and publications will weaken the effectiveness of rehabilitation workers.
		$7,500R	$16,000R		The existing project to rehabilitate public assistance recipients will have to cut service. The cost of goods and services rising without funds to accommodate them will cut services to approximately 60 people.
					NEW PROJECTS PLANNED—NOW DEAD
		None			2 project programs designed to rehabilitate public assistance recipients into employment will not be established. Approximately 800 disabled people will not receive rehabilitation services. $320,000.
		None			Planning and coordination of services to the spinal cord injured and wheelchair confined will not be developed. Indirectly, approximately 500 such people will be affected. $27,000.

STATE OF MAINE—2D SURVEY—Continued

HOUSING—Continued

[Legend: T—program terminated as of June 30, 1973; TS—T above and proposed for special revenue sharing; F—frozen as of January 1973; R—reduction, program continues; P—impoundment; INA—information not available]

Program affected	Impact of Federal impoundments, proposed budget reductions and terminations				
	Anticipated funding level, fiscal year 1973	Estimated dollar loss		Action date	Who/what is affected?
		Fiscal year 1973	Fiscal year 1974		
MAINE HOUSING AUTHORITY					
Interest Subsidy—Homes for Lower Income Families, No. 14.105 (Sec. 235, HUD).	$845,000	$600,000P	$845,000P	T July 1, 1973	Expect over 900 new mortgages to be refused. This money subsidizes the interest portion of home mortgage payments—the amount of subsidy depending on mortgagee's income. Outstanding mortgages not affected. (Contract is between bank and individual.) (Bank then received interest subsidy from Federal Government—HUD.)
Interest Reduction Payments—Rentals and Cooperative Housing for Lower Income Families, No. 14.103 (Sec. 236, HUD).	$375,000	$250,000P	$375,000P	T July 1, 1974	Prohibit construction of 400 apartment units. This money subsidizes interest payments to the developer. Current mortgages not affected. Contract is between sponsor and bank while subsidy is from Federal Government.
Public Housing—Acquisition (With or Without Rehabilitation) and Construction, No. 14.146; Public Housing—Homeownership for Low-Income Families (Turnkey III, Mutual Help for Indians), No. 14.147 (total amount activity including construction, subsidy, new commitments).	$14,000,000	$10,000,000P	$14,000,000P	T July 1, 1974	Includes direct grants for new construction or rehabilitation. Would eliminate construction of 600 apartment units per year.
Public Housing—Leased, No. 14.148 (Sec. 23)	$3,000,000 in new construction; $720,000 in subsidy.		$3,000,000 in new construction $720,000 in subsidy.T	T July 1, 1974	Prompt action by HUD (Manchester) saved 320 new units, FY 73 representing full expected allotment.
Urban Renewal Projects, No. 14.307	Modest		Unknown.T	July 1, 1974	There are 16 projects in Maine. All have received their basic grants but chance for supplemental funds lost.
Neighborhood Development, "NDP", No. 14.306	$2,300,000	$400,000	$1,900,000	July 1, 1974	A multiyear program, just underway. 4 Maine projects; Lewiston, Portland, Bangor, Waterville. Will be wound up by July 1, 1974.
Code Enforcement Grants, No. 14,309	$821,000	$821,000	$821,000T	T FY 1974	Project Grants for rehabilitation of private homes. Administered by muncipal agencies.
Housing Rehabilitation Grants, No. 14.308	428,000	0	428,000T	T FY 1974	Grants and loans for rehabilitation of private homes. Administered by the Urban Renewal Agencies.
*Present funding levels are based on 1972 expenditures.					Note: Of the 6169 housing starts in 1972, 3164 were subsidized. Estimate housing starts to reduce to 3000 for 1973 as result of Federal change in support.
FARMERS HOME ADMINISTRATION					
Low to Moderate Income Housing Loans (Rural Housing Loans), No. 10.410.	$50,000,000 total loans.	$7,000,000 in subsidized loans; $3,500,000 in construction.	$30,000,000T in subsidized loans; $15,000,000 in construction.		Puts program out of reach of many low income families by terminating low interest availability as of January 1973. About 1,200 families would have used low interest feature in FY 73 for home purchases.
		$500,000 in interest subsidy.	$2,500,000 in interest subsidy.		About 50% of FMHA loan volume is new construction. About 70% of loan volume is with interest subsidy for low income borrowers.
Emergency Loans, No. 10.404		INA	INA/R		The $5,000 forgiveness clause has been eliminated. Interest rate boosted from 1% to 5%.
Open Space Land Programs, No. 14.303 (Grants for Land Acquisition and development).	$500,000	$150,000F	$200,000 minimum.	T July 1, 1974	5 Maine communities. Urban improvement—parks, etc.
Neighborhood Facilities Grants, No. 14.302 (Construction grants for Community Centers of various kinds).	$1,000,000	?F	$500,000 minimum.	T July 1, 1974	4 Maine communities.
MANPOWER					
DEPARTMENT OF MANPOWER AFFAIRS					
MDTA Institutional Training No. 17.215	$981,000	$173,000	INA*		Disadvantaged unskilled individuals needing skill training. Approximately 300 program participants affected for fiscal year 1973. Potential fiscal year 1974 effect unknown.
Unemployment Insurance—Grants to States No. 17.225	$56,000	$42,000	INA*		May require redirection of staff within department from support functions and services to payment effort for U.I. claimants.
Operation Mainstream No. 17.223		$45,000			Number of individuals affected not known. 3 projects at $15,000 each.
Employment Service No. 17.207			INA		Potential staff reductions. If actual will result in decrease in support services in areas other than direct applicant/employee services and placement functions.
Public Employment Program No. 17.229. (Also called EEA).	$6,896,736	None	$3,650,000	T FY 1974	Actual funding in fiscal year 1973 represented a rate of 25% less than fiscal year 1972. Complete phase-out during 1974. Jobs established in fiscal year 1972=1,511. 25% reduction in fiscal year 1973=444. To be phased out in fiscal year 1973-74=1,067.
Concentration Employment Program No. 17.204	$2,057,000	$206,000P			Reduction of 30 jobs and 115 training slots for Maine CEP. Curtailment of New Careers and elimination of Mainstream.
DEPARTMENT OF COMMERCE & INDUSTRY					
Community Development Training Grants (Title VIII) No. 14.202.	$30,811	$10,000P	$30,000T	Jan. 1, 1973	Program trains municipal officials in various aspects of community development.
State and Private Forestry Cooperation (Cooperative Forestry) No. 10.650.	$507,000	$104,100PR	$104,000R		These Forest Fire Prevention costs must be covered by state funds.
Outdoor Recreation: Land Acquisition and Development (Land and Water Conservation Fund) No. 15.400.	$2,000,000		$1,500,000R		Cuts in state capability to increase public recreational opportunities.

*Funding levels for fiscal year 1974 are not known at present pending approval of budget for fiscal year 1974. All Manpower Training moneys are in question at present for Jobs Optional (JOP), MDAT, JOBS–NABS.

STATE OF MAINE—2D SURVEY—Continued

SOCIAL SERVICES

[Legend: T—program terminated as of June 30, 1973; TS—T above and proposed for special revenue sharing; F—frozen as of January 1973; R—reduction, program continues; P—impoundment; INA—information not available]

Program affected	Impact of Federal impoundments, proposed budget reductions and terminations				
	Anticipated funding level, fiscal year 1973	Estimated dollar loss		Action date	Who/what is affected?
		Fiscal year 1973	Fiscal year 1974		
City of Portland: Community Development, Model Cities No. 14.300.	$1,800,000	None	$1,200,000	June 30, 1974 TS	13,000 people in Portland benefit directly or indirectly from services delivered to "inner city" section where bulk of low income residents live. 450 persons are employed to operate about 35 services. The MC grant generates additional $3.8 m. in matching funds or private donations to these programs for total annual impact of $5.6 m. spent for people needs. $1.7 m. of the generated money comes from private sources that have become ineligible under new H.E.W. FR guidelines published February 16, 1973.
City of Lewiston: Community Development, Model Cities No. 14.300.	$2,000,000	None	$1,400,000 Note: The MC program ends 12 months sooner than Federal G. had promised. Thus, city loses $2.0 m. it had planned for fiscal year 1975.	June 30, 1974 TS	14,000 people live in Lewiston and benefit directly or indirectly from services to lowest income neighborhoods. 300 people are employed to operate 28 services. The MC grant generated an additional $1.3 m. in matching funds or private donations to these programs for total annual impact of $3.3 m. spent on people needs. There is no special breakdown on private contributions. Note: Services include: 1. Child care 2. Food and services to elderly 3. Recreation programs and facilities 4. Education for special students and new facilities. 5. Law Enforcement aides. 6. Housing services.
Social Security IV-A, 16 and Related Services: No. 13,754. Daycare, and other social services to Aged, Blind, Disabled, AFDC (Past, Potential, Present).	$12,000,000	$1,800,000 PR	$3,800,000 PR	March 1, 1973	Services will be terminated or reduced to 39,000 people in the last quarter of FY 73 and an additional 34,000 during FY 74. Reductions will be caused pursuant to new regulations which eliminate groups from eligibility who previously were eligible, and which prohibits use of private funds as "seed" dollars for Federal matching.
Office of Economic Opportunity: Community Action No .49,002.	$2,334,000		$2,334,000+ TS		Community Action Agencies are the major social service and delivery system serving rural Maine and Maine low-income people. Through Community Action Agencies efforts, additional funds both Federal and non-OEO and State and local monies have been mobilized. (Result in approximately $5,000,000+ additional dollars.) This total program effort is dependent on the existence of Community Action Agencies. If the agencies are eliminated then the following program will be eliminated: 1. Community Outreach—Provide information and referral services and crisis support to approximately 150,000 people. 2. Children's Services—(Head Start)—Provide educational, health and other support to approximately 2,700 low-income children. 3. Community Health Services—Provides various kinds of services including dental, immunization clinics for children, lead posioning screenings and transportation to clinics for approximately 8,500 people. 4. Economic Development—Has created opportunities for supplementary income for Maine citizens, particularly senior citizens and rural both serving approximately 1,900 people. 5. Family Planning Services—Serving approximately 12,000 women. 6. Housing Services—Includes house outreach, location of emergency housing, house counseling, home rehabilitation programs and house construction. Serving approximately 3,000 families. 7. Job Placement and Job Counseling Services—Presently serving approximately 1,000 people. 8. Nutritional Programs—Provides educational and administrative support for donated food programs. Affecting approximately 64,000 people. 9. Senior Citizen Programs—Provides such services as hot meals, recreation outreach, part-time employment affecting approximately 20,000 senior citizens. 10. Youth Programs—Provides for various youth activities and job programs for youths. Serving approximately 500 people. In addition, Community Action Agencies generate a total annual payroll of $4,500,000 employing approximately 1,000 people of which 60% are from the low-income sector. The State OEO offices which provide technical assistance for the functions is terminated as of June 30, 1973.
Pine Tree Legal Services	$506,000		Unknown		Same level proposed by new legal corporation but continued 6 months at a time.
Health Service Demonstration Project: Rural Health Associates, Farmington, Maine, Franklin County.	$1,000,000		Unknown	Unknown	Grant pending to HSMS, Dept. HEW. ($1,008,000). If grant not funded— 800 low income families, 600 low income single persons will lose all medical benefits (since package includes all needed inpatient & outpatient health svcs.). Additional 600 families, 80 single persons will lose partial benefits. (These needed medical services not offered in the gov't package in Medicaid programs under which they are covered.
Penbay Medical Center, Rockport, Maine	$912,000		Unknown	Unknown	Grant pending to HSMS, Dept. of HEW for $1,037,000— If not funded, 4,000 persons will lose all medical benefits offered in the grant-transfer to RHS Svcs. package—additional 1,500 persons will lose partial benefits.

STATE OF MAINE—2D SURVEY—Continued

SOCIAL SERVICES—Continued

[Legend: T—program terminated as of June 30, 1973; TS—T above and proposed for special revenue sharing; F—frozen as of January 1973; R—reduction, program continues; P—impoundment; INA—information not available]

Program affected	Impact of Federal impoundments, proposed budget reductions and terminations				
	Anticipated funding level, fiscal year 1973	Estimated dollar loss		Action date	Who what is affected?
		Fiscal year 1973	Fiscal year 1974		
No. 13.754 Public Assistance—Social Services:					
Bath Regional Association for Retarded Children (awaiting funding).	$43,242*	$21,621	$86,484	T Mar. 1, 1973	Day care and socialization for 30 retarded children.
Bureau of Human Relations	$44,332*	$22,166	$88,664	T Mar. 1, 1973	Day care and socialization for 60 children, 18 of whom are retarded.
Camp Waban	$61,333*	$30,000	$122,666	T Mar. 1, 1973	Day care, socialization and respite care for 25 retarded children and adults.
Abilities and Goodwill	$53,332*	$22,000	$106,662	T Mar. 1, 1973	Day care and socialization for 40 adult retarded.
Friends of the Retarded	$22,000*	$11,000	$44,000	T Mar. 1, 1973	Day care and socialization activities for 35 adult retarded.
Bureau of Human Relations	$133,000*	$66,500	$266,000	T Mar. 1, 1973	Homemaker service for 20 families of retarded plus other families.
Handicaps, Inc	$38,000	$19,000	$38,000	T Mar. 1, 1973	Adult day care and socialization for 27 mentally retarded, cerebral palsied and epileptic.
Lewiston-Auburn Association for the Retarded	$30,000	$30,000	$60,000	T Mar. 1, 1973	Pending Approval: Day care and socialization for 15 mentally retarded, cerebral palsied, and epileptic.
					Proposed: (Not to be funded due to changes in regulations)
Oxford County Association for Retarded Children					Day care and socialization for 20 mentally retarded, cerebral palsied and epileptic ($45,000).
Franklin County Association for Retarded Children					Day care and socialization for 5 mentally retarded, cerebral palsied, and epileptic ($10,000).
Kennebec Valley Mental Health	$56,000	?	$56,000	T Mar. 1, 1973	Socialization, information and referral and linking services for the retarded and their families in the area.
					Pending Approval:
Kennebec Valley			$50,000		Day care and socialization for adult retarded.
Kennebec Valley			$9,400		Day care, socialization and recreational activities for retarded children and adults.
Hilltop School for the Retarded	$2,400	$2,400	$6,800		Day care and socialization for retarded children.
	$38,000	$38,000	$76,000		Day care and respite care for retarded adults.
Lorna C. Dill Activities Center	$32,000	$32,000	$64,000		Day care and socialization for retarded adults.
Bangor Day Activities Center	$34,000	$17,000	$34,000	T Mar. 1, 1973	Day care and socialization for retarded cerebral palsied and epileptic.
Eastern Maine Friends of the Retarded	$74,000	$74,000	$148,000		Adult day care and socialization for 64 retarded, cerebral palsied, and epileptic.
					Proposed:
Kathadin Friends of the Retarded					Day care and socialization for 17 retarded adults ($24,000).
Washington County Associates for Retarded children					Day care for 16 retarded adults ($32,000).
The Counseling Center					Day care for 20 retarded adults ($50,000).
DEPARTMENT OF TRANSPORTATION					
Federal Aid Highway Program No. 20.205	$26,600,000	$5,600,000P	Unknown*		*1973 Federal Aid Highway Program currently pending Congressional action. Federal funds are currently being withheld from the Maine Department of Transportation in the amount of approximately $5.6 million. This represents the difference between the 1973 apportionments of Federal funds made to the State of Maine, and the obligational authority established by the Secretary of Transportation. The continuing uncertainty of the availability of Federal funds creates considerable difficulty in providing effective scheduling of proposed projects.

*These are only January–June figures. Fiscal year 1974 estimated dollar loss represents a 12-month program.

NATIONAL SOCIAL SECURITY COMMISSION

Mr. TOWER. Mr. President, I am pleased to cosponsor at this time, Senate Joint Resolution 48 which would establish a permanent and independent National Social Security Commission. This resolution was introduced earlier in the session by Senator FONG and Senator FANNIN. I would like to commend them for their foresight in advancing this proposal.

The resolution would establish a nine-member Commission that would operate independently of the Social Security Administration and the Department of Health, Education, and Welfare. Five members, including the Chairman of the Commission, would be appointed by the President with the advice and consent of the Senate and two each by the President pro tempore of the Senate and the Speaker of the House. The appointments would be made on a bipartisan basis. The Commission would be composed of men and women who have distinguished themselves in a number of disciplines ranging from economics to gerontology.

The need for this Commission seems obvious to me. While the Department of Health, Education, and Welfare; the Advisory Council on Social Security; and the Congress, particularly the House Ways and Means Committee and the Senate Finance Committee, have worked effectively and cooperatively in building the social security program, there is an urgent need for a permanent research and advisory body that would serve as a keystone in assisting the executive and legislative branches in developing a more cohesive program and also better take into consideration the various effects which the Social Security System has on other aspects of our society. Since the Social Security Act was enacted in the mid-1930's, it has grown tremendously to the point today whereby nearly every American is affected by it in one way or another. No less than 90 percent of the American people are today covered under social security.

While every legislator in Congress supports a strong and healthy social security program, a number of difficult questions have emerged in recent years that concern the heart of the program. These include the actuarial method of financing the program so as to maximize benefits to as large a segment of the population as possible and the increasing cost through the payroll deduction of the program to lower and middle income Americans, employers and employees alike. Additionally, many questions and some problems have surfaced relating to medicare and medicaid, programs authorized by the Social Security Act.

Every day bills are introduced in the Congress that would amend the Social Security Act so as to expand benefits and

eligibility in a way that the particular legislator believes is necessary to improve the system. For instance, for many years I have introduced legislation to allow social security recipients to earn more money without having reductions in social security benefits. Progress was made in this area through the passage of H.R. 1, but further improvement needs to be made in this Congress. This subject and many others deserve more indepth study and attention. The Congress must be able to legislate the social security program in a way that recognizes the costs and benefits of various proposals on a long range basis.

The proposed National Social Security Commission would be able and equipped to provide these services. Operating independently from existing institutions, it would be able to act in the role of an ombudsman in behalf of all of the American people.

Today, payments under social security, including medicare, exceed $60 billion a year. This represents the largest single Federal Government program in operation. Such a system demands more than a part-time advisory council that is authorized to meet only on an infrequent basis.

As stated previously, the Social Security System continues to benefit millions of Americans. At the same time, it is evident that further improvement could be realized so as to make it more equitable for participants and potential participants. Furthermore, medicare, while providing necessary health benefits to its participants, has had a deleterious effect on many hospitals, particularly those in rural parts of the country. The difficulties which these hospitals have had with medicare has forced them to rearrange their services to their communities. This is the type of problem that I would expect a National Social Security Commission to analyze and then to put forth substantive recommendations in order to remedy the problem.

Mr. President, I believe strongly in the desirability of this Commission. This is despite the fact that there are already too many Government-funded commissions that when taken together achieve very little at a major cost to the American taxpayer. Yet a permanent commission offering full-time analysis of social security must be distinguished from most of these other commissions that tend to meet sparingly and are authorized only to consider narrow subject areas. A National Social Security Commission, as envisioned by Senate Joint Resolution 48, would be geared to providing a sense of direction in terms of management, economic, and fiscal responsibility, social goals for the Social Security System on both a short-range and long-range basis. This is essential if social security is to be the ongoing success that we all want it to be. I, therefore, urge my colleagues to give Senate Joint Resolution 48 their careful consideration because it is a positive proposal that can potentially benefit all Americans.

A CHRONOLOGY OF WRONGDOING

Mr. CHURCH. Mr. President, no wonder there is a breakdown of respect for authority in this country. Just look at the chronology of "incidents" involving high officials of Government and business in wrongdoing.

I ask unanimous consent that "A Chronology" by Joseph C. Harsch that appeared in the April 10 Christian Science Monitor be printed here in the RECORD.

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

A CHRONOLOGY

(By Joseph C. Harsch)

Having failed to find an easy reference source on the various incidents lumped together these days under the broad label of "Watergate" we went to the back files and put together for future use the following:

1970. July through September. Harold Geneen, board chairman of International Telephone & Telegraph, offered company funds to the U.S. Central Intelligence Agency to help prevent the election of Salvador Allende Gossens to the presidency of Chile. After Allende's election on September 4, Mr. Geneen made a specific offer of $1 million to the CIA to support a coalition against Mr. Allende.

1971. March 12. Secretary of Agriculture Clifford M. Hardin refused to raise the federal milk price support level.

March 23. Dairymen visited the President.

March 24. Dairymen contributed $25,000 to the Nixon election campaign fund.

March 25. Secretary Hardin raised the milk price support level. The cost to the milk consumer was estimated at $500 to $700 million.

July 23. The Republican National Committee picked San Diego for its 1972 convention. Agreement was reached with the city after ITT had underwritten $400,000 of the cost. The deal later fell through.

July 31. An antitrust suit against ITT was settled out of court. In the settlement the Department of Justice withdrew its demand for a separation of Hartford Fire Insurance Co. from ITT. It has been charged, and denied, that John Mitchell intervened on behalf of ITT.

1971. March. Maurice Stans, chief fund raiser for the Nixon re-election campaign, raised $10 million in secret funds to beat the April 7 disclosure deadline.

April 7. New law in force requiring disclosure of all amounts of over $100 with names of donors.

April 10. A then undisclosed contribution of $200,000 in cash was handed to Mr. Stans in the Nixon campaign office in Washington by Harry L. Sears, Nixon fund raiser for New Jersey, and Laurence B. Richardson Jr., former president of International Controls Corp., whose principal owner, Robert L. Vesco, was a fugitive from the United States. Five months earlier Mr. Vesco was released from a Swiss jail on bail the day after a telephone call from Mr. Mitchell to the American Embassy in Bern.

1972. June 17. Five employees of the Nixon campaign committee were caught and arrested inside the offices of the Democratic National Committee in the Watergate Apartments in Washington. All have since been found guilty in court of breaking, entering, stealing, and eavesdropping..

1973. January 31. Campaign fund reports showed that Nixon fund raisers had collected about $50 million during 1972. This was the largest political campaign chest ever raised in American history. A credit balance of $3.5 million remained at the beginning of the new year.

February 27. The Nixon campaign committee disclosed that it had returned to Robert Vesco $200,000 received from him in cash on April 10, and also another $50,000 received earlier.

Footnote. Pay to the Watergate burglars came from the same safe into which the Vesco contributions were put. President Nixon's brother Edward helped to arrange the Vesco contributions.

ACCOMPLISHMENTS OF SOUTH CAROLINA'S SOIL AND WATER CONSERVATION DISTRICTS

Mr. THURMOND. Mr. President, today, much of what we hear and read is about the environment and what is wrong with it. Many groups and individuals have come forward in recent years to proclaim that they have all the answers.

In South Carolina, there is a group that has been concerned about the environment for more than 35 years and is continuing to do a tremendous job of improving it by conserving and developing wisely our soil, water, and related natural resources. I speak of the 45 soil and water conservation districts.

I feel that I can speak with some authority since I was author of the legislation creating soil and water conservation districts when I was a member of the South Carolina General Assembly back in 1937. Gov. Olin D. Johnston signed this legislation April 17, 1937. Immediately local leadership began to prepare the referendums necessary to create soil and water conservation districts. Our first district was chartered in September 1937, and by August 10, 1943, the entire State of South Carolina was covered by soil and water conservation districts. South Carolina was the second State in the Nation to achieve complete coverage.

Districts are locally organized and locally governed. Each district is governed by a board of commissioners, consisting of five members. Three are elected by the voters of the district and two are appointed by the State Soil and Water Committee. The 225 district commissioners governing the 45 districts in South Carolina serve without pay. They serve, because they are unselfish people dedicated to conserving and using wisely our soil and water resources for a better America.

Mr. President, some of the finest people I have ever known are serving or have served as soil conservation district commissioners. There is no organization that includes more loyal, capable, and dedicated leaders than the conservation districts in my State. I would be amiss if I did not mention two of my friends, and South Carolina's friends, the late Dr. Joe Douthit and E. C. McArthur. These men not only provided leadership to conservation districts in South Carolina, but to the Nation as well. Dr. Douthit served as a district commissioner from 1937 until his death in 1973, longer than any other man in the United States has served in this capacity. The late E. C. McArthur, of Gaffney, S.C. provided the vision and leadership that resulted in the formation of the National Association of Conservation Districts, and he served as its first president.

Districts are charged by State law to develop and implement programs that will conserve the soil and water resources of our State. They have done an outstanding job in carrying out this respon-

sibility. This is evidenced by the more than 46,000 landowners who are cooperating with districts in planning and applying conservation measures on their land.

Districts seek and receive assistance from many Federal and State agencies to help their cooperating landowners implement conservation work. However, the bulk of the technical assistance they receive in planning and applying conservation work comes from the Soil and Conservation Service within the Department of Agriculture.

All of our 45 districts in South Carolina have a memorandum of understanding with the Secretary of Agriculture which provides a basis for SCS assistance.

Mr. President, now I want to mention just a few things our districts have done in soil conservation that has made our State a better place in which to live—better from an environmental and economic standpoint. Districts have sponsored 55 watershed protection and flood prevention projects in my State. Forty-six of these have received planning assistance, 33 projects have been authorized for construction, and 11 projects have been completed. The SCS has assisted districts plan and carry out these projects under the authority of the Watershed Protection and Flood Prevention Act, Public Law 566.

In addition to flood protection, watershed projects have provided sources of water for municipal, recreational, fish and wildlife, and agricultural uses. I would like to cite just one example of the benefit of a watershed project: During a single rainstorm near Dillon, S.C., in 1969, the flood protection given by the Maple Swamp watershed project provided benefits that exceeded the total construction cost of the project.

Soil and water conservation districts have also sponsored four resource conservation and development projects that cover 22 of our 46 counties. These projects have had a significant impact in improving the quality of life for the people of South Carolina.

Mr. President, you would have had to see the red, eroding, gullied hillsides of South Carolina back in the 1930's to fully appreciate the impact soil and water conservation districts have had in our State. Today, most of these ugly scars have been covered with grass and pine trees.

Districts, in cooperation with SCS, have helped landowners to build more than 34,000 miles of terraces to prevent erosion and conserve water. More than 1 million acres have been planted to pasture and hay crops, and about another 1 million acres have been planted in trees. There are more than 37,000 farm ponds and lakes dotting South Carolina's landscape that provide water for livestock, irrigation, fish and wildlife, recreation, rural fire protection, and other beneficial uses. They also add to the beauty of the countryside.

Mr. President, I could list many other accomplishments of the soil and water conservation districts in my State and around the Nation, but time will not permit. It has been a privilege to share with this distinguished group some of the things soil and water conservation districts in my State have done to make South Carolina a better place in which to live. I salute the 45 soil and water conservation districts in South Carolina and the more than 3,000 districts across the Nation for what they have done to make this a better America.

A NEW SECRECY ACT?

Mr. BIDEN. Mr. President, in recent weeks, there has been much discussion on some not-so-well-known aspects of the Nixon administration's proposed revisions to the Federal Criminal Code which would make it a felony to disclose or receive almost any defense or foreign policy information.

The daily News-Journal newspapers of Wilmington, Del., have recently published two editorials on the content of those provisions and the present system of classifying official documents.

Both editorials read, in part:

> The fact that information was classified in error or frivolously, or without reasonable grounds, would be no defense for the reporter or the government source. . . . If these laws were really necessary, really in the public interest, it would seem appropriate for them to be offered as what they are, a new secrecy act.

I ask unanimous consent to reprint these editorials in full at this point in my remarks.

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

RUBBER STAMP IN IRON FIST

About a month ago, President Nixon sent to Congress a draft of a new federal criminal code, generally considered a necessary updating of the criminal law. What attention it got was concentrated mainly on the President's recommendations for revival of the death penalty and stiff mandatory sentences for some offenses.

Just 10 days ago, Sen. Edmund S. Muskie, speaking at Frostburg State College, made reference to a system of censorship set up by the proposed code which he compared, unfavorably, with the British Official Secrets Act. The speech got only sketchy reporting nationally, but it was enough to get reporters to take another look at the 1,200-page criminal code, and what they found there, along with a better look at the Muskie speech, is nothing less than frightening.

In brief, the Administration is attempting to revise federal law to make it a crime—a felony punishable by imprisonment—to disclose any document or the information in any document which is "classified." The punishment would apply to any reporter, editor or publisher who received and wrote such information, or who received the information and did not publish it, any government employe who revealed such information, any government employe who knew of such revelation and did not turn in his colleague, and any reporter who received the information and did not reveal his source.

The fact that the information was classified in error, or frivolously, or without reasonable grounds, would be no defense for the reporter or the governmental source. Once the rubber stamp fell, that would be it: any revelation or discussion of such material would be automatic grounds for felony conviction, and penalties would run up to seven years in prison and fines of $50,000.

Now, just consider the scope of this proposal to make criminal what is not now criminal: Government files are estimated to contain 20 million documents which are classified, that is, stamped "confidential," "secret" or "top secret;" most of them are in the Defense Department, the State Department or the CIA, but they are scattered around other departments as well, and in the White House itself. No less than 20,000 officials and bureaucrats hold the rubber stamps, to be used at their discretion. Theoretically, classification is supposed to protect the national security; in practice, it is used for that—and for any other conceivable reason, including shielding government officials from embarrassment, the results of bad judgment and even the consequences of wrong-doing. Some classification defies any explanation at all, and some classified documents go back so far—30 years or more—that the reasons have been forgotten.

Sen. Muskie says that applying criminal sanctions to violations of this creaky classification system would "establish in peacetime a system of government censorship that a democracy could hardly tolerate in time of war." Its results would be to virtually shut down all investigative reporting in Washington—and at a time when efforts are being made to make government more open and to protect news media from growing governmental harassment.

Whether or not these proposals for heavier penalties for the violation of governmental secrecy should even be considered, they certainly cannot be based on the present classification system. The government certainly has a right to protect the national security, and to enforce vital security most strictly. But it should clean up and tighten up its classification system and confine it to matters of true national security before going on to stricter enforcement.

NEW LAWS ON SECRECY

Buried in the fine print of a lengthy, proposed revision of the Federal Criminal Code are several provisions that add up to an American version of the "official secrets act"—laws that are far stronger than even those emergency measures adopted during World Wars I and II.

The laws, now before Congress, would make it a felony for a government official to disclose almost any defense or foreign policy information, whether or not that disclosure endangered national security

It would make it a felony for a reporter to receive such information, whether or not it was published.

It would make it a felony for a reporter receiving such information to refuse to disclose his source.

It would make it a felony for another government official, knowing of such disclosure of information, to fail to report a co-worker's action in doing so.

The law sounds reasonable enough, since the obvious aim is to protect the security of such information as defense codes, our surveillance techniques, our atomic secrets, and plans which might aid our enemies But the law would penalize the disclosure of any classified information whether or not that information was crucial to the national security, whether or not that information should have ever been classified.

Classified information is anything that one of more than 20,000 government officials decides should be secret. No explanations, no justifications, are required.

It is a power that has often been abused. Official secrecy has been used to hide incompetence, conceal waste, cover up facts that might be embarrassing. The "Top Secret" stamp has been put on vital facts about government meat inspection programs, drug tests, import restrictions, and income tax rulings.

The official government investigation into the My Lai massacre is classified. So is information about cost over-runs in the Defense Department. So is other information that is vital to the public's understanding

and knowledge of exactly what its government is up to.

In other words, the new secrecy laws would create staggering penalties (three to seven years in jail, fines of $25,000 to $50,000) for the disclosure of information even when the information is totally misclassified, or classified only to prevent public knowledge of waste, error, dishonesty or corruption. They are not aimed at spies or the nation's enemies; the present laws are strict enough.

No law now gives the government such power to prosecute newsmen not only for revealing what they determine the public should know, but just for possessing information the government says they should not have.

It may well be that the public is tired of hearing, from the press, about freedom of the press. But such secrecy laws are not onerous merely because they may deny a reporter a front-page by-line, or a television network a hot item on the 6 o'clock news. The government is not attempting to keep information from reporters, but from the people.

The idea of a democracy is that the people decide what their government should be doing based on their knowledge of what is going on. Too often, the government has attempted to conceal information that would allow its citizens to act and vote intelligently. It is, to be blunt, an abuse of power.

These new laws in themselves are an example of what can happen. They are buried in a long and complex piece of legislation, a law which the Justice Department offered Congress as merely a modernization of the criminal code. The implications of these revisions were discovered by Sen. Edmund S. Muskie of Maine, who is working to defeat them.

If these laws were really necessary, really in the public interest, it would seem appropriate for them to be offered as what they are, a new secrecy act. It is foreboding that even the proposal of a secrecy act should be handled in such a covert manner.

REALINEMENT OF DEFENSE ACTIVITIES

Mr. THURMOND. Mr. President, yesterday, the President of the United States took a courageous step by ordering the realinement of defense activities in 32 of the 50 States.

Many in and out of Government have noted savings could be made in this area but just as many speculated that significant changes may not take place due to the political repercussions which would surely follow.

Great courage was required for the President to take this action as obviously the lives of many Government workers will be adversely affected. Also, the congressional reaction to date has been mixed. Everyone wants money saved, but naturally the Members are concerned when people and resources in their districts and States are reduced.

However, yesterday's action was justifiable in view of our reduced requirements resulting from the disengagement in Vietnam. It also recognizes the need to tighten our spending belt to the maximum consistent with maintenance of the defense necessary to deter any would-be aggressor.

Mr. President, this far-reaching realinement impacts on 274 installations in 32 States. It will result in a savings of $3.2 billion over the next 10 years. Further, these changes will reduce manpower requirements by 42,800 positions.

President Nixon is trying to save money everywhere, in defense and in domestic programs. Many have said no President would close a large number of military installations around the country. Many said the heat would be too great. However, President Nixon has done this, because he felt savings could be justified without imperiling our defense posture. This action is certainly a bold step for the President and I commend him for having the courage to take this initiative. His desire to save every dollar possible in defense should also be applied to other areas where 70 percent of the taxpayer's money is now being expended.

It was disturbing to me to hear remarks on the Senate floor yesterday that although nondefense spending is skyrocketing, even higher expenditures in this area are favored. These remarks revealed that the Appropriations Subcommittee on Labor, Health, Education, and Welfare expects to recommend $2.2 billion in excess of the President's budget for fiscal year 1974.

Mr. President, the Congress seems to be proceeding on the theory that now is the time to reverse priorities from defense to social programs. The Congress should not lose sight of the fact that President Nixon has already taken gigantic strides in this area.

It should be remembered that during President Nixon's first year in office, 44 cents of the Federal dollar went to defense and 34.4 cents for human needs. In the current budget 30.2 cents is going to defense and 47 cents to human needs. The President brought about this change despite his inheritance of a costly war in Indochina. He compiled this record of shifting money to human needs while at the same time gaining a peace in Vietnam with honor.

No one can claim that President Nixon has not reversed Federal spending from a wartime footing to one which recognizes our varied and legitimate domestic needs. Thus, I hope the Congress will proceed with care in further reducing the defense budget and putting additional billions in social programs.

It would appear to me that spending in many of these social programs could also be tightened in order that those truly in need would get greater benefits while at the same time waste in these areas might also be reduced.

In closing, I would ask unanimous consent that the Defense Department release announcing these defense installation changes be printed in the RECORD.

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

STATEMENT BY SECRETARY OF DEFENSE ELLIOT L. RICHARDSON ON BASE RELINEMENTS

Today I am announcing a significant facilities realignment, including 274 separate actions, which will affect Defense installations and activities in 32 states, the District of Columbia, and Puerto Rico, and which should bring about savings of $3.5 billion over the next decade. In addition, these actions will allow personnel reductions to help us meet our Fiscal Year 1974 budget, including elimination of some 42,800 positions of which 26,000 are civilian and 16,600 military.

These realignment actions are both timely and necessary. They are made possible in large part by the winding down of our involvement in Southeast Asia and by the consequent reduction in the size of our military forces and in the extent of our training needs. A concurrent and, in the long term even more important reason, is the urgent need to seek economies and efficiencies in order that scarce Defense resources can be devoted to high-priority areas such as research and development, readiness and modernization of forces, and maintenance of strategic sufficiency.

None of the actions in this package will be easy. I know they will cause difficulty for many of our people, and that they will have significant consequences for some communities which have long supported their military neighbors.

Under the Department of Defense Program for Stability of Civilian Employment, every effort will be made to assist displaced civilian employees in obtaining other acceptable employment. Transportation and moving expenses will be paid for career employees who will be relocated to other Defense activities. I have issued a freeze on most new-employee hiring for jobs within the Department of Defense as long as qualified displaced employees are available to fill those positions. Displaced employees will be registered in the Department of Defense Priority Placement Program for referral to other vacancies in the Department of Defense. They will also be eligible for the Civil Service Commission's Displaced Employees Program for referral and consideration in filling vacancies in other federal departments and agencies. In addition, I am writing heads of other government agencies and departments, asking them to give our displaced employees full consideration for employment in their organizations.

Close liaison will also be maintained by the Department of Defense civilian personnel offices with the Department of Labor, state employment offices and private industry to help employees desiring placement assistance or retraining for positions in the private sector. I have written the Secretary of Labor requesting his assistance in this crucial effort. Most career employees who do not elect to take other federal positions will be eligible for severance pay up to one year, based upon age and length of federal service, or for immediate retirement under one of the voluntary or involuntary options.

A memorandum detailing the rights and benefits of employees affected by these actions is included in the material you are receiving.

For those communities which may be affected, we will make available the full resources of the President's Economic Adjustment Committee. President Nixon established this committee, which I chair, in 1970, and it includes representation from 15 federal departments and agencies. Its purpose is to marshal the resources of the entire Federal Government to assist communities affected by Defense realignments.

The committee works with state and local governments and the private sector to help create new private-sector jobs to replace the Defense jobs that will be eliminated. Such economic adjustment efforts in the past have resulted in the creation of major new developments in such areas as industry, education, recreation, health and transportation.

Yesterday the President wrote me and the members of his Economic Adjustment Committee re-emphasizing the importance of this effort, directing certain steps to improve the committee's effectiveness, and instructing all members of the committee to give "their full energies in this vital effort." A copy of this correspondence is also in the material you are receiving.

Now, I would like to summarize the ac-

tions to be taken by the three Military Departments:

NAVY

Between Fiscal Year 1964 and Fiscal Year 1974, Naval forces will have been reduced from 917 *active fleet ships* and 5,014 aircraft to 523 ships and 3,956 aircraft. Comparable figures for *active major combat ships* are 407 in Fiscal Year 1964 and 253 in Fiscal Year 1974. Next Fiscal Year the fleet will include 15 aircraft carriers compared with 24 in Fiscal Year 1964. Nevertheless, unless substantial facility cutbacks are made, the Navy in Fiscal Year 1974 will have the same number of active ship homeport complexes, air stations, and air-rework facilities as it did in Fiscal Year 1964. In addition, it would have only one less Naval shipyard. Clearly, we have for a decade been treating shore installations differently than we have been the ships and aircraft they are designed to support.

Consequently, after two years of study and rigorous analysis of requirements, it has been decided that on the East Coast we must close the Newport, Rhode Island, and Key West, Florida, Naval Stations; the Quonset Point, Rhode Island, Naval Air Station, and the Boston Naval Shipyard. On the West Coast, we must close the Long Beach Naval Station and the Hunters Point Naval Shipyard, both in California. These are but the most salient steps in a wide-ranging Navy realignment package.

The Navy's choices were made after thorough and painstaking study of available options, with the role of the aircraft carrier in the modern Navy surface fleet a major factor. It is Navy policy, which I fully endorse, to maintain at least two homeports on each coast capable of servicing modern carriers. The reason for this is that if only one carrier homeport were maintained, denial of egress by natural, enemy, or subversive actions at a time of crisis could severely circumscribe naval capabilities. Thus, when the Navy looked hard at the question of how it could better tailor its shore facilities to the needs and size of its fleet, it decided that homeports incapable of handling modern carriers were the most expendable.

A major function of the Newport/Quonset Point complex has been to support the smaller anti-submarine warfare carriers, a program which is being phased out by the Navy. The Navy is now meeting the anti-submarine challenge through the improved-carrier concept which requires use of only the large modern carrier in the dual anti-submarine and attack role. Newport cannot handle modern carriers nor can the adjoining Naval Air Station at Quonset Point handle the high-performance jet aircraft that go with modern carriers. The decision to close the Long Beach Naval Station on the West Coast is similarly based upon the fact that this is an inappropriate location for modern carriers.

AIR FORCE

Chiefly as a result of decreased hostilities in Southeast Asia, Air Force pilot training needs are dropping from the 4,440 needed in Fiscal Year 1972 to 3,425 in Fiscal Year 1974, thus allowing the Air Force to economize by closing one of nine current pilot training bases. Laredo Air Force Base, Texas, has been chosen as the most expendable pilot training base because of marginally adequate facilities, increasing encroachment problems, and geographic limitations.

In addition, 45 B–52/D aircraft are to be phased out by September 1974, because of airframe age. As a result, the Air Force will close two of seven Strategic Air Command air bases at which B–52/D aircraft are presently deployed. The two bases selected are Westover Air Force Base, Massachusetts, and McCoy Air Force Base, Florida, both of which are among those subject to short warning time attacks by submarine-launched ballistic missiles.

Further, the Air Force is seeking to economize by closing certain marginal, single-purpose facilities, except for reserve activities, and by transferring their missions to more efficient, multi-purpose bases. Air Force bases affected in this category are Hamilton Air Force Base, California, and Ramey Air Force Base, Puerto Rico.

Forbes Air Force Base, Kansas, will also be closed, except for the Strategic Air Command Satellite mission and Air National Guard facilities. The primary active duty mission at Forbes has been tactical airlift, but its geographic location is too far from prime Army airlift users located in North Carolina, Georgia, and Kentucky.

ARMY

In 1968, the Army contained 1.6 million military men and women. In 1974, Army strength is projected to be 804,000. This dramatic personnel decrease has reduced training requirements. The Army will compensate for this reduction either by closing the Army Training Center at Fort Dix, New Jersey, or by a reduction of training activities at all six of the current Army training centers. A study will be completed this summer on how best to carry out this reduction. Even should the Army Training Center be closed at Fort Dix, the Army would keep open the personnel center, the Army hospital, and certain other functions there.

Also, the Army's pilot training load has shrunk from 6,887 pilots in 1969 to a projected 1,502 in Fiscal Year 1974. Therefore, the Army proposes to consolidate its flight training activities at Fort Rucker, Alabama, and close Fort Wolters, Texas, and Hunter Army Airfield, Georgia.

To prepare itself further for the post-Vietnam era, the Army also will undertake an extensive realignment of its special schools. Signal training currently conducted at Fort Monmouth, New Jersey, and Fort Gordon, Georgia, will be consolidated at Fort Gordon. Defense language training, now conducted at several facilities, will be consolidated at Fort Monmouth for the East Coast, and Monterey, California, will continue to conduct West Coast training. Military police training will be moved from Fort Gordon to Fort McClellan, Alabama, where use will be made of facilities previously belonging to the newly disestablished Chemical Center.

In summary, these proper, prudent base realignments will save American taxpayers billions of dollars. Despite the hardship these actions will cause to some, in the long term they are necessary to maintain an efficient, effective, modern military establishment and consequently, a strong national defense benefiting all Americans.

GAO CONFIRMS ENLISTED MEN PERFORM SERVANT DUTIES

Mr. PROXMIRE. Mr. President, the GAO final report on military servants confirms that the taxpayers are hit for almost $22 million each year to supply high ranking officers with domestic servants.

The GAO report made at my request, shows that $21.3 million is spent to pay military servants and another $360,000 is spent to train them. These 1,722 men are supposed to be volunteers, but 13 percent of the enlisted aides interviewed told the GAO they were assigned to be servants.

The report acknowledges that the assignment of personal aides to generals and admirals is a longstanding custom and is legal as long as the servants have duties that further the accomplishment of a necessary military purpose.

But, the report concludes that the aides' duties are those generally associated with domestic servants such as preparing and serving meals, house cleaning, gardening, and bartending.

GAO investigators interviewed 25 percent of the aides serving in the United States. More than 75 percent of the sample claimed they must shop, cook, serve meals, clean quarters, tend bar, and run errands. Eighty-eight percent of the Air Force aides said they must wash privately owned cars. Fifty-three percent of the Army aides said they are required regularly to care for pets. Smaller percentages chauffeur, do laundry, prepare lunch, and babysit.

Nearly all the aides must work at official parties, which average about three a month for such high ranking officers.

The generals and admirals replying to the GAO claimed they need personal aides because their schedules leave no time to tend to personal needs. They also said their wives must attend social and military functions and do charity work so that they could not do housework. Official travel was also cited by the officers.

JUSTIFICATIONS ABSURD

This is absurd. The responsibilities of senior officers and their families are no different than those of businessmen, senior civil servants and other executives.

At their rate of pay—the equivalent of $50,000 a year and more including benefits—generals and admirals can and should pay for their own luxuries.

I intend to offer an amendment on the first available and appropriate bill to outlaw this wasteful and demeaning practice.

Here is an opportunity for Congress to strike a blow against a disgusting waste of taxpayers' money. Taxpayers should be seething with indignation over this patent extravagance.

But even more important, we should end this practice because it demeans our fighting men. The dignity and worth of our military personnel is too great to assign them to servant work for the big brass.

As for all those parties, let the military get out of the entertainment busines. Politicians, diplomats, and other military personnel are taking valuable time from our senior officers by expecting lavish entertainment and special treatment at public expense.

Mr. President, I ask unanimous consent that the findings and conclusions of the General Accounting Office be printed in the RECORD.

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

ENLISTED AIDE PROGRAM OF THE MILITARY SERVICES

DIGEST—WHY THE REVIEW WAS MADE

The Chairman of the Joint Economic Committee requested the General Accounting Office (GAO) to:

Clarify the statutory and budgetary justification for the enlisted aide programs of the military services; and,

Determine the nature and propriety of tasks and duties assigned to enlisted aides. (Appendixes I and II.)

FINDINGS AND CONCLUSIONS

In December 1972, 1722 enlisted men were assigned as aides to 860 admirals and gen-

erals and 110 Navy captains. The remaining 457 admirals and generals were not assigned enlisted aides. (See p. 6.)

Personnel costs of the enlisted aide program for Fiscal Year 1973 were about $21.3 million, training costs were about $360,000. (See p. 8.)

Assignment as an enlisted aide is supposed to be made strictly on a voluntary basis and enlisted aides are supposed to be able to transfer out of the program at any time. Of 312 aides interviewed by GAO, 272 said they volunteered for the program. The other 40 aides said they were assigned. (See p. 15.)

The furnishing of enlisted aides to Army and Air Force officers while not specifically provided for by law is a long recognized custom and is not prohibited by law. The assignment of enlisted men under the jurisdiction of the Secretary of the Navy to duties in a service capacity in officers' messes and public quarters is authorized by law. (See p. 12.)

Enlisted aides are assigned to senior officers for the purpose of relieving these officers of minor details which, if performed by the officers themselves, would be done at expense of their primary military and official duties.

A court decision relating to—and military regulations governing—the program state that the propriety of duties of enlisted men is governed by the *purpose* the duties serve rather than the nature of these duties and that they must further the accomplishment of a necessary military purpose. (See p. 12.)

General policing of any abuses and enforcement of the regulations, in GAO's opinion, would be difficult. However, if the military services formally called attention to violations that did occur and prohibited the further use of enlisted personnel in such circumstances, it probably would be helpful. (See p. 14.)

Enlisted aides usually are assigned on the basis of one aide per star, a system that, the military services stated, long has been traditional to match the ascending levels of responsibility of the officers and the increase in frequency of occasions requiring personal services, including official entertainment. (See p. 16.)

The Marine Corps had three special training courses for enlisted aides and the Army had one special course and one on-the-job training facility. The Air Force and Navy relied mainly on on-the-job training. (See p. 16.)

The military services provided GAO with official positions on the enlisted aide program. The position of the services was that senior officers required enlisted aides because of

The 24 hour a day nature of their jobs;

The requirement to host numerous official functions;

Their extended and irregular work hours; and,

To free the officers' wives to provide leadership to distaff organizations and voluntary community services.

The 106 admirals and generals responding to a GAO questionnaire gave similar reasons supporting their requirement for enlisted aides. (See Appendixes VI through IX and p. 20.) Almost all said they used enlisted aides to make preparations for and serve at official and unofficial functions. The average number of these functions was 2.9 and 1.6 respectively. (See p. 28.)

Tasks performed by enlisted aides are those generally associated with domestic servants: preparation and serving of meals, cleaning of quarters, maintenance of grounds, bartending. (See p. 25.)

Most enlisted aides interviewed believed the tasks they performed did assist the officers and release them to work on their primary duties. Most indicated also that the officers they served and the officers' families generally treated them with dignity and respect. (See pp. 30 and 33.)

Younger aides are less likely to reenlist and more likely to transfer out of the program than older aides. Those aides with relatively little experience in the aide program are more likely to leave the program than more experienced aides. (See p. 31.)

At the present time a large percentage of enlisted aides are members of minority groups in all of the services except the Army. About 98 percent of Navy aides are Filipinos; 65 percent of Marine aides and 35 percent of Air Force aides are black. The Navy and Marine Corps have programs designed to alleviate the racial imbalance. The Air Force does not restrict entry to racial groups since the program is voluntary. (See p. 32.)

In the higher grades, enlisted aides in the Navy are not promoted as fast as servicemen in other specialties. This occurs because of the high retention rates of senior enlisted aides which results in few openings in higher grades. (See p. 33.)

RECOMMENDATIONS: NONE

Agency comments

GAO obtained the official positions of the military services on the enlisted aide program and these statements are included as Appendixes VI through IX. The military services were also provided all of the data GAO gathered in the interviews of the enlisted aides and from the questionnaires to the generals and admirals.

MATTERS FOR THE CONSIDERATION OF THE CONGRESS

Data and information contained in this report may be of assistance to the Congress in its consideration of S. 850, a bill to restrict the use by officers of enlisted men for servant-type duties and eliminate the enlisted aide training courses.

THE ENERGY CRISIS

Mr. JAVITS. Mr. President, at noon today the President's message on energy will be made public. I ask unanimous consent that the letter I wrote on April 3 to Deputy Secretary of the Treasury William Simon on the energy crisis be printed in the RECORD.

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

U.S. SENATE,
Washington, D.C., April 3, 1973.

Mr. WILLIAM SIMON,
Deputy Secretary of the Treasury, U.S. Department of the Treasury, Washington, D.C.

DEAR BILL: As you know, I have been increasingly concerned over the past three years about the supply of fuel oil and the Federal Government policies which affect those supplies. No. 2 fuel oil—home heating oil—is a product vital to consumers and industries in New York; and the consumption in my state is nearly equal to that of the entire New England area.

In recent weeks I have been considering several critical oil import policy and energy issues and their effect on my state. I should like to outline briefly some of my primary domestic concerns as they relate to oil in the hope that the policies which the Administration is now developing will provide effective solutions.

With reference to fuel oil policies, I have two concerns:

First, there is a need for increased access to imports from abroad. It is clear that the independents who supply New York State—and they constitute more than 25% of the market—cannot secure sufficient supplies of No. 2 fuel oil from domestic sources. It is equally clear that the only way they can meet the needs of their customers and fully utilize the extensive deep-water terminals, docks, storage and distribution systems at their command is to have increased access to imports. I strongly favor, therefore, a substantial increase in the existing program for home heating oil imports into New York and the Northeast to a level which will make up the gap between domestic deliveries and projected demand for the winter of 1973-74. In making this recommendation, I point out that my state has been skirting the edges of severe supply shortages over the past three years.

Second, regulations concerning the imports of refined products must be framed so as not to threaten the very survival of independents as a competitive force in the market. I believe that, if you allow major refiners to have access to imports of finished products, such as heating oil and gasoline, the impact on independents must enter into the calculations so that independents are not run out of the business.

This latter point leads to two more general concerns:

First, I strongly favor policies that will provide incentives—not disincentives—for building additional refinery capacity in the United States. Clearly if refiners can import all the finished products they need, they will have little incentive to build additional domestic capacity. In this connection, Governor Rockefeller and I have worked hard to get additional refinery capacity into the upstate New York area. Since the parties in question would not invest without an assured access to Canadian crude (which the Canadians were and are willing to provide), the limitations of the present import policy mitigate against such a sizable investment being made.

Second, I understand that you are considering the imposition of a tariff system to regulate increased imports of finished products and crude oil. I would support such a program, but believe the tariff must be designed and adjusted so that there is little or no inflationary impact on petrolecm price levels which remain under considerable upward pressure. In turn, an equitable tariff system must give consideration to the existing market position of independent importers.

Finally, our oil import policies should be framed to better equip our petrochemical industry to compete in the years ahead.

I hope these thoughts are useful to you in your effort to develop an equitable energy policy for our nation.

With warm regards,
Sincerely,

JACOB K. JAVITS.

SENILITY—A MUCH MISUSED WORD

Mr. CHURCH. Mr. President, as chairman of the Senate Committee on Aging I am often disturbed by the careless way in which laymen and even medical practitioners sometimes use the word "senility."

Quite often, a person is described as senile simply because he may momentarily forget a person's name, a date, or even his own address.

Patients in nursing homes, no matter what their real ailments may be, are often dismissed as a largely senile group.

Other examples are all too easy to come by. It is almost as if there is a national tendency to dismiss the elderly as a group. They are old; therefore they are losing their wits to one degree or another. They are senile.

And yet, the Committee on Aging has received much evidence indicating that what may be called senility, is often a far

different condition. Psychiatrists have told us of so-called senile patients in mental institutions who were really suffering from malnutrition or correctable body chemistry imbalances of one kind or another. They point out that a diagnosis of "chronic brain syndrome" is a much more scientific and more accurate description of the condition which does afflict many persons in nursing homes and other institutions. To call it senility, however, is to use a prejudicial word.

Mr. President, the National Observer of March 31 published a very helpful and informative article challenging current ideas about senility.

The author, Douglas S. Looney, made the point that many people regard the elderly as senile simply because they expect them to be senile. They ignore the energy and lively outlook not only of celebrities such as Pablo Casals or James Durante, but of elderly persons whom they meet every day, people who are in adequate command of their perceptions and their actions.

The Observer article discusses the senility issue in some detail; it is a timely and helpful report and I ask unanimous consent to have it printed in the RECORD.

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

SENILITY IS ALSO A STATE OF MIND

(By Douglas S. Looney)

OLD IDEAS ABOUT THE DISEASE CHANGE AS STUDIES FIND IT IS AVOIDABLE, OFTEN REVERSIBLE—AND NOT NATURAL

Forget everything you ever thought you knew about senility, that terrible trick of the mind that makes us fanciful and foolish when we grow old.

Nature, it seems, may have precious little to do with our aging brains' going into eclipse. In short, there is growing and persuasive evidence that senility may be avoidable. And often reversible.

The answer lies not so much in miracle drugs, although such a break-through (as the Salk vaccine for polio) may someday help; not so much in treatment, although several methods appear to be helping. More than anything, it lies in establishing your own strong psychological defenses against the malady many thought for years was inseparable from old age.

A SELF-FULFILLING PROPHECY

"Senility is an invention of modern Western society," complains the State Communities Aid Association of New York City and Buffalo. "It is one of the most damaging self-fulfilling prophecies ever devised."

Senility—as most of us fear it, doctors define it, and the American Psychiatric Association sets it forth—involves one or more of a lot of shortcomings as we grow older: impairment of orientation, memory, intellectual function (including comprehension and calculation), and judgment. Its extent is influenced, too, by one's personality, emotional stability, environmental, and expectations. Senility is a mental disorder that damages the brain and often triggers bizarre actions, dismaying family and friends. Dictionaries equate senility with old age, but growing numbers of experts say the two are not inexorably linked.

Whatever its definition, senility isn't a concern solely of old people. It's also a concern for middle-aged people who want to avoid its grip, and—especially—for people of all ages as they watch their parents, relatives, or friends become senile.

Dr. Mort Ward, medical director of the Philadelphia Geriatric Center, leaders in research into senility, suggests, "It's not whether others think you are."

All of which ties into one of the keys to senility: anxiety. One in six people over 65 is senile; a lot more fear they are.

THE FEAR IS PROFOUND

"I lose my eyeglasses five times a day," says Dr. James Folsom of the Veterans Administration (VA) in Washington, D.C., "and nobody says I'm senile. But if somebody old does this, everyone gets hysterical." However, as you can't tell a child there is no monster under the bed, you can't brush off a person's concern about senility.

With some it's a profound fear. Dr. Ewalt Busse, chairman of the Council on Aging and Human Development at Duke University, says, "People are more fearful of being incapacitated than dead." A Michigan State University researcher adds: "Senility is the result of a fear of impending death. Thus senility becomes a psychopathological defense against death." The solution, he suggests may be "terror reduction."

Here at the geriatric center, Bernard Liebowitz, executive vice president, says, "It's the frightening thing of not having control." And another staffer shakes his head: "The trouble is you live with senility, you don't die."

"Don't anybody hold my hand," insists Mrs. Sarah Seidenberg, a resident here. "I can walk fine." Asked where she was born, she responds, "In bed," and chuckles. She throws up her hands at the suggestion of senility, saying, "God forbid." She works two hours a day. She often goes on excursions to Atlantic City, N.J., for fun and to New York for shopping "because Philadelphia is too slow."

She's also 103 years old.

Keeping your mind in shape is of prime importance in avoiding senility, experts say. The brain must be used to ward off "flabbiness" caused by lack of mental gymnastics. And senility, those who know contend, isn't natural. It's a disease.

Col. Harland Sanders, the 83-year-old Kentucky Fried Chicken man, was reached in a Los Angeles motel in the midst of a 30,000-mile, five-week trip around the world. "You'll rust out quicker than you'll wear out," he says, adding, "I'll just go on about my business doing the best I can until the Grim Reaper calls me." And senility, Colonel? "I'm not going to get senile, so what do I have to worry about?"

Traditionally the main cause of senility has been thought to be arteriosclerosis, hardening of the arteries. This heavily hereditary ailment affects nearly everyone to some degree, clogging the blood vessels with calcium and cholesterol. But autopsies fail to show any constant relation between arteriosclerosis and senility, some people have excessive artery hardening (allowing less oxygen and blood to reach the brain and thus supposedly impairing function) but have functioned normally throughout life. Others get senile without significant arteriosclerosis.

And if senility does destroy gray matter (doctors are inclined to think it does), this is considered of relatively minor import in many cases, simply because most of us fail to use a major part of our brains anyway. Far more important is which cells are destroyed. Says Dr. Ward, "I think your best bet is to hope you lose only unimportant ones."

POSSIBLE CAUSES

Brain disease is another factor in senility. There is thought that disease may come about because we all have some sort of latent virus that sometimes is set off, sometimes not.

Other possible causes of senility include exposure to radiation, early nutritional shortcomings, isolation, bereavement, and alcoholism.

Mrs. Muriel Oberleder, assistant professor of psychiatry at Albert Einstein College of Medicine in New York City, says, "Frankly, I believe that people bring senility upon themselves." The VA's Folsom agrees: "I think some people have been born senile. They've never had an original thought. They don't grab life; they let life grab them."

Researchers still are as uncertain about senility's cause as they are about its "cure." Yet nearly all the authorities consider senility far from hopeless. Here are techniques—keeping in mind that the brain probably starts deteriorating between ages 20 and 30—that experts think can help you ward off senility:

Be active. "I think it's far better," says Folsom, "for anybody to slip on ice and break a hip than to slip on a rug and break a hip. Too often we make sure people are seated in a comfortable chair rather than being up exercising."

THINKING MAN'S DIET?

Eat properly. The young too often eat on the run; the old too often settle for a meal out of a can.

Be interested. An old Alabama farmer moved to town but he still returns to the farm daily to check the cows and chickens, explaining: "They need me. And I need them." Mrs. Ernest J. Wakefield, 82, of Kensington, Md., gets up at 5:30 a.m. daily and reads current literature for two to three hours. "I sure would be mad if somebody called me senile."

Be smart. Arthur Waldman, consultant at the geriatric center, says senility appears to come more often to the lower end of the intellectual ladder than the top.

Control stress. This byproduct of modern living seems to do our brains no good.

Vitamins may help. Ascorbic acid (vitamin C) is popular; B–12 shots are given regularly. Placebos might do as well, but if you think it helps, that's much of the battle.

Get adequate sleep. But older people should avoid constant dozing, which in turn prevents sleeping at night, which gives them time to worry about lots of things. Like senility.

Give yourself pep talks. Folsom suggests a daily dose of: "I'm not going to give up by pieces my interests. I will pick up on new concepts and not live in the past." Mrs. Margie T. Wild of Portland, Ore., a cousin of Folsom, says she discovered she was getting senile. How did she avoid it? "I refused to let it happen to me."

Learn new skills. If you have led an intellectual life, take up bricklaying. If you're a bricklayer, try reading.

Think in terms of second and third careers. Colonel Sanders started what he calls "this chicken thing" when he was 66.

Don't get fat.

Do things for others. The geriatric center's Dr. Ward says 25 per cent of people over 65 live alone; that leaves too much time for self-pity. Look outward.

NEVER SAY, "I'M TOO OLD"

Don't fret about memory lapses. "By the time you are in your 60s," says Busse of Duke, "you know a lot of people, so of course you forget some of their names." Mixing up names of children is natural at age 70. As it is at age 40, when we may be experiencing our first, minor memory losses. Network television commentator Chris Schenkel forgot his name while reporting the Mexico City Olympics in 1968. Nobody thought him senile.

Don't think you are becoming stupid. You're not. Research shows that you will hold your IQ well as the years go by.

Don't give up things in the name of, "I'm getting old and forgetful." If you play tennis today, play tomorrow; if you go to church this Sunday, go next Sunday (even if it's cold); if you went to concerts last spring, go this spring. Giving up any thing is a huge step toward senility.

Inspire yourself. Look at Mrs. Elmer Broders, 77, of Kansas City, who ice skates daily. Or look to history's greats who have seemed

to avoid senility: Supreme Court Justices, Churchill, Moses, Segovia, Casals, Toscanini.

SENILITY ISN'T PRETTY

Curb your anxieties. "The climax of middle-age fears," says Einstein College's Mrs. Oberleder, "is senility."

But if many of us, young and old, can take these strides to ward off the octopus of senility, how do we cope with friends and relatives who seem senile? Some of us respond badly. Why? "Many people just can't handle anything that's not pretty," says the geriatric center's Liebowitz. "And senility isn't pretty."

Mrs. Elaine Brody, director of social work here, emphasizes that therapy for the senile, no matter how intensive, must be continued. If not, the gains are quickly eroded.

HOW TO HELP THE SENILE

Ward, her colleague, says the trick is "simply to give them a little bit of interest in still being alive." In her no-nonsense book, *How To Help Older People,* Julietta K. Arthur details the senile's needs: "Somewhere to live, something to do, and someone to care."

Avoid endorsing senile behavior. Folsom explains: "We reward them for being forgetful. We say, 'Oh, mother has lost her glasses. Let's all help look.' Then mother realizes that's the only way she can get attention."

Give older people aids. Mrs. Wakefield uses a ruler with a magnifying glass. That makes abundant sense—especially if the alternative is not to read at all. Listen to the older people, share ideas, and try to be sympathetic to their concerns. And as two researchers at Louisiana State University wrote recently, "It's important not to take away all of life's pleasures in the interest of prolonging life." Write things down for them.

Alcohol for the senile? Says one prominent authority, "A little sherry sure beats the hell out of Geritol." Avoid a smothering kind of love. Just because an older person forgets to record a check on the stub doesn't mean he's unable from now on to write checks. Because he forgets to tie his shoes, it doesn't mean that he must forever wear slippers.

REALITY ORIENTATION TREATMENT

A prime way to cope with senile behavior (doctors often come up with the senile diagnosis when they can't figure out what else could be wrong) is through a scientific-sounding but common-sense concept called "reality orientation."

This was developed by the VA's Folsom. Trimmed to the basics, the program requires repeated emphasis on now: "What day is today?" "It's Monday morning. That means it's time to go to therapy." "It's noon, so it's time for lunch." "What's your name?" Says Dr. Folsom, "Our biggest problem is convincing family members it's not hopeless."

And it's not. Examples abound of people diagnosed as senile who then recover. A cotton broker in Mississippi, for example, became increasingly irritable, threw his wife out of their home, and locked the door. After intensive reality orientation under Folsom, he returned to a normal life. His wife later wrote, "Thank you for giving me my husband back."

Following surgery a person often will awake with "instant senility." This can be erased quite soon, insists Folsom, by patience, perseverance, and by not letting the patient "get away" with senile behavior.

Dr. Carl Eisdorfer, chairman of the department of psychiatry at the University of Washington, explains: "To the layman, names, dates, and places may be small, but the alternative is nothing. It's life in front of a television set where the vertical hold is always shot."

There is evidence that specific treatment may help. Most exciting are the hyperbaric chambers, where oxygen at above atmospheric pressure permeates the brain much better than at ordinary pressure. The leader in the field is Eleanor Jacobs of the VA hospital in Buffalo. But she claims no miracles. She admits that some results have been good with arteriosclerosis cases, but results are poor where there is brain disease.

ASSOCIATION WITH NAZIISM

Miss Jacobs says hyperbaric work is going on at a half-dozen centers, including Miami, Duke, New York University, Milwaukee, and in Southern California. "I think the real hope for hyperbarics," she says, "is for preventive treatment. But I don't believe this is the final answer for senility."

One of the major problems is that the treatment (at Buffalo, two 90-minute sessions a day for 15 days) doesn't seem to have much lasting effect. While there is no discomfort, Alvin Goldfarb of New York City reports that he found many Jewish patients recoiled at the treatment, apparently associating the chambers with the Nazi gas chambers.

"When discussing the hyperbarics," says Miss Jacobs, "I think it's good to be conservatively and scientifically skeptical. I don't believe in this fountain-of-youth junk." Colonel Sanders has been in the hyperbarics and, while not an enthusiastic fan, he concludes, "I figure it helps me." He plans to go back.

AN ANTISENILITY PILL?

One authority says, "Off the record, I'd think they're probably worthless. On the record, I would say there is evidence on both sides, but it needs a whole lot more research." Waldman of the geriatric center suggests, "I don't think they're any better than copper bracelets. Of course, copper bracelets seems to do pretty good for some people."

Pharmaceutical companies are scrambling to develop an effective antisenility pill. Ward cautions that older people can tolerate perhaps only one-third to one-half the medicine dosage of younger people, and he notes, "It's very easy to produce a row of zombies."

Dr. Nathan Kline, director of research at the Rockland (N.Y.) State Hospital, is testing a Romanian-produced drug, a derivative of procaine. "So far we haven't proved it doesn't work," he says. Tests are proceeding to see if it has any effect as an antidepressant. If it does, its effects on senility may be tested. All we have now are extravagant claims from abroad.

KEEP THE BRAIN SWITCHED ON

There has been work on thinning blood in order for it to pass through troubled arteries, but hemorrhaging presents problems. Expanding arteries has a chance, although Ken Pommerenck of New York's State Communities Aid group wonders about the virtues of "expanding brittle pipes." Marjorie Fisk Lowenthal of the Langley Porter Institute in San Francisco says, "We're thrashing around like we did with polio."

Busse of Duke thinks that we will have medical cures for senility within a decade. A skeptic here says, "Do him a favor and don't quote him on that." But Mrs. Oberleder agrees with Busse.

Many experts think a partial answer will be drugs because, as Waldman says, "Any problem science is willing to look at can be solved." But the rest of the answer, perhaps the biggest part of the answer, involves active and vibrant living and refusing to check your brain at the doorstep when you turn 65.

AN HISTORIC LABOR/MANAGEMENT AGREEMENT IN STEEL INDUSTRY

Mr. PERCY. Mr. President, yesterday the Senate Committee on Banking, Housing and Urban Affairs approved the reauthorization of the National Commission on Productivity for the coming fiscal year. A central duty of the Commission under its revised mandate will clearly be to promote the creation of the labor/management councils within industry to the resolution of issues without confrontation and with a resultant stimulating effect on productivity.

The single American industry that has done most to pioneer in developing such cooperative labor/management efforts in the steel industry. In its wage settlement on August 1, 1971, the steel labor and management agreed to a memorandum of understanding providing for joint advisory committees on productivity to be established at each steel plant. The purpose of the joint committee was:

> To advise the plant management concerning ways and means of improving productivity and developing recommendations for stimulating its growth . . . but also to promote orderly and peaceful relations with employees, to achieve uninterrupted operations in the plants, to promote the use of domestic steel and to achieve the desired prosperity and progress of the company and its employees.

On March 30 this year, the leaders of the steel industry and the United Steelworkers Union announced a historic agreement growing out of the same spirit of labor/management cooperation underlying the creation of the joint productivity councils.

The new accord in the steel industry, reported on March 30 by the New York Times, is designed to avoid the disastrous 3-year strike cycle that had become characteristic of the steel industry. In anticipation of a possible strike, steel users stockpiled steel, creating inordinate demand that could only be satisfied by imports. When negotiations were concluded, domestic steel output fell off sharply as inventories were worked off. The result of this "feast and famine" system was a massive jump in imports in each domestic strike period, imports that began to erode the essential viability of the industry.

The new "experimental negotiating agreement" sets a specific timetable for basic steel contract negotiations, which begin in February 1974. All issues must be settled and arbitration decisions made before the current agreement ends July 31, 1974. The new agreement holds through 1976. Both labor and management believe the new plan guarantees their freedom to negotiate, but in a new framework and without disruption of the industry.

Mr. President, I wish to commend this new agreement in the highest terms and Mr. I. W. Abel, president of the United Steel Workers of America and the management, the steel companies whose ingenuity made this historic agreement possible. It is creative and new, it is a response to increasingly tough import competition; it is a demonstration that both labor and management in the steel industry will work together to become competitive. I know that I, and I am sure many others of my colleagues, will watch the operation of this agreement closely. Surely it provides a precedent for new labor/management relationships in other industries.

I ask unanimous consent that the article referred to be printed in the RECORD.

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

NO-STRIKE ACCORD REACHED ON STEEL

PITTSBURGH, March 29.—The United Steelworkers of America approved today an unprecedented agreement that virtually assures labor peace in the basic steel industry through July, 1977, and perhaps longer.

The accord, worked out with 10 companies in years of talks, provides for binding arbitration of unresolved issues in 1974 negotiations and prohibits strikes by the union or lockouts by the companies to support their bargaining positions.

I. W. Abel, the union president, disclosed details of the preliminary union-management agreement, which was approved by the 600 local union presidents and officers in the Basic Steel Industry Conference.

Mr. Abel described the plan as "an unprecedented experiment that we think will prove there is a better way for labor and management to negotiate contracts."

Sitting beside the union leader was R. Heath Larry, vice chairman of the United States Steel Corporation and chairman of the negotiating committee for 10 of the nation's major steel producing companies.

IMPORTS MAY DECLINE

"This should work for the benefit of the employes, the company, its customers and the nation," Mr. Larry said.

The concerns agreeing to the pact are Allegheny Ludlum Steel Industries, Inc., Armco Steel Corporation, Bethlehem Steel Corporation, Inland Steel Company, Jones & Laughlin Steel Corporation, National Steel Corporation, Republic Steel Corporation, United States Steel Corporation, Wheeling-Pittsburgh Steel Corporation and Youngstown Sheet and Tube Company.

Both Mr. Abel and Mr. Larry said that the agreement was expected to reduce steel imports that have adversely affected the domestic industry, do away with stockpiling by the industry's customers in anticipation of strikes, and reduce layoffs and unemployment. Imports have been blamed for eliminating 150,000 steelworkers jobs, and layoffs totaled about 100,000 after the 1971 agreement was signed.

Mr. Abel and Mr. Larry said that the pact guaranteed uninterrupted production in the American steel industry for its duration and Mr. Abel voiced the hope that it could continue indefinitely.

The present three-year contract between the union and the 10 steel concerns will expire Aug. 1, 1974. Mr. Abel said the union and industry had begun discussing the new agreement in 1967 and negotiated it over the last several years at meetings in Pittsburgh, New York, Washington and Florida.

In their joint statement, Mr. Abel and Mr. Larry said that deadlocked contract negotiation in the past had resulted in economic hardship for the industry, the employes and the communities in almost every state where steel operations take place.

They said that although the industry had not had a nationwide strike since 1959, the potential for a shutdown brought about heavy imports of foreign steel that adversely affected the United States balance of payments.

Mr. Abel said the new procedure would provide each side maximum bargaining leverage without interrupting the earnings of employes or the operations of the companies. He said that the collective bargaining relationship between union and management had not only been carefully preserved, but also extended and refined.

Mr. Abel said the 600-member Basic Steel Industry Conference which met here for two days, had the authority to approve the agreement but that the rank and file membership had been acquainted with its details through talks by Mr. Abel and the union publication, Steel Labor.

He conceded, however, that some of the conference members had expressed doubts about the agreement, particularly about binding arbitration.

The agreement, covering 350,000 employes in the basic steel industry, provides a wage increase of at least 3 per cent each on Aug. 1 in 1974, 1975 and 1976. Cost-of-living wage adjustments and incentive wages in the present contract will be continued.

Asked how the parties agreed to a minimum 3 per cent, Mr. Abel laughed and replied:

"We wanted the world and the companies didn't want to give us anything. The 3 per cent is the floor."

The agreement provides for a one-time bonus of $150 for the workers covered. It gives local unions the right to strike over local issues, but both sides said that local strikes would have minimal effect on the industry.

The parties will begin actual negotiations no later than Feb. 1, 1974. After April 15, 1974, they will submit unresolved contract issues, including wages, to an arbitration panel of five members for decision on or before July 10, 1974.

Mr. Abel said that George Meany, president of the American Federation of Labor and Congress of Industrial Organization, was aware of the agreement and that the Seafarers International Union had shown an interest in it. He also suggested that the nation's railroads and railway unions consider it.

"We have wide open negotiations coming up in 1974 with no holds barred," Mr. Abel said. "We haven't said that we have agreed to certain limits. I hope that with this agreement the industry will modernize and provide more jobs."

Mr. Larry said, "We are providing stability of operations but we are not displacing collective bargaining. We will seek to make the agreement work without arbitration. Any agreement providing for continued operations is a major step forward in reducing steel imports. We think this agreement should help us recapture part of the market we have lost."

LEGAL SERVICES FOR THE POOR

Mr. BAYH. Mr. President, one of the important issues which the Congress will consider in the next few months is the creation of an independent Legal Services Corporation to operate and fund the Federal Government's program to provide adequate legal representation for those in our society who cannot afford to pay for it themselves. Many of us feel that legal services has undoubtedly been one of the most successful antipoverty programs of those that have been initiated in the last decade. Perhaps because of this success, it has often been in the midst of controversy. Recently the St. Joseph County Bar Association in South Bend, Ind., adopted a resolution expressing full confidence in the legal aid program as it has been operated in St. Joseph County and called upon the Congress to enact legislation establishing the Legal Services Corporation and to increase the funds devoted to this program to enable it to keep up with its increased caseload. I ask unanimous consent that this resolution be printed in the RECORD.

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

RESOLUTION

Whereas: There is a continuing need for legal services for the poor.

Whereas: There are federally funded Legal Services Programs to meet this need in each of the states.

Whereas: These programs are facing an expanding demand for legal services and increased operating expenses.

Whereas: The funding for these programs has not increased since 1970 in spite of the increase in demand and operating expenses.

Whereas: This Association continues to support the need for adequate legal services to the poor and the need for vital and independent programs to provide this representation.

Now, therefore, it is resolved:

1. The United States government should increase the level of funding of Legal Services programs to enable them to provide adequate legal services to eligible clients and to prevent a serious deterioration of the quality and quantity of service because of increased expense and mounting caseloads.

2. Government at all levels and lawyers from both the public and private sectors should take every step necessary to insure that legal services lawyers remain independent from political pressures in the cause of representing clients.

3. The Congress of the United States should enact a legal service corporation of a design consistent with the foregoing principles and the need to maintain full and adequate legal services for the poor.

MAYDAY REVISITED

Mr. JAVITS. Mr. President, the U.S. Court of Appeals for the District of Columbia issued a sweeping order on April 16, 1973 setting the stage for possible recovery of bail and expungement of police records for thousands of demonstrators and others who were caught in dragnet arrests during the 1971 Mayday demonstration in Washington. This order expands on an order issued October 1, 1971 which directed the district court to look into ways of removing arrest records and recovering bail or collateral of persons arrested without field arrest forms.

On May 5, 1971, I spoke on the Senate floor expressing concern for the violations of civil liberties taking place by the sweeping arrests of thousands of demonstrators and others without use of proper arrests forms which would allow for a case to be made in court. I feel the court of appeals has vindicated my view then and now, that dragnet arrests without use of proper police procedures are inimical to the rights of all citizens.

I ask unanimous consent that an article from the Washington Post of April 17, 1973, discussing this situation be placed in the RECORD.

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

MAYDAY RULINGS WIDENED; COURT SEEKING ARREST RECORD EXPUNGEMENT

(By Paul W. Valentine)

The U.S. Court of Appeals issued a sweeping order yesterday setting the stage for possible recovery of bail and expungement of police records for thousands of demonstrators caught in sweep arrests during the 1971 Mayday disruptions here.

Expanding on an order of Oct. 1, 1971, the three-judge panel directed U.S. District Court Judge Howard F. Corcoran to examine ways of removing the records and recovering the bail or collateral for many of the 14,500 per-

sons who were arrested without field arrest forms or booked improperly.

In another Mayday development, the District government agreed to pay $37,000 in damages to a city-sanctioned medical aid group whose members were arrested during the demonstrations.

District Court Judge June L. Green issued a consent agreement Friday on behalf of the Medical Committee for Human Rights, a loose organization of doctors and paramedics who customarily attend demonstrations in cooperation with city officials. Twenty-three committee members were arrested during Mayday and a truck owned by a 24th was damaged by police.

The Court of Appeals order on record expungement and bail recovery was hailed as a "tremendous victory" by Monroe H. Freedman, an American Civil Liberties Union attorney representing the demonstrators.

The 69-page opinion and order said that Corcoran, as a federal judge, has full authority to act in the case and put the burden on the city government to prove the legitimacy of the arrests if it hopes to prevent the expungement or removal of police records and recovery of collateral for arrested demonstrators.

The order also appeared to expand the "class action" suit of the civil liberties union to include not only the 7,900 persons arrested on May 3—the day war protesters attempted to block early morning commuter traffic into the city—but also some 6,600 additional persons arrested during numerous mass demonstrations immediately before and after May 3.

During the May 3 protest, Police Chief Jerry V. Wilson ordered suspension of field arrest forms because he said the paperwork prevented his officers from making arrests quickly enough to avert serious disruptions in the city. Sweep arrests followed.

The ACLU challenged the arrests as lacking legally required documentation and contended that many innocent persons were caught in the sweep arrests. The ACLU also charged that improper booking procedures were used both then and on other days during the Mayday demonstrations.

The bulk of arrests were eventually thrown out by the courts.

"While some, maybe most, of the persons taken into police custody during the Mayday demonstrations may have been engaged in criminal activity," said the Court of Appeals yesterday, "it appears that many others were innocent of any wrongdoing. Yet the arrest procedures used and the subsequent treatment of the arrestees during the course of the detention made it impossible to distinguish between the two classes."

The court opinion was written by Judge Harold Leventhal, with Chief Judge David L. Bazelon and Judge Spottswood Robinson III concurring.

"There was no declaration of martial law," the opinion said. "Yet the procedures for requiring that arrests be accompanied by some indication of the basis therefor—even as diluted by the special emergency arrangement permitting the arresting officer to establish probable cause for detention by preparing a simplified field arrest form and photograph—were terminated. The innocent as well as the guilty were in large numbers swept from the streets and placed in detention facilities."

The court continued: "The premise of the legal system, that unlawful arrests can be avoided or remedied by holding individual policemen accountable, evaporated when field arrest procedures were suspended and when persons other than arresting officers were permitted to execute field arrest forms."

This was a reference to Justice Department employees who filled out arrest forms on demonstrators brought to the emergency detention center in the Washington Coliseum on May 3.

They listed the name and address of each arrested person, charged him with "disorderly conduct" but left blank the portion specifying the time, location and circumstances of the offense. In the portion marked "Name of Arresting Officers," the employees inserted one name "taken seritim" from a list of seven police officers provided by government attorneys, the court said.

In expunging the records of arrested persons, the court left it up to Corcoran as to whether he should order them physically destroyed or held under court seal.

The Court of Appeals offered no specific suggestions on the question of bail recovery, saying the "matter requires exploration and ingenuity" by Corcoran.

The $37,000 damage award to the Medical Committee for Human Rights was the second monetary award to persons involved in the Mayday protests.

District Court Judge Gerhard A. Gesell last autumn awarded $9,000 to two men who said they were wrongfully arrested during an indiscriminate sweep by police on May 3.

About three dozen other false arrest suits involving scores of complainants are still pending in District Court.

SENIOR PROGRAMS IN IDAHO

Mr. CHURCH. Mr. President, there never has been a time when this Nation could afford unneeded Federal programs.

In 1973, as the administration forces wholesale curtailment or outright suspension of programs, the need for objective evaluation is even more pronounced.

I firmly believe that every program must meet the tests of usefulness and priorities.

As chairman of the Senate Special Committee on Aging, I am especially aware of my responsibility to look carefully at present efforts on behalf of older Americans.

For that reason I was especially interested in an editorial which appeared in the March 19 issue of the Idaho Statesman.

That editorial provided, in a very few words, truly informed analysis of the importance of several senior citizen community projects in southwestern Idaho. One result of such efforts, says the editorial, is that many older persons have been "recruited to live again—to live for others."

I believe that this editorial has a timely message, and I urge that it receive careful attention by all now involved in selecting what programs shall continue and what programs will be discontinued.

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

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

NEW SMILES, NEW INTERESTS

Evaluation time came last week for seven Senior Citizen Community Projects in Southwestern Idaho. The seniors in the communities of Weiser, Cambridge, Council, Emmett, Payette, McCall and Cascade had varied success stories to tell of objectives accomplished for fiscal year 1972. That is, those seniors who have affiliated with the programs.

How does one determine the degree of success of a program initiated by congressional action to benefit persons on forced retirement in many instances, who suddenly decide their reason for existing has evaporated?

Industry has its own criteria for measuring. Schools count degrees. Churches report membership. Agriculture cites bushels and tons. How does one measure intangible results of humanitarian programs for the shunted, forgotten portion really elderly, retired Americans?

Some concrete evidence was forthcoming from the centers in average number of meals served in the nutrition program, the increase of attendance, the rejuvenated buildings for senior centers.

Underlying all these obvious successes are the hundreds of elderly who have been recruited to live again—to live for others—removing self as the focus of their attention.

They no longer sit at home moaning over aches and pains, making life miserable for other members of the family. Now one sees new smiles, new interests in handcraft, arts, humanity.

Their motto obviously is: "What can we do for others?"

The whole senior citizen program has been called therapy for the participant. This idea can't be far afield when a former successful business man, now retired in his 80s, gets so involved in fund raising for the purpose of rebuilding the center that he has no time to go to a physician for every new allergy that develops every few days—until suddenly, he has no allergies.

This example is only one of the many true instances occurring throughout the country and in Idaho to give an indication of the instrinsic values of a government-initiated program that is actually producing valuable, though immeasurable results with some of our tax dollars.

No doubt, such programs prolong for many years the date when elderly will have to be institutionalized—which for the disgruntled taxpayer, and that probably includes the whole spectrum of citizenry during the upward inflationary trend—should be additional cause to appreciate the programs for our seniors.

OPIC EXPERIENCING GREATER FOREIGN COMPETITION

Mr. PERCY. Mr. President, the Overseas Private Investment Corporation, the U.S. Government agency that provides political risk insurance to American firms investing in developing countries, finds itself facing increasing competition from similar agencies in other countries.

For many years, OPIC and its predecessor agency were unique in the world. Now, however, other nations are also providing similar investment insurance in an effort to stimulate their companies to compete against U.S. firms in the international marketplace. This competition emphasizes the value of OPIC, both in helping to open up markets for U.S. goods and services, thereby providing a favorable impact on our balance of payments, and in assisting in the economic progress of developing nations.

Mr. President, I ask that an article in the April 9 issue of the Journal of Commerce describing OPIC and its competition be printed in the RECORD.

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

OPIC EXPERIENCING GREATER FOREIGN "COMPETITION"

(By Richard Lawrence)

WASHINGTON.—The Overseas Private Investment Corp. (OPIC), the U.S. Government agency that insures American firms in developing nations, was once alone in its field. Today, like so many American orga-

nizations, it feels increasing "competition" from abroad.

It also is watching a fascinating shift in its own "market," as U.S. companies—OPIC's customers—turn more to Asia and Africa, while their investments in Latin America except in a few countries and special industries, have more or less leveled off.

The U.S. investment insurance agency, which became known as OPIC a little over two years ago, has been around since 1948. For 12 years, it was unique, until the Japanese founded a similar, but much smaller, operation in 1956. Then, in the 1970s, Europeans began scrambling.

MANY FOLLOW SUIT

There now are well over a dozen governments, from Australia to Norway, underwriting the foreign investments of their nationals. All of the major industrial nations, save Italy, protect their private investors against such political risks abroad as expropriation, war, revolution and currency inconvertibility.

Some governments, such as Britain and Japan, not only underwrite their nationals investing in developing countries but also in other industrial nations. A few, like Belgium and Switzerland, cover a wider range of risks, including catastrophic damage or the insolvability of local public entities.

A number of investment insurance agencies, most notably the Canadian, charge lower premiums on their policies than OPIC does.

REASON FOR GROWTH

The recent bloom of investment insurance organizations probably stems from several factors. The industrial nations apparently feel obliged, in an altruistic sense, to encourage the flow of productive investment into less developed countries, as a supplement to foreign aid.

But officials also seem to have become more aware that foreign investment can help their own economies, too. It leads to more export business, bigger corporate earnings, and it can serve to help assure sources of basic commodities.

OPIC remains by far the largest government foreign investment insurer, with Japan and Germany the next busiest. It issues about five times the value of coverage of its nearest counterpart, and its coverage is more extensive in type of qualifying investment, in the insurance of earnings, in the duration of coverage and, in most cases, the loss payable.

Despite the emergence of foreign insurers, and its own 25-year-history, the U.S. investment insurance agency has problems. The government, some important congressmen insist, should get out of the business of insuring business abroad. They usually cite the relatively large claims OPIC has had to process recently to firms expropriated in Chile.

OUTLOOK FAVORABLE

More congressional hearings on OPIC are expected, this year, but, it is believed, over the last two years, OPIC's new managers have shaped a more "business-like" operation, spreading out risk exposure and raising premiums, for instance.

The agency has become so much like a commercial insurance business, some observers suggest, that it may have lost much of its original purpose, to foster economic development in the poorer nations. But most congressmen are not likely to protest that.

In fiscal years 1971 and 1972, as the new management team took over, OPIC's insurance writing, both in number of projects and amount of insurance, dropped markedly. It is expected to rise this fiscal year, but not to, say, the fiscal 1970 level.

Much of the drop reflected changing Latin American politics. OPIC, for example, has suspended all new insurance writing in Peru, Ecuador, Colombia and Chile. Peru, it is noted, has still to compensate the expropriated International Petroleum Co., and Ecuador has been seizing U.S. shipping vessels.

But more broadly, the west coast South American countries have adopted the so-called Andean Investment Code, which fails to provide for third-party arbitration in compensation disputes.

About the only major Latin country where OPIC seems unusually busy is Brazil. The agency does not write either war or expropriation insurance in Argentina, and Mexico has never agreed to the principle of OPIC insurance.

Meanwhile, American investors appear to be focusing more on Pacific Asia—South Korea, Taiwan and Indonesia—and to a lesser extent on African countries like Nigeria, Liberia, Zaire and Botswana.

ASIAN PROGRAMS

The Asians, for one thing, are said to have better defined foreign investment programs, including incentives. Profits are reported higher in the Far East than anywhere else.

But there's some psychology involved, too, OPIC President Bradford Mills notes. While the Latins may want less U.S. investment and more European and Japanese, Africans want less European and more American and Japanese. The Asians want less Japanese, more European and American.

This is mirrored in OPIC's recent insurance writing activity. Last fiscal year, OPIC issued 37 policies for U.S. firms in the Far East, for a maximum contingent liability of $108 million.

ZERO FUNDS FOR LIBRARY SERVICES DEPLORED

Mr. BAYH. Mr. President, it is deeply disturbing to me as a legislator that the President has not requested any funds for the Library Services and Construction Act in fiscal 1974—even though the act does not expire until 1976. Nor has the President requested any funds for library services authorized under the Elementary and Secondary Education Act and the Higher Education Act. The Congress has long recognized the importance of library services, facilities, and training to the people of this country. Last year, more than 50 million Americans used the Nation's public libraries, and millions more made use of the libraries in our schools, colleges, universities, and hospitals. These libraries depend on Federal assistance for acquisition of books, periodicals, and other library materials; for training all types of librarians; for developing new ways of processing, storing and distributing information; for new and expanded library facilities, including bookmobile programs; and for providing specialized library services for physically handicapped, institutionalized, and disadvantaged persons. The entire Federal library program—which has benefited millions and millions of Americans—cost only $140 million last year.

The President's decision to cut off library funds is false ecomony of the worst sort. What better investment for the future of America can we make than in library resources? Federal library aid has gone to 60,000 elementary and secondary schools, 12,000 public libraries, and 2,800 college and university libraries. In addition, hundreds of thousands of physically handicapped people have received benefits from the talking books, records, and tapes programs funded under the Library Services and Construction Act. Funds for distributing these materials and for providing special services to make these materials available to handicapped people would be eliminated under the President's zero funding. While I agree that we must hold Federal spending within reasonable limits, I believe that there are better ways to eliminate waste and control Federal expenditures than by cutting off vital library services. To terminate abruptly all library assistance will lead to a drastic reduction in services, resulting in serious social costs which cannot be overlooked.

In my own State of Indiana, the library programs assisted by the Library Services and Construction Act, the Elementary and Secondary Education Act, and the Higher Education Act have been immensely important. For example, this year, under the Library Services Act, Indiana has received a total of $742,814—approximately $1,300,000 less than my State would have received had the funds appropriated by Congress been approved by the President. Even under this severe limitation in funding, Indiana has provided materials and services to 21 public libraries, four university libraries, the medical center library, and the State library in Indianapolis. Library services were provided to 2,000 handicapped individuals in Indiana through the distribution of talking books and tapes.

Indiana will be particularly hard hit by the President's decision not to fund library services. Since local public libraries are autonomous taxing districts within the State, they will not be eligible to receive revenue sharing funds. Thus, under the President's zero funding plan, the entire population of Indiana will lose some or all library service. An estimated 124 library employees will be laid off; bookmobile hours will be drastically reduced. Disadvantaged and handicapped Hoosiers will be especially hurt by the cutoff of library funds. I have received over 600 letters from Indiana describing the devastating effects of the proposed zero funding, and I have been particularly moved by the personal accounts of how these library services have made the difference in the lives of handicapped people who are otherwise cut off from the outside world. I have heard, for example, from a young doctor that his blind 75-year-old grandmother has been actively involved in the talking book program. Her life has been tremendously enriched by being able to "read" these books. A mother in South Bend has written me that her blind, physically handicapped child has learned to use the talking books, and has gained new skills and self-confidence from this program. I have heard from officials at Indiana State mental hospitals and correctional facilities that these Federal funds have enabled them to improve greatly library services to institutionalized Hoosiers. Zero funding for library services would be disastrous to these important efforts, as well as to the many Indiana programs that serve schoolchildren, college stu-

dents, residents of rural areas, and city dwellers.

I believe that library services are crucial in improving the quality of life for all Americans—an investment which is richly repaid. As a member of the Senate Appropriations Committee, I intend to do everything I can to make sure that federally authorized library programs receive adequate funding.

GENOCIDE

Mr. PROXMIRE. Mr. President, yesterday I spoke about the factors which one should consider when weighing the opposition of the American Bar Association to ratification of the Genocide Convention. It should be noted that the ABA's opposition is far from unanimous: It was determined by a margin of only four votes in the ABA House of Delegates. More importantly, the ABA committees which specialize in the areas concerning the Genocide Convention all strongly favored ratification.

Section IV of the report of the house of delegates of the section on individual rights and responsibilities of the ABA is entitled "The Genocide Convention Is in All Respects Consistent With the Constitution, the Laws, and the Ideals of the United States."

Mr. President, I ask unanimous consent that this section of the report be printed in the RECORD.

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

IV. THE GENOCIDE CONVENTION IS IN ALL RESPECTS CONSISTENT WITH THE CONSTITUTION, THE LAWS, AND THE IDEALS OF THE UNITED STATES

A. THE GENERAL OBJECTIONS TO THE GENOCIDE CONVENTION MADE IN 1949–50 ARE WHOLLY OBSOLETE TODAY

The opposition to the Genocide treaty at the Senate hearings twenty years ago centered around three main points.[36] First, a general opposition to the "new concept" of government action by treaties. During the next two decades, the United States has entered into some 4,000 international agreements, without any noticeable diminution of its sovereign independence, nor any noticeable debasement of its standards to an international average. That treaties are the modern means of developing international law, just as statutes are the modern means of developing state and federal law, has been noted earlier, and hardly requires demonstration. If some felt nervous or cautious in 1949 about stepping on the new ground of multilateral treaties, including treaties affecting individuals, that fear is no longer justified. On the contrary, the only concern a United States citizen should have is that his country not be left out as the documents and issues of the new international law are drafted, debated, interpreted and applied.[37]

Second, the opposition expressed the fear that by treaties in general, and by the Genocide Convention in particular, Article 2(7) of the United Nations Charter, dealing with matters "essentially within the domestic jurisdiction of states" was being undercut. In the words of the ABA Special Committee[38] "Shall we be governed in internal affairs by treaty law or by laws passed by Congress with a constitutional basis?" Again the answer has already been given. Article 2(7) is in no way undercut by the Genocide Convention. Domestic matters are as out of bounds for the United Nations as ever. The only effect of the Genocide Convention is to say that the issues specified in Articles II and III over not merely one country, but all countries. If the United States wants (1) to take a complete hands-off attitude if genocide should occur somewhere in the world; or (2) to foster, shield, or protect the commission of genocide within the nation's borders, then it should certainly not join the Convention. If neither of these attitudes is real, then the argument has no appeal whatever.

Third, the opposition, focusing on certain enigmatic language of Justice Holmes in *Missouri* v. *Holland*,[39] considered that the Genocide Convention might be the opening wedge in a drive to exceed the legislative powers of the Congress vis-a-vis the states through use of the treaty power. Whatever theoretical merit there might have been with respect to this point, discussed for nearly ten years in the context of the proposed Bricker Amendment,[40] it has no relevance to the Genocide Convention. No one could have any doubt about the right of the Congress to prohibit genocide. Quite apart from the treaty power, the Constitution expressly grants to the Congress the power "to define and punish Piracies and Felonies committed on the high seas and Offences against the Law of the Nations."[41] And if anyone suspected that the Genocide Convention might be used to justify federal legislation in the field of civil rights, the events since 1949 have shown that the United States Constitution as currently understood is quite adequate to sustain any civil rights legislation likely to be proposed and passed, and certainly far more ample to coverage than any authority possibly derived from the Genocide Convention.

It is conceivable that a claim could have been made that depriving a racial group—say Negroes or American Indians—of the right to vote or the right to enjoy public accommodations is comprehended within Article II(b) of the Genocide Convention related to "mental harm". But this thought is hardly more than conceivable: as we have seen, the whole thrust of the convention and its origin suggest quite different goals; moreover, Article II(b) like all of the definitions of the crime of genocide is governed by the phrase "with intent to destroy", which would not seem to apply to even the most extreme segregationist measures which may be tolerated by statute law in the United States.[42] At all events the barring of school segregation, which was accomplished without any statute,[43] the passage of the Civil Rights Act of 1957[44] and 1964[45] and the Voting Rights Act of 1965[46] all sustained by the Supreme Court, show that blocking the Genocide Convention has given and will give no comfort to opponents of federal enforcement of rights of minorities, while ratification of the Convention will add no powers to those the Federal Government already possesses.

Unconnected to the state-federal relation in the United States, the objection was also made in 1949–50 that the Convention undertakes to define a crime for which there would be punishment under federal law, without concurrence by the House of Representatives. This is simply a misunderstanding, resulting from a confusion about what is and what is not a "self-executing" treaty. In fact, ratification of the Convention would obligate the United States internationally to pass the necessary implementing legislation, making the crimes specified punishable under United States law. Failure by the Congress to enact the implementing legislation would leave the United States in breach of an international obligation, but in such eventuality no one could be tried in the United States for a crime not specified in the Criminal Code. It is certain that no one can be accused of or tried for the crime of genocide in the United States until legislation making genocide a crime has been adopted in accordance with our domestic procedure for passage of a law.

To give an idea of what implementing legislation for the Genocide Convention might look like, a draft has been prepared and appears at Appendix C.[47] It may be noted that the draft follows the Convention closely, but not verbatim. Thus, for example, the words "aiding and abetting" have been substituted for the Convention's "complicity in", and a number of comparable small changes have been made. Needless to say, no international convention can adopt a form of words in every respect suitable for eighty or a hundred different legal systems. One of the objects of implementing legislation is to tailor a universal agreement to various local conditions. The draft in Appendix C, or some variation on that draft, could fully serve the twin purposes of adapting a general treaty to United States conditions and of preserving the principle that no one shall be punished by the United States for a crime, but upon conviction of an act prohibited by a law duty enacted by the Congress.[48] Any prosecution in the United States would be subject to all the safeguards provided in the Constitution, including the substantive guarantees in the First Amendment and the procedural guarantees in the Fourth, Fifth, Sixth, Seventh, and Eighth Amendments.

B. THE SPECIFIC OBJECTIONS RAISED TO THE GENOCIDE CONVENTION ARE NOT MERITORIOUS

In addition to the general objections to the Genocide Convention discussed above, a number of particular criticisms relating to the text of the Convention were made by opponents in 1949–50.[49] These are not of a dimension sufficient, singly or together, to warrant non-ratification.

"As such"

Why, it was asked, did Article II refer to the destruction of a national, ethnical, racial, or religious group *as such?* Does this not create an ambiguity? The answer is perhaps it does, but so would the phrase without these words. Conceivably, an edict to kill all restaurant owners might be a subterfuge to kill, say, all Chinese within a country. In such an event, the words "as such" would give a possible technical defense to the authors of the deed. But that possibility seems very remote. In the past, genocide has not usually been disguised. It has been part of a deliberate, public, and political or religious campaign. Rome set out to destroy the Carthaginians; Islam set out to destroy Christians; Hitler set out to destroy the Jews, *as such*.

"In whole or in part"

What did the addition of the words "in whole or in part" signify for the crime of genocide? Did it mean, in the words of one opponent, "driving five Chinamen out of town"?[50] The answer, again, is quite simple, and indeed, appears in the drafting history of the Convention itself.[51] The object of adding the words "in part" was to preclude an argument that international destruction, say, of half or two thirds of the Jews of Rumania was not comprehended in the crime of genocide.

In the context of this Convention, there can be no doubt about the distinction between intent to destroy a national, ethnical or racial or religious group and intent to destroy some individuals belonging to that group. Nothing in the history of the United States since the early Indian wars quite adds up to the genocide within the meaning of this Convention. If any race riot, lynching, or comparable event ever grew to the scale approaching genocide as defined in the Convention, the international obligation would surely add nothing to the determination of

Footnotes at end of article.

our own state and federal authorites to bring the perpetrators to full justice.

"Mental harm"

The thrust of the objection to this phrase, apparently, was that the critics did not understand it. As more facts of tortures both in Asia and in Eastern Europe during World War II have come out, as we have come to know about brain-washing in North Korea and of our own soldiers, and in Eastern Europe of various political and religious leaders including for instance Cardinal Mindszenty, the objection to including mental harm along with bodily harm would seem to disappear.

"The place of trial"

One criticism of the Convention arose out of the possibility that, under Article VI, a person accused of genocide could be tried by an international penal tribunal, possibly without trial by jury and other safeguards to which a United States citzen is entitled under the Constitution. Again, the answer is simple. No such tribunal has been established.[52] If one were established, parties to the Genocide Convention would have the option whether to accept its jurisdiction or not. For the United States, that option would have to be independently exercised through the Treaty Power, that is only with the advice and consent of the Senate by a two-thirds vote.

"Direct and public incitement . . ."

The question is raised whether Article III(c) of the Convention, in prohibiting "direct and public incitement" to commit genocide is contrary to the First Amendment's guarantee of free speech. The scope of the free speech protection in the United States Constitution has been subject to various interpretations through the years, particularly as it conflicts with public order.[53] Thus it is not possible to state categorically that any given statement is or is not protected free speech, as against prescribed criminal activity. Our best judgment, for reasons spelled out below, is that any activity sufficient to support conviction for violation of Article III(c) of the Convention would fall outside of the First Amendment's protection. But the case need not rest there.

Assuming the above judgment were wrong and an activity prohibited by the Convention were held to be protected by the First Amendment, the conviction would simply be reversed. Nothing in the development of the treaty power suggests any other result. Indeed, in *Missouri v. Holland*,[54] the case most often cited as pointing the way toward expanded use of the treaty power, Justice Holmes specifically limited his speculation to "some invisible radiation from the general terms of the Tenth Amendment," [relating to reserved powers of the states] and not to "prohibitory words to be found in the Constitution," such as the First Amendment. Thus reversal of a conviction on free speech grounds would be perfectly within the powers of the Supreme Court (or indeed a lower court), notwithstanding anything in the Convention. Indeed, the Convention itself only requires (in Article V) that states undertake to enact, "in accordance with their respective Constitution" the necessary legislation to give effect to the Convention. If a portion of the implementing legislation were declared unconstitutional, generally or as applied to a given defendant, there would be no breach of the obligation under the treaty.

If the above possibility were very strong (and if incitement to genocide were the major provision of the Convention), there might be some cause for hesitation about the Convention.[55] In fact, it appears that Article III(c) is drawn precisely to satisfy the prevailing interpretations of the First Amendment to the United States Constitution.

Mr. Justice Holmes stated the argument in favor of the constitutionality of a provision such as Article III(c) in speaking for the Supreme Court in *Frohwerk v. United States*,[56] decided just after World War I.

"We think it necessary to add to what has been said in Schneck v. United States * * *[57] that the first amendment, while prohibiting legislation against free speech as such, cannot have been, and obviously was not intended to give immunity for every possible use of language. We venture to believe that neither Hamilton nor Madison, nor any other competent person then or later, ever supposed that to make criminal the counseling of murder within the jurisdiction of Congress would be an unconstitutional interference with free speech."

The same thought was expressed thirty years later in a case involving an injunction against peaceful picketing to induce violation of a state law concerning trade.[58]

"It has rarely been suggested that the constitutional freedom for speech and press extends its immunity to speech or writing used as an integral part of conduct in violation of a valid criminal statute. We reject the contention now."

It is worth pointing out that the author of that opinion, for a unanimous court, was Mr. Justice Black, surely a justice sensitive to violations of the First Amendment.

It is, of course, not easy to distinguish in all cases between permissible and impermissible expression, or between condemnation of a racial, religious, or ethnic group and intent to destroy such a group. The distinction drawn by the Supreme Court in this area—for example, between *Chaplinsky v. New Hampshire*,[59] *Terminiello v. City of Chicago*[60] and *Feiner v. New York*[61] are not easy. If a person were arrested and prosecuted for inciting to genocide, doubtless the factual issues would be scrutinized with great care. The dividing line was expressed best, perhaps, by Mr. Justice Brandeis in his famous concurrence in *Whitney v. California*.[62]

"* * * even advocacy of violation, however reprehensible morally, is not justification for denying free speech *where advocacy falls short of incitement* and there is nothing to indicate the advocacy would be immediately acted on. The wide divergence between advocacy and incitement, between preparational attempt, between assembling and conspiracy, must be borne in mind." (Emphasis supplied.)

In its most recent decision in the free speech area, the Supreme Court, while discrediting *Whitney v. California*, appears to have reaffirmed the distinction drawn by Justice Brandeis in his concurrence. Reversing the conviction of a Ku Klux Klan member who staged a "rally" for television reporters, the Court said:[63]

"* * * the constitutional guarantees of free speech and free press do not permit a State to forbid or prescribe advocacy of the use of force or of law violation except *where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.*" (Emphasis supplied.)

However hard it is in practice to draw the distinctions between advocacy and incitement, it is clear that in the definition of the crime, the Genocide Convention has drawn them correctly by these standards.

In short, the particular criticisms of the text of the Convention are the sort of objections that can be made to the text of many documents. Singly or together, they do not provide reason to reject the Convention.

FOOTNOTES

[36] *See Senate Hearings* (1950) 154–230.

[37] This point, in the context of the growth of international law in the post-war period, is developed by Bernard G. Segal, President of the ABA, in a recent address to the World Peace Through Law Conference, Bangkok, Thailand, September 1969.

[38] 74 A.B.A. Rep. 320 (1949), *Senate Hearings* (1950) 160.

[39] 252 U.S. 416, 433–434 (1920) .

[40] There were several versions of the Amendment. For the principal one, see S.J. Res. 1 as amended and reported favorably by the Senate Judiciary Comm. S. Rep. No. 412, 83d Cong., 1st Sess. (1953).

[41] U.S. Constitution Art. I, sec. 8, cl. 10.

[42] There have been, of course, deliberate lynchings or murders with racist aims. But such acts have always been unlawful.

[43] *Brown* v. *Board of Education*, 347 U.S. 483 (1954). See also *Cooper* v. *Aaron*, 358 U.S. 1 (1958), *Griffin* v. *Prince Edward School Board*, 377 U.S. 218 (1964).

[44] 71 Stat. 637 (1957), 42 U.S.C. 1971 (1964), sustained in *United States* v. *Mississippi*, 380 U.S. 128 (1965).

[45] 78 Stat. 243 (1964), 42 U.S.C. § 2000a–h, sustained in *Heart of Atlanta Motel, Inc.* v. *United States*, 379 U.S. 241 (1964), and *Katzenbach* v. *McClung*, 379 U.S. 294 (1964).

[46] 79 Stat. 437 (1965), 42 U.S.C. § 1973 (Supp. 1965), sustained in *South Carolina v. Katzenbach*, 383 U.S. 301 (1966).

[47] While the Departments of State and Justice informally discussed implementing legislation for the Genocide Convention, no government draft has been published. The draft has been prepared for this Report, for illustration only, and has no official standing.

[48] It seems no longer necessary to address the possible overlap between the new federal crime and a state crime, such as homicide. Such overlap is by now accepted without question, in areas as disparate as civil rights legislation, kidnapping, bank robbery, possession of narcotics, and as many more. For an early authoritative statement on this point, see *United States v. Arjona*, 120 U.S. 479 (1887).

[49] See *Senate Hearings* (1950) 154–221.

[50] See *Senate Hearings* (1950) 154, 199, 201, 203.

[51] The amendment containing these words was proposed by Norway in the debates of the Sixth (Legal) Committee of the General Assembly in its debates on the draft prepared by the Economic and Social Council. U.N. Doc. E/794 (May 24, 1948). The debates appear at 3 U.N. GAOR 6th Comm. 61, 92–97, Oct. 7, Oct. 13, 1948.

[52] The last time the proposal was seriously discussed appears to have been in the Sixth (Legal) Committee of the General Assembly in 1957. 12 U.N. GAOR 6th Comm. 155 (Dec. 5, 1957).

[53] For a thorough presentation of cases and scholarly discussion, see Emerson, Haber and Dorsen, *Political and Civil Rights in the United States* 512–601 (1967).

[54] 252 U.S. 416, 433–34 (1920).

[55] It would, of course, be possible to ratify the convention but omit the language corresponding to Article III(c) from the implementing legislation. That course is expressly permitted by Article V. For the reasons stated in the text, however, this course is not here advocated.

[56] 249 U.S. 204, 206 (1919).

[57] 249 U.S. 47 (1919).

[58] *Giboney v. Empire Storage Co.*, 336 U.S. 490, 498 (1949).

[59] 315 U.S. 568 (1942—Conviction of a Jehovah's Witness for addressing the police officer as "a damned Fascist" upheld.

[60] 337 U.S. 1 (1948)—Conviction of a speaker addressing a crowd and attacking "Communist Zionist Jews" reversed.

[61] 340 U.S. 315 (1951)—Conviction of a speaker for "endeavoring to arouse the Negro people against the Whites" and refusing to stop when requested by a police officer up-

held. Justice Douglas, dissenting in *Feiner*, wrote "A speaker may not, of course, incite a riot any more than he may incite a breach of the peace by the use of 'fighting words'." 340 U.S. 329, 341.

[6] 274 U.S. 357, 376 (1927).

[6] *Brandenburg v. Ohio*, 395 U.S. 444, 447 (1969).

NO WAR WITHOUT CONGRESS

Mr. CHURCH. Mr. President, despite claims of an end to U.S. involvement in the Indochina war, the ceaseless fire continues to engage American combat forces in hostilities there, without any legal or constitutional basis. Such unlawful military operations on the part of the United States as the bombing of Cambodia and Laos—acts of war—must stop.

To bring this matter to issue, Senator CASE and I plan to offer a revised version of our January 26 bill, S. 578, as an amendment to the State Department Authorization Act, which is currently before the Committee on Foreign Relations, upon the resumption of senatorial business next month.

I ask unanimous consent that an editorial of April 13, 1973, entitled "Congress and Cambodia" that appeared in the New York Post be printed in the RECORD.

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

[From the New York Post, Apr. 13, 1973]

CONGRESS AND CAMBODIA

It is understandable, as matters now stand in their relations with the White House, that members of Congress should be concerned about the functioning of Constitutional checks and balances. They could help restore the appropriate balance by not signing so many checks—including blank ones—payable to the Pentagon and the President.

The situation is grim enough financially. So far this year, Congress has compliantly furnished $2.3 billion additional for past military operations in Indochina. The Dept. of Defense is now demanding another $1.4 billion for the same purpose and will be seeking more; the massive holiday bombing of North Vietnam has not been fully paid for yet and still to come is the last bill for the current saturation raids in Cambodia.

But money is not the only legal tender in Washington. Power is prized even more and it also can be squandered or devalued by imprudent or inept management. The current contention over Presidential war power illustrates the point. Congress, it appears, is perfectly willing to decry Cambodia raids verbally or even pass a "war powers" bill limiting future abuses of Presidential authority but is predominantly afraid to mount a real legislative attack on the Cambodia air war for fear of being blamed if the Lon Nol regime later collapses.

That kind of querulous reasoning basically paralyzed Congressional opposition to Vietnam for years. It repeatedly encouraged the very Executive usurpations that were being deplored. Yet it was never less defensible than it is now. This country has no legitimate stake in the survival of the despotism in Phnom Penh; the current attempts to prop it up only foreshadow renewed American commitments in Indochina.

In recent months, the White House has gone to unusual lengths to disparage Americans who opposed its policies in Indochina; it is alleged they have been proved humiliatingly wrong. In reality, it is due to their patient efforts over the years that rational perspectives were brought to bear on Vietnam; they plainly deserve a large measure of credit for American extrication. Surely that is worth the remembrance of Congress now. It cannot hope to arrest the irresponsibilities of the Cambodia policy by employing the timid tactics that so often failed on Vietnam. There is some small measure of hope in the news that a bipartisan bloc of Senators is challenging a reenactment of that folly.

They will be under heavy pressure to cease and desist. Will they rise to the occasion this time, or let deadly history be reenacted?

U.S. FOREIGN ECONOMIC POLICY

Mr. HUMPHREY. Mr. President, the subject of international trade and the role of the multinational corporation in the world trade picture is one of ever-growing concern and interest to the Congress and the American public. Recently the people of Minnesota were privileged to hear a splendid address on the subject of U.S. foreign economic policy by the former Governor of Minnesota and the former Secretary of Agriculture, Mr. Orville L. Freeman. Mr. Freeman is now president of Business International and in that capacity of leadership has given a great deal of thought to foreign trade and foreign investment. His observations are worthy of our thoughtful and considerate attention.

I particularly wish to note the nine point program that Secretary Freeman outlined in his address. In introducing his program he stated—

I propose today a Nine Point Program that will make it possible for this country to find itself and once again get the world moving toward the "one world" which is the only way the overwhelming international problems of ecology and pollution and energy and population and hunger are to be solved.

I ask unanimous consent that excerpts from the address by the Honorable Orville L. Freeman be printed in the RECORD.

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

U.S. FOREIGN ECONOMIC POLICY ADDRESS

(By Orville L. Freeman, president, Business International)

As the world moves into the second quarter of 1973 the U.S. stands at a critical cross roads. Will this country continue as the world's Number One economic power, with a steady increase in production, trade and standard of living? Or will the U.S. fail to meet its potential, turn inward and be surpassed by Japan and the EEC before the end of this century as many experts now predict? Will a failure of nerve and leadership by the U.S. propel the world back into narrow nation-state parochialism and isolationism? Or will the U.S. continue to lead the way toward one world?

It is my firm conviction that what the U.S. does in the next two to three years will give us the answer to these questions and determine the economic well-being of the U.S. and the world for the balance of this century.

There is no denying that the performance of the U.S. economy for the last five years has been poor. At home, the twin devils of unemployment and inflation have persisted, while at the same time the national debt has climbed precipitously with unparalleled budget deficits year after year.

During this same period our international economic position, with one exception, has steadily worsened. The U.S. chronic balance of payments deficit since World War II soared during this period from $1.6 billion to an estimated $10 billion this year, after having reached the phenomenal level of $22 billion in 1971. (These figures are calculated on a net liquidity basis.) Even more serious, in 1971, for the first time in 88 years, we suffered a balance of trade deficit, which, despite devaluation, climbed in 1972 to over $6 billion. Our official reserves are now down to $10 billion, forcing the U.S. to halt conversion. Significant segments of the American market in electronics, rubber goods, automobiles and consumer goods, have been largely taken over by imports from Asia and Europe.

The only bright spot in this generally bleak five-year record of economic performance is the return on U.S. direct investment abroad which climbed from $5 billion in 1968 to around $10 billion in 1972, totalling $38 billion for the five-year period. Without this exceptional return on investments made abroad by U.S. multinational corporations, the U.S. balance of payment position would be not only serious, it would be catastrophic.

One result of what might be called "these five bad years" has been climbing support for protectionism and pseudo-isolationalism. Powerful segments of organized labor today make Hartke-Burke, the most isolationist bill since Smoot Hawley in 1930, its Number One political and legislative priority. The argument for protectionist policy, setting import quotas and curtailing investments abroad and the export of technology is based on the simple premise that the U.S. in the world of the 1970's, made small by modern communications and transportation, is no longer competitive, that we must turn inward and shield ourselves from outside competition and restrain investment abroad so that the job-producing expansion of American industry will take place at home, not around the world.

The arguments of the protectionists have a familiar ring. With one addition and some differences of emphasis, they repeat the rhetoric of the advocates of the Smoot Hawley Tariff in the debate which took place 40 years ago. The principle addition to the debate in 1973 as compared to that of 1930, results from the effort to restrict foreign investment as well as to curtail imports. With direct investment abroad by U.S. companies reaching a level of $80 billion, the charge that U.S. companies are exporting jobs is being heard with increasing frequency. Careful studies such as that recently completed by Business International, the company I head, which through meticulous research has determined that investment abroad pulls exports to new markets thereby creating rather than exporting jobs within the U.S., are ignored or distorted by the new isolationists.

The path of protectionism followed 40 years ago proved to be a total catastrophe. Smoot Hawley was a significant factor in the breakdown of the world economy in the 1930s that lead to World War II. The question before us today, then, becomes: will the mistakes of 40 years ago be repeated? What can be done to prevent such a debacle from again overwhelming the world?

The United States of America desperately needs a foreign economic policy. Since World War II, international diplomatic, political and security demands have dominated our foreign policy. Repeatedly we have bargained away our economic interests to move toward political objectives. Perhaps such a policy was necessary in the post-war world. But it is no longer practical or feasible in 1973. From now until the end of this century economic matters must command attention at least equal to that paid to international political forces. We must recognize that the US is no longer the world's dominant economic force. Today, Japan and the European Economic Community threaten to surpass us in production, commerce and trade. Competition promises to be fierce in the days

ahead. Nonetheless, in the US government, business, labor, agriculture and consumer forces continue to pull in all directions. There is no consensus, nor is there a foreign economic policy. This no policy, no direction; disarray is the road to certain economic disaster. The need is pressing for a national alliance to include all segments of the US economy, bringing together government, business, labor, agriculture and consumers. Such an alliance could reach a national consensus on the elements of a foreign economic policy for the US for the balance of this century.

With such a consensus the foundation for a flexible, meaningful US foreign economic policy could be built. Then with the targets established and the guide-lines clear, the American economy would regain its competitiveness and surge forward to resume its first among equals position in the world. Japan is not yet ready to provide world leadership. The EEC has not yet become the cohesive, strongly led entity necessary to point the way; that leaves the US once again required to take the lead if the world is to move forward rather than to retrogress once again to squabbling nation-states.

I propose today a Nine Point Program that will make it possible for this country to find itself and once again get the world moving toward the "one world" which is the only way the overwhelming international problems of ecology and pollution and energy and population and hunger are to be solved:

1. The formation of a national alliance.

2. A new Cabinet-level Department with the responsibility to develop a national consensus upon which to formulate and execute US foreign economic policy. Today "pieces of the action" are scattered all over the Federal Government. There is no foreign economic policy; and worse, no one has the responsibility to develop such a policy. Repeated efforts to coordinate have failed. It is time to bring all foreign economic matters together in one Cabinet-level Department.

3. Control of inflation has become the most important criterion by which a country's economy is measured by the rest of the world. The development of a firm national program to control inflation is absolutely essential.

4. A long-term Government policy to support research, development and plant modernization is necessary if US output is to meet the competition of industry in other countries.

5. American anti-trust laws should be revamped so that certain kinds of combinations necessary to meet competition from permissible foreign combinations will not be illegal.

6. Foreign source income should be taxed only on return to the US. Otherwise, investment abroad will be sharply curtailed. US foreign investment should be encouraged, not discouraged. It is the only bright spot in five years of dreary national economic performance.

7. A nationwide, integrated manpower policy is an absolute necessity. In the absence of such a policy, it will be impossible for the President to get trade and monetary negotiating authority from the Congress.

8. The US should welcome foreign investment for the capital it makes available and the technology, know-how and competition it fosters.

9. Controls on foreign investment should be promptly removed. In the last five years, the growing return on investment abroad has been the brightest spot in a generally unimpressive US economic performance. It is clear that the return from intangibles will, if permitted, make an increasing contribution to returning the US to a satisfactory balance of payment position.

HOW CONTRIBUTORS ESCAPED GIFT TAXES

Mr. STEVENSON. Mr. President, in recent weeks the attention of the Congress and the Nation has been focused on the sordid uses to which big money was put during the 1972 Presidential campaign. In an excellent column which appeared in the April 16, 1973, Chicago Tribune, Louis Kohlmeier tells a story of how big money was raised.

It, too, is a sordid story. As Mr. Kohlmeier points out, the IRS, in a highly irregular way, issued a ruling in June 1972, which was nothing more than a blueprint for gift-tax evasion by large political contributors. In Mr. Kohlmeier's words, the result was that "the politicians got richer and the taxpayers got poorer." He might have added that the wealthy bought more influence as well.

Five months ago, I submitted a formal statement to the IRS calling for the retroactive recision of the gift-tax ruling. It is regrettable that the IRS has chosen not to act. The conclusion is inescapable that the Nixon administration has added the IRS to a growing list of agencies whose impartiality and professionalism have been subordinated to political expediencies. Consequently, I will at the earliest appropriate time seek corrective legislation.

I ask unanimous consent that Mr. Kohlmeier's column be printed at this point in the RECORD.

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

HOW CONTRIBUTORS ESCAPED GIFT TAXES

(By Louis Kohlmeier)

WASHINGTON.—Behind the Watergate and other political scandals now exploding ever closer to the White House was big money. Behind the big money was a tax ruling, almost unnoticed except by political fund-raisers and tax lawyers, that enabled rich contributors to avoid taxes on millions of dollars they gave to President Nixon's reelection campaign.

It has been learned exclusively that some of Nixon's top advisers participated in setting up the tax avoidance scheme, even though the ruling was issued by the Internal Revenue Service as a supposedly routine, technical tax decision.

The formal ruling was under consideration inside the Treasury Department before John Connally on May 16 last year resigned as Treasury secretary to head Democrats for Nixon in the campaign. George Schultz was advised on the rule proposal even before he succeeded Connally on June 12. IRS issued the ruling June 21.

It has been learned, however, that Nixon fund-raisers more than a year earlier were collecting contributions on the assumption that the ruling would be made.

The informal but lucrative fund-raising setup was organized with the help of Thomas Evans, a member of the New York law firm of Mudge, Rose, Guthrie & Alexander, in which Nixon once was a partner and John Mitchell, Nixon's ex-campaign manager, now again is a partner.

The informal arrangement was ultilized by Herbert Kalmbach and Hugh Sloan, Nixon's personal friends and fund-raisers, to collect millions of dollars in 1971 and early 1972, before the formal reelection drive started, according to a court deposition. Kalmbach's name in other sworn court testimony has been linked to the Watergate scandal.

The formal tax avoidance ruling was available to and utilized by Democrats as well as Republicans. But fat cat contributors, able and willing to give $100,000 and more, flocked to Nixon while Democratic candidate George McGovern was scratching for $1 donations.

IRS policy dating back 40 years holds that political contributions are gifts for tax purposes. Under the Gift Tax Law, anyone can give up to $3,000 yearly to a son, niece, political candidate, or anyone else without paying a federal gift tax. Anyone who gives more than $3,000 must file a gift-tax return.

IRS as late as 1970 maintained that political contributions are gifts. IRS took that position in a court case and lost when an appeals court in January 1971, held that contributions are not gifts because big contributors give to specific candidates for the purpose of advancing their own financial and property interests.

IRS, instead of appealing that decision to the Supreme Court, simply ignored it by creating a loophole.

Nixon fund-raisers in spring of 1971 began telling the fat cats they could contribute whatever they wanted without paying gift taxes. The fund-raisers themselves set up 100 phony committees and told contributors to write checks of $3,000 to each of as many committees as they liked it.

Technical tax rulings normally originate in IRS and go to Treasury for final approval. The procedure was reversed for the June 21 ruling.

The ruling said a contributor can give as much as he likes to a candidate without paying any gift tax, so long as the contribution is channeled in $3,000 pieces through separate committees.

Republicans and Democrats set up more than 900 phony Nixon or McGovern committees. Fat cats often sent single checks of $100,000 or more and the fund-raisers themselves divided the contribution into $3,000 pieces.

Only 14 contributors gave $100,000 or more during the 1968 campaign. As many as 50 may have given such huge sums last year.

The politicians got richer and the taxpayers got poorer. The scheme enabled contributors of more than $3,000 to escape probably in excess of $5 million in gift taxes.

MILITARY AID

Mr. FULBRIGHT. Mr. President, on April 3, I introduced a bill which would phase out the military grant aid program over a 2-year period and make other significant changes in the military aid and sales program.

The Fort Smith, Ark., Southwest Times Record of April 12 carried an editorial commenting on that proposal. "Americans," the editorial states:

Cannot be expected to carry the world on their shoulders for all time. And gradual phasing out of the aid programs would be a good start in a long-indicated direction.

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

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

PROGRAMS NEED TO BE PHASED OUT

There's merit in a proposal by Senator Fulbright that the U.S. start reductions of foreign military aid—and the same principle should be applied to a new bill now being drawn on the foreign economic aid program.

This vast outflow of American taxpayer money has been going on now for more than 25 years and the total has run to astronomical billions of dollars.

In many cases, events have proved that neither the military nor economic aid has achieved the goals which were claimed for it at the beginning of the plan.

At that time, it was widely said by economists that the economic aid was designed to produce self-supporting economies abroad in about 20 years, after which no further aid would be necessary.

Not only has this mostly failed to come about, but U.S. aid seems now to be looked on as merely a "handout" to which other countries are "entitled".

They aren't. No country is "entitled" to the dollars earned by American taxpayers and there's no longer justification for it unless those dollars return a benefit to Americans.

Military aid, also, in many cases has utterly failed to achieve long-time results beneficial to Americans.

Mr. Fulbright's military aid bill would gradually phase out the program of grants. In the meantime, it would require matching by the recipient nations. Later, it would be reduced to credit sales, with loans guaranteed, to the countries involved. The same principles should be applied to economic aid.

Americans cannot be expected to carry the world on their shoulders for all time. And gradual phasing out of the aid programs would be a good start in a long-indicated direction.

AIR TRAFFIC CONTROLLER HIRING PLANS

Mr. McGEE. Mr. President, it is with some satisfaction that this Senator has learned that the Federal Aviation Administration has been cleared to move promptly with a program to hire 1,000 additional air traffic controller trainees in this fiscal year.

Just such action is what I called for here in the Senate on February 7 in order that the mounting gap between the manpower needs of the air traffic service and the number of trained specialists available for duty be attacked without delay.

It is rather encouraging to know that the necessary funding has been made available to undertake this program in the public interest. And, Mr. President, I firmly believe it is in the public interest to carefully manage the air traffic control system so that we guard against any degradation of the service and, even more, against any compromise of its safety.

The problem is that it takes upwards of 3 years to fully train a controller, providing he makes the grade at all. Because of the recent freeze on hiring, along with other cost-reduction efforts, the supply of trainees moving up the ladder toward full qualification has been seriously depleted. And because of the rate of attrition in this stressful occupation, delay in recruiting new personnel has added, week by week, to what I termed an obvious and worsening manpower shortage in this vitally important field of air safety in my remarks here 2 months ago. It has so far not been a matter of severe shortages at present, but of the mounting potential for real trouble in a matter of a year or two.

In those 2 months, the administration's understanding and appreciation for the FAA's problem in this regard has obviously improved. That is evident by the fact that the agency is not going to have to wait until the next fiscal year to proceed with its program, but will be able to take on 1,000 trainees out of the 2,700 it plans to recruit through the end of fiscal year 1974 between now and June 30.

This action, for which I wish to commend the FAA and the Secretary of Transportation, puts the program on the track, where we all can hope it will remain.

PRESIDENT AND CONGRESS: TIME FOR COOPERATION

Mr. HUMPHREY. Mr. President, the current battle over the budget points to one central theme:

The necessity of our Government to be run by partnership, not confrontation; comity, not, conflict.

It simply is not in the best interest of our Nation to have one branch of the Government unilaterally set against the other. I believe in checks and balances; I think they are necessary. But neither the Founding Fathers nor the historical tradition suggests that our Government would work best when confronted with a determined President and and equally determined Congress.

There simply must be a greater spirit of cooperation among the branches of Government.

But that cooperation is not forthcoming from the executive branch. Last week, Attorney General Richard Kleindienst threw down the gauntlet of absolutism in the form of asserting blanket Executive privilege. And, he did so in a manner that could be called nothing less than contempt for the constitutional processes the Attorney General is sworn to protect.

Mr. President, I believe it is time that the personnel of the executive branch, especially the inner circle of the White House, realize that political motives and personal loyality—no matter how commendable are not and cannot be above the law or the Constitution.

Executive personnel are servants of their country first; and servants of the President second. There can be no confusion over their roles.

The articles, two from the New York Times, and one from the Wall Street Journal, suggest that the time of confrontation ought to be over, that blanket assertions of piety on both the Congress and the Executive ought to be met with skepticism, and that it is simply time for more cooperation among the branches of Government.

Mr. President, the people of our country are simply tired of all the "doings down here in Washington." People have real needs that must be met and problems to be solved, to do so means that critical matters of public policy must be passed by the normal channels of legislative-executive cooperation.

I do not mean to imply that there cannot be differences of opinion among the President and the Congress over priorities, surely honest differences are part of the legitimate debate between Congress and the President.

But, when unilateral rule and executive predominance is substituted for legitimate debate, the very foundations of our legislative process and constitutional democracy are threatened.

Mr. President, these points are lucidly made in the articles to which I referred earlier in my statement. I now ask unanimous consent that these articles, "Executive Obligation," by Fred M. Hechinger and "The Shock Treatment for Congress," by Allen J. Large, and "Nixon's Power Grab," by Tom Wicker be printed at this point in the RECORD.

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

[From the Wall Street Journal, Apr. 13, 1973]

THE SHOCK TREATMENT FOR CONGRESS

(By Arlen J. Large)

WASHINGTON.—One of the scariest lessons of the turbulent '60s was that, in a sense, lawbreaking worked.

City riots resulted in a lot more federal money for cities. Student seizure of the college president's office won them, after the fuss died, a louder voice in campus affairs. Even now, the offenses being committed at Wounded Knee are forcing more intense government attention to the problems of Indians generally.

The phenomenon makes politicians squirm. It ought to be possible to do good works without a prelude of lawbreaking and violence. But however deplorable, there's nothing like them for calling attention to a grievance that everybody's been ignoring.

In an entirely different frame of reference, the lesson is being demonstrated again in President Nixon's budget fight with Congress. Mr. Nixon's cancellation of some long-unexamined federal programs is being called illegal on Capitol Hill and even in some federal courtrooms. Cancelling an entrenched federal activity by decree does violence, to say the least, to the traditional Congressional-Executive relationship.

Nevertheless, by not working within the old system, Mr. Nixon has aroused a snoozing Congress and made it mad. He has also made it a little ashamed, and true to the uncomfortable lesson of the '60's, its starting to shape up.

Budget directors of earlier Presidents beefed for years about the bargain interest rates on federal rural electrification loans, for example, but Congress always voted the money and the lending obediently continued. Mr. Nixon last December smashed that traditional interplay by simply ordering a halt to the loans. Congressmen screamed it was illegal, but the President at last had got their attention.

The result has been a reluctant attempt to redirect the cheap loans to rural electric coops that really need them. The change recently voted by the House evidently still doesn't go far enough to suit the administration, but no earlier President has forced this much motion with more conventional methods.

His proposed slaughter of several federal health programs, uplift projects for depressed areas and a major part of the anti-poverty program likewise have startled lawmakers into promising reform and overhaul. Congressional committees in charge of housing for years neglected their "oversight" function of monitoring this federal patchwork of programs. Now, at last, the Senate Banking Committee is holding some housing hearings. To be sure, the Senators are trying to prepare a case for continuation of the programs, but they're also promising to make repairs.

More important than these individual instances of deathbed religion on Capitol Hill is the total shock effect of Mr. Nixon's behavior on the way Congress handles the budget as a whole.

THUNDERBOLTS GET RESPONSE

The President asserts he must hurl his economy thunderbolts unilaterally because the undisciplined legislative mobs aren't organized to consider the budget as a whole. It's an old complaint, but for the first time Congress appears to be responding in a serious way.

Nobody is defending the status quo, the easygoing practice of passing a tandem of piecemeal appropriation bills without relating them to final spending and revenue targets. Now everybody has a plan for doing that.

Typically, a special committee has been appointed to come up with new appropriations procedures, and something good very likely will come of it. Every five minutes, it seems, some lawmaker is saying ponderously: "We must get our own house in order."

There is, of course, a high quotient of politics in the exchange of accusations between the spend-happy Democratic Congress and the Republican President who lacks compassion for the poor. But this is the workaday trade of grownup professional politicians, all trying to keep people interested in what they do. For Congress, the special thumb-in-the-eye that's producing the unusual response of outrage and grudging reform is the feeling that the Executive is trying to take over its job. Mr. Nixon's freezes of appropriations are, in this view, legislative actions going beyond his constitutional authority to recommend bills and veto those he doesn't like.

Mr. Nixon's lawyers insist it's perfectly legal, but so far they're doing poorly in the lower federal courts.

In Minnesota, a group of farmers sued the Agriculture Department for its sudden termination in December of a program of supergenerous disaster loans. Federal District Judge Miles Lord ruled last month that in killing the program, Agriculture Secretary Earl Butz improperly substituted his own opinion of its merit for the will of Congress. Said Judge Lord:

"It is the opinion of the court that the defendants have a ministerial duty to implement the emergency loan program as directed by Congress, that the unilateral termination of the program without notice to the plaintiffs in this case was in violation of the statutes, the agency's own regulations and due process of law."

The government likely will appeal the district court's decision. Meanwhile, Congress yesterday passed a bill reinstating the loans for a brief period. Significantly, though, the administration's "unilateral" and possibly illegal deed fixed lawmakers' attention on the huge budget cost of those generous loans; the new bill eventually would tighten up the terms of rural disaster lending.

After President Johnson impounded some highway money in 1967, Congress wrote into the law a new section forbidding it. When Mr. Nixon nevertheless impounded some highway funds in 1971, the Missouri Highway Commission sued and won both in federal district court and, earlier this month, in the Eighth Circuit Court of Appeals.

THE APPEALS COURT RULING

Administration lawyers essentially argued that despite the must-spend section of the highway law, the Secretary of Transportation has legal discretion to control the rate of outlays. Examining the law, the appeals court in its 2-to-1 ruling said the administration is wrong:

"It is impossible to find from these specific grants of authority discretion in the Secretary to withhold approval in projects Congress has specifically directed because of a system of priorities the Executive chooses to impose on all expenditures."

The Supreme Court probably will have the final word. But here again, the impoundments—legal or otherwise—are producing a response from Congress. The pending version of a new highway bill has a must-spend section, but it also cuts back the amount of interstate roadbuilding money authorized. Sponsors frankly say it's intended to induce Mr. Nixon to stop impounding.

The most recent courtroom setback for the administration came just this week when a federal district judge here ruled that the Office of Economic Opportunity is being closed down prematurely. Congress has voted money for OEO's poverty fighters through June 30, and Judge William Jones ruled they can't be disbanded now just because the Nixon budget contains no funds for the following year.

Even though it's losing in court so far, the administration is able to keep freezing money while the cases are pending. Indeed, one Agriculture Department official told a farm meeting in Idaho that if Congress orders reinstatement of a cancelled soil conservation program, Mr. Nixon will veto the bill and not release funds even if a veto is overriden. If somebody sues, he said, there'll be another President before the case is finally settled. Word of the meeting got back to Rep. John Melcher (D., Mont.), who sees the administration's attitude as "a defiance of congressional constitutional authority."

(In this instance, the impoundment produced no congressional promise to reform the soil conservation program, despite longstanding complaints that it subsidized farmers for doing what they'd probably do anyway. Both the House and Senate have passed bills just ordering the administration to start it up again without change.)

How one feels about the legality of the administration's money freezes doubtless depends on the health and whereabouts of one's own ox. Administration officials say special interest groups naturally will scream, but that taxpayers generally will applaud. That's probably true. But the vigor of the Executive's claim of authority has aroused echoes of the old FDR-era complaints about "one-man rule," with Democrats alarmed about a too-strong presidency and loyalist Republicans sounding comfortable with it.

SENATOR HUGHES' VIEW

Sen. Harold Hughes (D., Iowa) puts it this way: "I am worried not so much about the power of Richard Nixon as the precedent that is being set for other Presidents on down the line in the future. I can't begin to determine what their next step of escalation might be down this road, but when I think about it, it scares the hell out of me."

Sen. Hughes is a liberal who disagrees with Mr. Nixon on the merits of many frozen programs, so his protests aren't based on constitutional theory alone. But a parallel point was made in a recent House speech by Rep. Philip Crane (R., Ill.), an articulate conservative:

"It would be good to believe that liberals who now express concern over too much Executive authority really wish to restore the supremacy of Congress. Unfortunately, the goals of far too many seem more partisan.

"Equally unfortunate is the fact that now that conservatives have a real opportunity to implement their principle of limited government and restore Congress to its proper role, many seem subservient to the will of an Executive of their own party.

"In neither instance is the will or the interest of the people really served."

If in search of its "proper role" Congress improves its haphazard budget-handling methods and re-examines entrenched federal programs, Mr. Nixon's unconventional use of Executive power could be a long-range plus for the Legislative Branch. But some observers of Congress worry that the President's actions could generate a backlash harmful to Executive Branch efficiency. Legislation this year already is beginning to bristle with tightly worded mandatory spending clauses. Louis Fisher, a Library of Congress researcher, thinks Congress will try to grant "less discretion at the cost of effectiveness of government and programs."

Like many others, Mr. Fisher would like to see a greater spirit of cooperation on both sides. So would George Washington University law Professor Arthur Miller. "I think what we are seeing is a complete defiance of the law by the Executive," he said at a recent seminar here on Executive-Legislative relations. "I don't think the President knows best. I don't even think the Congress knows best. I do think that working together, they might do a little better than they are now."

Cooperation is pleasant and statesmanlike. But "definance of the law" calls more attention to neglected problems, whether on the campus or the musty chambers of the House Appropriations Committee. *It's deplorable,* but it works.

[From the New York Times, Apr. 16, 1973]

EXECUTIVE OBLIGATION

(By Fred M. Hechinger)

The issue of executive privilege dominates the political debate, but little attention is paid to executive obligation or accountability. "We cannot savor the fullness of the President's duties," wrote the late Prof. Clinton Rossiter in 1956, "unless we recall that he is held primarily accountable for the ethics, loyalty, efficiency, frugality and responsiveness to the public's wishes of the two and one-third million Americans in the national administration." These are the same people whom Attorney General Richard Kleindienst last week took under the protective umbrella of executive privilege.

Mr. Nixon's accountability for the ethics of his aides, however, cannot be spirited away by any such magic. The Senators who have asked for the testimony of such White House aides as John W. Dean 3d, the President's legal counsel, are not denying Mr. Nixon's right to his own privileged relationship with Mr. Dean; they are challenging the extension of that privilege to cover Mr. Dean's alleged involvement with the men who financed, planned or executed the illegal political espionage in the cause of Mr. Nixon's reelection.

The President's advisers apparently believe that Mr. Nixon's general popularity is more potent than the wrath of Congress. Many Americans undoubtedly do give to the White House an extra political status that borders on the quasi-royal. The Presidency is the only elected office whose purity the people truly want to believe, and are therefore loath to question.

Furthermore, the basic concept of executive privilege is reasonable. Government could not function without a privileged relationship between the Chief Executive and his staff.

There are growing indications, however, that the stress on executive privilege has become a cover for something quite different. It seems of a piece with Mr. Nixon's general desire to play his cards close to the chest and to act unpredictably. It is the domestic equivalent of secret covenants secretly arrived at.

Such a doctrine is not necessarily unpopular as long as it works and requires no public sacrifice. Since its application paid off in the secret missions to Peking and Moscow, why not extend similar Presidential powers to the home front? There is an undeniable attraction to the "Let Richard do it" concept of government.

In using the executive privilege issue as a means of extending executive power, the President's hand is strengthened by a widespread feeling that the President is better equipped than Congress to deal with crises. Congress is slow and argumentative; the President, though secretive, is at least quick and decisive.

Unfortunately, these views clash head-on with the original prospectus of American

government, one that has not worked too badly for almost 200 years. Even in hard contemporary terms, moreover, the concept of a fast-acting, privileged, tight-lipped executive is not all that commendable. Call Congress talkative or deliberative; yet, without it, the President would have imposed a antibusing order before yast year's elections. The Congressional scrutiny of Mr. Nixon's proposals on crime and punishment may avert some serious mischief.

The question now is whether—or how long—the red herring of executive privilege can effectively divert public attention from the Administration's efforts to make the Presidency an inscrutable command post.

Mr. Klindienst, undoubtedly reflecting the President's mood of confidence, said bluntly last week that White House aides will defy Congress "if the President so commmands."

Yet, Mr. Nixon's apparent tactical advantages will not make him immune to an unexpected stiffening of opposition. The American character usually rebels against official arrogance, and the intricate system of American government is carefully rigged to encourage resistance.

In "The Power of the Contemporary Presidency," Prof. Robert S. Hirschfield of Hunter College recalls that Franklin Roosevelt lost the Supreme Court packing battle "because the same public which had just given him the greatest electoral mandate in history refused to support his attempt to invade judicial independence."

In the current test of strength between the President and Congress, Mr. Nixon has strained the use of his power in a way that arouses suspicion that he is shielding associates whose ethics are questionable.

The American people are quite permissive about political ethics—except within the sanctity of the White House. Thus, the growing rebellion among Republican Senators. Mr. Kleindienst may feel confident of the voter's mandate, but Senator Barry Goldwater warned that the Republicans will pay dearly if the President fails to clean up the scandal.

The new undercurrent of concern suggests that the issue now transcends the Nixon Administration. The American people are beginning to think about the future of the Presidency. They may have become aware that, as Professor Rossiter put it, the President's most important task in safeguarding the ethics of government is" to transmit a clear lead downward through his chief lieutenants to all who help shape the policies by which we live."

[From the New York Times, Apr. 12, 1973]

NIXON'S POWER GRAB

(By Tom Wicker)

On the same day that President Nixon made the reasonable and necessary proposal that he be given executive power to raise or reduce tariffs, his Attorney General made the unreasonable and absurd claim that all 2.5-million Federal employees could be directed by the President not to testify before Congress. There could hardly be a better illustration of how the need for strong executive government, which no one can dispute, can be perverted into an open grab for imperial powers.

The low intellectual and constitutional level of Mr. Kleindienst's astonishing performance is not hard to demonstrate, as in the following examples:

As the Attorney General would have it, if a Federal employee—say a postmaster in Colorado—were summoned by a Congressional committee to tell it how (or if) the mails were going through in his part of the country, the postmaster could not do so if the President directed him not to.

It is probably true that in such a ridiculous instance no President would so order the postmaster. But that does not alter the case, because the President under the Kleindienst doctrine *could* order him not to testify. The plain meaning of that is that any President would have the right to determine what Congress could and could not hear from Federal employees. One can be absolutely certain, for example, that no Pentagon accountant, in that case, would ever tell a Congressional committee about a cost overrun on a new aircraft or submarine.

Again, suppose some Federal employee is ordered by the President not to testify before Congress, and refuses to do so with the impunity Mr. Kleindienst claims. Later, as frequently happens, the employee leaves the Federal service and writes a book about his experience. Does the Attorney General claim that he could stop the man from writing the book? Or that what he might put into a book, Congress had no right to hear?

Or what about instances in which a President would wish to appoint a Federal employe to a Federal position requiring confirmation by the Senate—as just recently happened in the case of L. Patrick Gray and several of the second-term Cabinet members? Does the Attorney General of the United States seriously claim that, if Mr. Nixon so ordered, these Federal employes could invoke executive privilege to avoid confirmation hearings, and damn the Constitution? That is implicit in his fatuous claim, and it does no good to argue that Congress certainly would refuse to confirm a nominee who was ordered to take such a stand; the question is the President's power to claim executive privilege, not the practical political consequence of his doing so.

That is true, too, of Mr. Kleindienst's arrogant prescription for Congress' "remedies" for what it might regard as too much executive privilege. These "remedies" were to cut off funds to the executive branch, to impeach the President, or to defeat him at the next election.

Suppose, for example, Mr. Nixon continues to refuse to let his counsel, John Dean, testify in the Watergate case. Congress decides to take action. According to Mr. Kleindienst, it could either impeach Mr. Nixon or cut off all funds to the executive branch; but for such a relatively limited offense, neither of these sweeping "remedies" makes sense or would ever be practical. They are more like going to war over the outcome of a soccer game, and to all intents and purposes are not remedies at all for the limited kind of offense likely to be an issue.

As for electing another President in protest against executive privilege, Congress and the nation would have to wait nearly four years in the present case, and even then there would be no punishment for Mr. Nixon, who cannot run again anyway—unless Mr. Kleindienst also has a doctrine for surmounting *that* constitutional problem.

The thought is chilling. For by now it is clear that these Nixon men are not merely trying to cover up whatever responsibility they may have for the Watergate affair. They are the same men who have gone to unprecedented lengths to seize the power of the purse from Congress, who are conducting unauthorized war in Cambodia in contradiction of the President's own pledges, who are trying to make it a felony to disclose almost any foreign policy or national defense information and another felony to publish it.

Until thwarted in the Supreme Court, these same men claimed the unlimited right to wiretap and bug anyone they accused of domestic subversion, and imposed the first prior restraint on publication in American history. Is there any limit to the raw and unchecked power they seek?

UNITED STATES SEEMS INDIFFERENT TO WORLD'S SUFFERING

Mr. McGEE. Mr. President, in this morning's edition of the Baltimore Sun there appeared an excellent column by Marquis Childs on the foreign aid program and what it means to the developing world.

Mr. Childs notes that—

With so many troubles at home—trade deficits and dollar deficits—the door of public opinion has been slammed shut on foreign aid. We can do it, as one official with the broadest knowledge of the whole aid picture puts it, we have the resources, but we do not want to do it. In short, nobody, or almost nobody, gives a damn.

The argument over foreign aid really does not boil down to the issues of military assistance, or economic assistance, or multilateral assistance. The issue involved is whether this Nation feels it has a stake in participating in the development of economic viability on the part of 73 percent of the world's people. It is an issue of whether this Nation in fact possesses the human compassion for bringing those so less fortunate than ourselves out of economic, social, and cultural misery.

As Mr. Childs also notes:

The United States today is giving .32 per cent of its gross national product to the underdeveloped nations. The average for other advanced Western nations is .485. The American figure is expected to drop in the near future to .24 per cent.

I would also agree with Mr. Childs in another respect. I hope my colleagues do go out and enjoy that big steak dinner. However, I also hope they do so with the realization that some 73 percent of the people of this world may never have that opportunity throughout the course of their entire lifetime and that opportunity will certainly never become a reality unless we have the wisdom, the foresight, and the compassion to utilize those abundant resources of our own for the benefit of all mankind and not just ourselves.

I ask unanimous consent that Mr. Childs' excellent column be printed in the RECORD.

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

UNITED STATES SEEMS INDIFFERENT TO WORLD'S SUFFERING

(By Marquis Childs)

WASHINGTON.—A strong man wept. With compassion transcending stale officialdom he had read a report on a village in Bangladesh where unremitting hunger and disease are a sentence of early death and misery on the way to a nameless grave. The report was written not in the bureaucratese of graphs and statistics but in the personal experience of a condemned people.

So the foreign aid bill will go up to Congress. It will be chivvied at, chipped away, given the disdainful treatment of those who feel that this pitcher has been brought to the well once too often. The folks in Bangladesh, in Chad, in Upper Volta, in Mali, in Mauritania have no votes. They are not constituents.

With so many troubles at home—trade deficits and dollar deficits—the door of public opinion has been slammed shut on foreign aid. We can do it, as one official with the broadest knowledge of the whole picture puts it, we have the resources, but we do not want to do it. In short, nobody, or almost nobody, gives a damn.

The United States today is giving .32 per cent of its gross national product to the

underdeveloped nations. The average for other advanced Western nations is .485. The American figure is expected to drop in the near future to .24 per cent.

Various rationalizations are conveniently at hand to salve the conscience. The Senate majority leader, Mike Mansfield (D., Mont.) says the program has become largely military, with economic aid a mere appendage. While this is true in part, at least a strong lead from Congress might turn it around.

J. W. Fulbright (D., Ark.), chairman of the Senate Foreign Relations Committee, says he would be for multilateral aid with American help funneled through international agencies, but he is opposed to unilateral aid. Since overwhelming majorities are opposed to turning dollars over to United Nations or other international agencies, this is one way of saying no.

The Agency for International Development has a stout persuader in John A. Hannah, its director, who was for many years president of Michigan State University. For the past four years he has carried the case to Congress with an ardor that is not diminished by his awareness he is speaking for a faceless people who cast ballots in no American election.

"What kind of world do you want your children or your grandchildren to live in?" He asks. "Don't think you can shut out for all time the 73 per cent of the world's people living below or close to the subsistence line. The Americans' 6 per cent of the world's population must not think that they can go on using anywhere from 35 to 50 per cent of the world's resources.

"Think of the kind of world your grandchildren will live in, inundated by a tidal wave of poverty driven to despair and open hostility."

Since December, 1971, when Bangladesh, which had been East Pakistan, became independent the aid agency has furnished $367 million. This has come in cash, food under Public Law 480, medical supplies, coastal vessels to restart trade along the coast and advances to United Nations relief agencies. Loans have come from the World Bank and its adjunct, the International Development Agency.

In view of the need it is the proverbial drop in the bucket—and particularly in light of the population increase estimated, which is a guess since statistics are dubious, at 3 per cent a year.

That, incidentally, is another out for the skeptics—why try to bail out a leaking ship when water runs in faster than it can be put out? As the Bangladesh report says, the mud huts have no light and so when the sun goes down they have nothing to do but procreate.

Mr. Hannah cites five sub-Saharan countries nearly as badly off as Bangladesh. They are Mali, Upper Volta, Mauritania, Chad and Niger. The encroachment of the desert casts a dark pall over the future, with survival in doubt.

The agency is promoting an experimental program in growing crops in desert sand. And a trickle of PL 480 surplus food is going to these marginal nations and to five others in Africa where existence is also threatened.

To make any headway against this tidal wave of poverty would require strong dramatic leadership from the White House and Congress, a recasting of priorities, a public willingness to sacrifice. All this is nonexistent. So let's go out and have big steak for dinner. After all, that great sacrifice of meatless week is over, isn't it?

REFUGEE CRISIS IN CAMBODIA

Mr. KENNEDY. Mr. President, just 2 weeks ago a study mission representing the Subcommittee on Refugees, which I serve as chairman, returned from visiting Cambodia and other areas of Indochina. On Mondy, the subcommittee held the first of a series of hearings on the humanitarian problems facing the peoples of Indochina, beginning with the current crisis in Cambodia.

Given the urgency of the situation in Cambodia, I would like to share with my colleagues, the text of the testimony of a member of the subcommittee study mission reporting on the team's preliminary findings. I ask unanimous consent that the statement of Mr. Wells Klein, a consultant to the subcommittee, be printed in the RECORD.

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

STATEMENT OF MR. WELLS KLEIN

Mr. Chairman, my name is Wells Klein. I am the Executive Director of the American Council for Nationalities Service in New York City. In late March this year I visited Cambodia in a private capacity as a consultant to this Subcommittee and as a member of the Study Mission which you dispatched to evaluate the post-war humanitarian needs of Indochina. The testimony and recommendations I am presenting this morning are based on my own findings and observations. However, to the best of my knowledge, they also represent the consensus of the Study Mission.

We went to Indochina to evaluate post-war humanitarian needs. Sadly, we were not able to do so. Although American prisoners of war are home and American troops have been withdrawn—major accomplishments which we, as Americans, can be justly proud—in fact the war continues unabated in Vietnam and in Cambodia. So, with deep regret, we once again focused much of our attention, not on post-war humanitarian concerns, but on the continuing causes and dimensions of human misery, and on what must be done to alleviate that misery.

Cambodia is not Vietnam. Its history, its culture, its language, and its religion are totally different from that of its eastern neighbor. Yet the political and military circumstances of Cambodia today are frighteningly similar to those of Vietnam at the end of the Diem regime a decade ago when America was inexorably, and against its will, drawn into war. These similarities—a rapidly deteriorating political and military situation, and an increasingly repressive government losing contact with the people—are compounded by a level of mounting human suffering which may shortly surpass the worst we have seen in Vietnam. I refer specifically to the refugee crisis which is upon us now and for which neither our government nor the government of Cambodia have made any significant plans.

Refugees: Statistics are tricky and subject to various interpretations. This is particularly so with refugee statistics. Who and how do you count? There are no precise statistics available in Cambodia. However, the figures which follow are given in the belief that they are of the right order of magnitude.

Cambodia has a population of some 6.5 million people. Over the past three years, in a cumulative sense, some 2.5 to 3 million people have been, or are now, refugees or persons displaced by the war. This estimate includes some 507,500 persons presently officially registered as refugees and another estimated 500,000 unregistered refugees. (In Svay Rieng there were 24,186 registered refugees as of February. At the time of my visit three weeks ago the province chief and the American Embassy official responsible for refugee matters estimated the refugee population of Svay Rieng at around 100,000 persons.)

In addition to the 1,000,000 current refugees, one must count some 500,000 military dependents who have been forced to move by the fortunes of war, and some 250,000 ethnic Vietnamese who were repatriated or forced to flee to South Vietnam.

Finally, there are some two million people under the control of the Khmer Rouge or other anti-government forces. No refugees or displaced persons statistics are available for this population. However, it is known that the other side has dealt harshly with the civilian population under its control and that extensive forced movement of population has taken place for political and military purposes. This, combined with the resumption of bombing by strategic and tactical aircraft suggests that at least half of the population under non-government control must be classified as refugees or displaced persons. (See Table 1)

These statistics are staggering. But very few Cambodians are peacefully pursuing normal productive lives in the countryside—an observation born-out by the acute shortage of rice in both government and insurgent controlled areas.

To understand the full scope of the tragedy which is overtaking Cambodia one must talk with the refugees. Refugees are the most accurate bell-weather of conditions in the countryside, and at every opportunity the study group stopped at random to interview refugee families.

As always, the reasons why refugees move are complex. Until recently most refugees fled their homes to avoid the cross-fire of war, the bombing and the artillery fire. Others fled in advance of Vietnamese troops—from either North or South—who they greatly fear, and with good reason. It should be said at this junction that these refugees were, in no way, "voting with their feet". In very simple human terms, they were fleeing for their lives from bombing and the violence of war to areas of at least temporary security—a relatively sane and predictable action.

In recent months, however, a combination of three new considerations have led to increased refugee movements. There is clear indication that many refugees have tired of living under what they report to be increasingly repressive circumstances on the other side, circumstances which include heavy taxation, corvee labor, political indoctrination, and forced population movement. The numbers who have fled for these reasons are not yet large, perhaps because they are unable to leave, but the trend is significant.

Secondly, rice is in short supply everywhere as a result of the war and the Nation's stagnating agricultural economy. Many refugees are fleeing to government-held areas in the hope of securing food. Despite the fact that the United States is supplying three-quarters of all the rice consumed in areas under government control, these new refugees may be moving in vain. For a serious nationwide shortage of rice is now compounded in many provincial areas by the government's inability to move rice from Phnom Penh to outlying areas.

Finally, and this element is difficult to assess, recent resumption and intensification of American bombing is inevitably beginning to swell the ranks of the displaced and the homeless. Where once, ostensibly, American bombing was confined to the thinly populated areas of northeast Cambodia, today both strategic and tactical aircraft are being used in close support of government troops in the much more densely populated areas of the south and center. We have no figures on the number of refugees and civilian casualties created by this new new wave of bombing. The number of aircraft and the number of sorties involved is a closely held a secret. We do know, however, that the intensity of our bombing in Cambodia today, and in populated areas, is in excess of previous levels. As a senior American Embassy

official in Phnom Penh stated with reference to the recent resumption of B–52 bombing "the ceasefire in Vietnam has released significant resources for Cambodia.".

TABLE 1.—*Refugees/Displaced Persons in Cambodia*

Officially registered refugees	507,500
Estimated nonregistered	500,000
Ethnic Vietnamese forced to flee to South Vietnam	250,000
Military dependents displaced in government areas	500,000
Total	1,957,500
35% of total population is outside of government areas and an estimated half of thesee have been displaced	1,000,000
Total	2,957,500

But one thing is certain, bombing is the most pervasive reason for refugee movement. Our interviews with refugees—in the camps, the shanty-towns surrounding Phnom Penh, and in the province of Svay Rieng—largely confirm the findings of the GAO interviewers in 1971. The GAO found that some 60% of the refugees interviewed cited aerial bombardment as the principal reason for moving, while about 40% spoke of artillery fire or actual ground fighting from both sides as the cause. Although their interviews, as ours, were not scientific samples but were done at random, nearly all the refugees spoke of their homes either being destroyed by the bombing or artillery, or burned in the conflict. Several spoke of the brutalities of the Vietnamese—referring to both Northern and Southern Vietnamese. Looting by South Vietnamese troops operating in the eastern provinces of Cambodia has been particularly bad—especially during the first year of the war in 1970–71.

Direct statements from refugees themselves are even more revealing of the impact of the bombing and the difficulties of life in rural areas. As one woman from Kampong Speu province, now living in a little shack on the edge of Phnom Penh, told us:

"My house and all my things were destroyed by the bombs. I don't know why they bombed. I never saw a Vietnamese. My whole village was burned by the bombing."

Another refugee, an older man with a family of six from a village in Kampong Thom Province, said he and his family fled because:

"At first we heard artillery in the distance and then the sound of airplanes. Before we knew it, the airplanes were over us. Many felt danger and left for town. Later the airplanes bombed and the artillery fired."

He doesn't know which destroyed his house. He said he was surprised because he did not see soldiers of any kind.

Many Cambodian refugees have had to move two or more times. One woman, who now lives in the Phnom Penh refugee camp at O Bek Kaam, told of this agonizing story:

Her family lived in the eastern province of Svay Rieng, in a village not far from the Vietnamese border. Over the last few years before they moved they had seen Vietnamese, but the Vietnamese had not bothered them or their land. They weren't sure in the beginning if they were North or South Vietnamese. Then the war started and there were Vietnamese all over, some South and some North, they couldn't tell which, and there was fighting and bombing. Her husband and daughter were killed in the bombing—she doesn't know whose airplanes they were. That is when she decided to move into the city of Svay Rieng. She stayed there for two years because they thought it safe to be near the cannons instead of in the fields where they fire. But life was difficult in Svay Rieng; they got no help from anyone and barely made enough to eat. Then conditions this year got worse, and even Svay Rieng did not seem safe. There was fighting nearby and she moved her family to Phnom Penh where she moved into a refugee house of a friend.

Over the past three years these stories have been repeated countless times. Each day of the war has brought more refugees into constantly smaller areas controlled by the Government, and uncounted numbers in other areas outside of government control. As in South Vietnam, most people have crowded into the provincial towns and into the capital city to avoid the fighting and bombing. Surely, as the refugee woman said "it is better to live near the cannon than out in the field where it fires". The effect of the war on Cambodia, as in South Vietnam, is to push the countryside into the city. A rural people, once self-sufficient, are being forced into a false urban situation for which they are totally unprepared and where work and food are desperately short.

As a general statement, there is not now and there never has been, a formal program of refugee assistance in Cambodia. Few government services and even less government aid actually reaches the hands of the refugees. Only some ten thousand of the total refugee population are in camp situations. The vast majority are interspersed among the general population where they makeshift for themselves or rely on friends and relatives with little or no assistance from the government, and, seemingly even less concern.

Much has been said about the self-reliance of the Khmer refugee, how they have been able to accommodate to their new situation by moving in with relatives and providing for their own needs. True, a cursory look at the refugee situation, without the compacted masses of the refugee camp, superficially suggests a state of relative well-being. This, however, is not the case. It is not possible for a rural population crammed into an urban area or provincial town, under wartime conditions, without land to farm, without most of their material belongings, with little or no employment, to be able to provide for their own needs. This is particularly true in view of the mounting inflation and shortage of food in the provinces. A shortage which is driving the price of rice, fish and other staples of the Khmer diet out of reach for the average family to say nothing of the dependent refugee.

Perhaps half of the refugees, to judge by conditions in Svay Rieng, have enough stocks of food or money to last another month or two. The remainder are already facing malnutrition and the threat of starvation. Each of the families I talked with said their first concern was food. They didn't have enough food. They didn't know what they were going to eat. This is not self-sufficiency—this is mal-nutrition and the brink of starvation. This, then, is the situation in Svay Rieng. However, we were told that the same conditions, with local variations, pertain in other provincial areas.

Lest I be thought overly emotional and alarmist let me cite the rice statistics for the town of Svay Rieng. The province chief and military governor of Svay Rieng estimates that 43.8 metric tons of rice per day are required to sustain the population. Svay Rieng is completely surrounded by anti-government forces and access is only by air. At the time of my visit, Svay Rieng was receiving only 10 tons of rice per day. However, though there are no remaining government stocks, the province chief believes the town can hold out on deliveries of 20 tons per day for another two months because some rice stocks remain with individual families. This assumes doubling the present delivery rate. I do not know what will happen after two months, three weeks of which have already passed. Capitulation to the other side won't help—they don't have any rice either.

To summarize the refugee situation—the prognosis is dismal. Neither our government nor the Cambodian government have any organized refugee program. Adequate housing, sanitation, and medical service are either non-existent, or in short supply. Increasing numbers of refugees are being generated by an accelerated level of military activity and intensified American bombing. The repression of both sides is increasing with the government losing its precarious control, and relying more and more on American intervention. And in the midst of this are a million refugees, half of them children. They are receiving virtually no assistance and face mal-nutrition, serious food shortages, and, in some areas, the real spector of starvation.

Civilian Casualties and Medical situation: Unlike refugees, who can at least be counted, civilian war casualties are usually buried or, if they survive, are admitted to hospitals or treated at dispensaries. As a result, we will perhaps never know the full number of Cambodians who have died as civilian casualties, nor, because few records are kept on hospital admissions, will we know the number of war victims who survived their wounds.

The available statistics on civilian war casualties from the Cambodian government are incomplete—as they realize. This is largely because many civilians died in the field, or never received treatment in a government hospital, or, if they were admitted to a hospital, were never recorded. As a result, the only statistics the War Victims Directorate has on civilian casualties are those dependents or survivors who have applied for government assistance—a total of 41,750 since 1970. Unofficial estimates, however, place the number of civilian war casualties, dead, and wounded, on the order of 300,000, an inexact but probably more realistic figure which includes civilian casualties on both sides.

Another indicator of the toll the war has taken of human life in Cambodia is the number of children who have been orphaned. According to estimates the Ministry of Interior provided us, there are today some 260,000 children who have lost one or both parents. The same source states that approximately 50,000 war widows have registered with the government. The U.S. Embassy personnel thought these government estimates were high, as do I, particularly the orphan figure, but they are indicative of the problem and the human cost.

A further index of the impact of war on the people is what has happened to the medical system of the country. According to official Cambodian government reports, over 45% of the hospital system has been lost to the other side or destroyed by bombing or artillery, and the pressure of war injured requiring attention has badly overwhelmed the remaining facilities. As in the early stages stages of Vietnam, the war in Cambodia is destroying the hospitals at precisely the time when demands for medical service are the greatest.

According to Ministry of Health estimates, the need for hospital beds in normal times is about 17,500 beds (13,500 for the sick and 4,000 for maternity cases). At present, the Ministry of Health has only 7,438 beds in hospitals throughout the country, hospitals whose normal capacity is 3,000 beds. This means that every available space—hallways, courtyards, and storage closets—is being used for beds. The over-crowding is serious, and the level of medical care is deteriorating

For example members of the Study Mission visited the Preah Ket Melea hospital in Phnom Penh. A government operated facility, the Preah Ket Melea hospital normally handles up to 400 patients. At the time of our visit, the hospital census was between 1200 and 1400—more than 200% over capacity. The extreme crowding made adequate care of patients difficult, and the hospital's corridors were lined with beds. This hospital

acts as a staging area for war-wounded, both civilian and military prior to their transfer to other facilities also located in Phnom Penh.

Crowding is complicated by the constant power shortages in Phnom Penh, causing the complete failure of electrically driven equipment, such as operating room lights, sterilization equipment, and the somewhat antiquated radiologic equipment.

In addition to relief from the serious overcrowding, medical and public health officials in Phnom Penh stated that the Preah Ket Melea hospital urgently required:

1. Pharmaceuticals, specifically mentioned were hydrocortisone, antibiotics, plasma, and vitamins;
2. Routine hospital materials, such as dressings, compresses, blood pressure devices, syringes, needles, and stethescopes;
3. Operating room equipment;
4. Equipment for a medical-surgical recovery area;
5. Kitchen rennovation to meet present heavy patient food requirements;
6. Radiology equipment, particularly x-ray units.

These needs, specific, in themselves, are symptomatic of urgent medical requirements at all hospitals and medical facilities throughout Cambodia. Over the short term, the most pressing need is for sufficient pharmaceuticals and routine hospital materials, especially in view of the escalating level of conflict.

Preliminary Recommendations: Given the urgency of the situation in Cambodia it is imperative that a way be found to channel immediate assistance to refugees and war victims. Of greatest concern in the short run are:

1. Food.
2. Logistical support for food distribution.

There are two hundred Americans assigned to the U.S. Embassy in Phnom Penh. Only one of these is primarily concerned with refugee assistance. Some 130 positions are concerned with military assistance or political-military affairs. Since there is already an A.I.D. program in Cambodia it is recommended that ten positions within the present ceiling be utilized for expediting emergency food shipments and monitoring food distribution.

Concurrently, it is recommended that, in every possible way, our government facilitate and support the use of international and voluntary agency mechanisms to meet humanitarian needs among Cambodia's war victims.

Mr. Chairman, this has been a preliminary report with preliminary recommendations for the most urgent questions. The Study Mission will submit a more comprehensive report with detailed recommendations in the near future.

THE SOMBER WORLD FOOD OUTLOOK

Mr. HUMPHREY. Mr. President, it has been my privilege to serve as chairman of the Subcommittee on International Agricultural Policy of the Senate Committee on Agriculture and Forestry.

During the past weeks we have been taking testimony on the world food situation. It is without a doubt one of the most serious problems confronting not only our country but the entire world. Recently I read a very thought-provoking and informative article entitled "The Somber World Food Outlook" by Mr. Lester R. Brown. Mr. Brown is a Senior Fellow at the Overseas Development Council.

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

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

THE SOMBER WORLD FOOD OUTLOOK

(By Lester R. Brown)

As any housewife can tell you, something dramatic is happening in agriculture. Not only are meat and poultry prices setting new records in the U.S., but global demand for American field crops has raised wheat prices by half within a few months and brought the futures price of soybeans close to $7 a bushel, a history-making level. U.S. farm exports are expected to reach $11 billion this calendar year, up from $8 billion in fiscal 1972.

The question on everyone's mind: Is this a temporary phenomenon, the product of an extraordinary convergence of events, or does it signal the beginning of a new era in world agriculture?

So many bad things happened around the world last year—poor weather in India, Bangladesh and Indonesia, the war in Indochina, civil unrest in the Philippines—that many people began to wonder if the so-called Green Revolution had petered out. The answer, in brief, is No. Even with a disastrous monsoon, India plans to import only two million tons of grain roughly the amount it provided as food aid to Bangladesh.

But the Green Revolution of better seeds and cultivation techniques is not in itself a solution to the global problem. At best it has bought us an extra decade or so in which to put the brakes on population growth. Whether the world food problem is ultimately solved satisfactorily depends largely on the success of efforts to curb population growth.

Without doubt, the most dramatic single development in world agriculture during 1972 was the decision by the Soviet Union to import more than 26 million tons of grain, including 16 million tons from the U.S., the equivalent of nearly half the U.S. wheat crop. Although a severe winter kill and subsequent hot, dry weather early in 1972 were the principal reasons for the small Russian wheat crop last year, it's possible the huge Russian grain order may represent a more fundamental decision to turn to cereal imports on a continuing basis in an effort to alleviate the chronic shortage of animal protein in that country.

Soviet efforts to expand livestock production to satisfy the demands of its 248 million consumers at reasonable prices have consistently fallen short. The grazing season is short and the Soviet Union has no corn belt even remotely resembling that of the Midwest.

Under Khrushchev, the Soviets launched their ill-fated "virgin lands" project, plowing up 100 million acres of dry land. All went well at first, but within a few years the residual moisture in the soil had been exhausted and much of this land was eventually abandoned. After considerable soul-searching, the Soviets then decided to intensify production on the existing cultivated land area.

To pursue this strategy more water was needed, and the Soviets devised ingenious plans for diverting southward into low rainfall areas four rivers which currently flow into the Arctic. When these plans were made public, the international meteorological community became alarmed, arguing that cutting off this flow of warm water into the Arctic could alter the earth's climatic system. For the time being these plans are being held in abeyance. The Soviet decision to import grain could be a long term alternative to the pursuit of these ecologically risky proposals.

THE DEMAND FACTORS

So much for the supply side. Now consider the factors influencing demand—the number of people in the world and the amount of food each consumes, the latter determined largely by income. While most of us understand the effect of population growth on food demand, the effect of rising incomes is much less clear. Perhaps the easiest way to visualize it is in consumption of grain, which occupies 70% of world cropland and supplies the bulk of man's calories. The per capita supply of grain in poor countries averages about 400 pounds per year, nearly all of which must be consumed directly just to keep body and soul together. The average North American, by contrast, requires nearly a ton of grain per year, of which only 150 pounds is consumed directly in the form of bread, pasteries and breakfast cereals. The remainder is eaten as meat, milk and eggs.

As incomes rise, per capita claims on the earth's agricultural resources also rise, primarily because consumers demand more animal protein. The rule of thumb for converting grain into protein is seven pounds of grain per pound of beef, four for pork and three for poultry. As incomes in the U.S. have risen, per capita beef consumption has climbed from 55 pounds in 1940 to 114 pounds in 1972; combined with population growth this has tripled total beef consumption in the U.S. Poultry consumption has increased similarly, while pork has remained steady.

Traditionally population growth has accounted for most of the growth in global demand for food, but now rising affluence is emerging as a major claimant on world food resources.

Nearly two-thirds of a billion people living in that vast stretch of the world from Dublin in the West to Vladivostock in the East and another 100 million in Japan are now moving through the same stage of modernization experienced in the past generation in the U.S. But they are four times as many and they are doing it more rapidly. Even within North America, the growing appetite for beef has not yet been stated. The net effect of all this is an enormous growth in claims on the world's livestock production capacity.

Cattlemen, however, are handicapped in their efforts to respond to the surging demand by the inability to obtain more than one calf per cow from the brood herd. For each animal slaughtered, an adult animal must be fed and looked after for a full year. As the demand for beef multiplies, so must the number of animals slaughtered and the number of cows needed to produce them. And this is where the crunch comes, because the grazing capacity for carrying the brood cows is limited.

Often rainfall is the principal determinant of grazing capacity. In much of the world, water not land is the principal restraining factor. Moreover, those areas of the world which can be readily and cheaply irrigated are for the most part already under irrigation. Massive desalting complexes to produce fresh water for agriculture are no longer seriously discussed because the water they produce is costly and with the energy crisis, becoming even more so. Modifying rainfall patterns is clearly within our technological reach, but we lack sufficient knowledge of the consequences of doing so on a broad scale and there is no existing global agency to regulate this tampering with nature.

From the beginning of agriculture to about the middle of the 20th Century, additions to the food supply came primarily from putting new land under cultivation. Since 1950, however, it has come largely from the intensifying production on the existing cultivated area. As of the early 1970s perhaps four-fifths of the annual increase is coming from this source.

The area of new land that can easily be brought under the plow is shrinking while the demand for food grows larger each year. Adding to the problem, more and more agricultural land is being abandoned each year, some because of erosion but also because of the encroachment of highways, factories and human dwellings.

At least since Jules Verne, the oceans have been regarded as a potential panacea for man's food problem. Following World War II, the world fish crop did indeed begin to climb rapidly as the world's fishing fleets expanded. From 1950 to 1968, the global catch increased nearly 5% a year, far outstripping the annual 2% population growth. But then it began to fluctuate unpredictably. In fact, the catch of some table grade species is declining as a result of over-fishing. Many marine biologists now believe that the global catch of table grade fish may be very close to the maximum sustainable limit. Whether this is the case we cannot say with surety, but the evidence is mounting. If the edible fish catch does level off, the pressure on land-based protein supplies would become even greater.

Meanwhile, on land, efforts to expand the world's food supply are beginning to meet with rising costs and environmental problems. The litany of adverse ecological effects of the Aswan Dam in Egypt is familiar. Nutrients in the rich alluvial silt that once fertilized the farm land along the Nile and sustained a sizable fish population are now deposited behind the dam. The fish catch has dropped precipitously and farmers must buy huge tonnages of chemical fertilizer to replenish the soil. Evaporation in the reservoir is high, reducing the quantity of water available for irrigation. And, to top it off, in the irrigated lands schistosomiasis, the debilitating, snail-borne disease which has no ready cure, has reached epidemic proportions.

WHAT ARE THE ALTERNATIVES?

But what are the alternatives to Aswan? The population of the Nile River Valley is increasing nearly one million a year. Is the alternative clearing more land in sub-Sahara Africa where numerous species of wildlife are threatened because their natural habitat is being destroyed? Or is it to use more fertilizer in the Midwestern United States where the state of Illinois has already held hearings on the possibility of limiting fertilizer use?

Farmers in Indonesia attempt to expand food production by clearing the steeply sloping hillsides. The result is soil erosion and the silting of canals in the valleys and a subsequent reduction in irrigation capacity. The expanded use of fertilizer on high-yielding rice in the Philippines causes lakes and ponds to eutrophy, destroying fish which were once the villagers' principal source of animal protein. And so it goes. The cheap and easy possibilities for expanding food production are being used up or are partially self-defeating.

Some of the more exotic expected breakthroughs haven't materialized. The conversion of petroleum into protein via single-celled strains of yeast is being done but not on a wide-scale commercial basis. And in more conventional areas, technological barriers remain: The old ratio of only one calf per cow still persists, and yields of soybeans, a legume with a built-in nitrogen supply, do not respond to nitrogen fertilizer the way corn does.

Beyond this, we are being forced to abandon some of the technologies that do work. DDT is one example. Another is diethylstibestrol (DES), a growth stimulant for livestock. On Jan. 1 we joined 21 other nations in banning the use of DES because of its possible carcinogenic effects. As a result it will take an additional 35 days and 500 or more pounds of feed to produce a 1,000 pound steer. And future beef prices are expected to increase an estimated 3 cents to 10 cents a pound.

Several questions, then, loom large as we look ahead. Is the Soviet grain import temporary, or likely to continue albeit at a reduced level in the years ahead? Will the Green Revolution maintain its recent momentum? Is the world fish catch leveling off? Can we dramatically increase beef and soybean yields? Once we know these answers, then we may know whether the current situation is entirely an aberration or a signal that we are entering a new era

Over the past dozen years an average of one-seventh of U.S. cropland, or roughly 50 million acres out of 350 million, has been idled. Because of the sharp reduction in global reserves of grain and the resulting record prices, the U.S. this year removed many of the constraints on plantings of wheat and feedgrains, permitting farmers to return a major share of the idled cropland to production.

If this cushion of idle U S. cropland disappears as a stabilizer, the market for food comodities could become vastly more volatile. In effect, the era of chronic excess production capacity in world agriculture, which has characterized the postwar era, could be drawing to an end. We may now be witnessing the conversion of the world protein market on a permanent basis, from a buyer's to a seller's market.

THE SITUATION IN SIKKIM

Mr. PELL. Mr. President, I am concerned at recent events in Sikkim as reported in the press.

Sikkim is a small territory, but it is a territory with a national pride, a distinctive culture, and government institutions deeply imbedded in tradition.

News reports indicate that as a result of disorders in Sikkim, the Chogyal, the ruler of the state, requested the Government of the Republic of India, the legal protector of Sikkim, for assistance. The same news reports indicate that order was restored within a short time, but that the Indian Government thereafter claimed a continuing authority within the state.

It is difficult, from this distance, to judge accurately the events in Sikkim. I think, however, there is some basis for concern that Indian forces may, as a result of the recent disorders, attempt to extend their authority and impose far-reaching governmental changes.

The Republic of India has often stated her desire to be counted amongst those nations of the world opposed to force and violence.

I hope very much that, in regard to Sikkim, India will take positive steps to allay concerns over possible abuses of its role as legal protector of Sikkim and will quickly restore authority to the traditional government.

CHICANO STUDIES CLASS REACTS TO 1970 STUDY BY THE COMMISSION ON CIVIL RIGHTS

Mr. KENNEDY. Mr. President, I recently received letters from a chicano studies class in Palo Verde High School in Blythe, Calif.

The teacher of the class, David R. Collins, assigned the class a 1970 study by the Commission on Civil Rights, "Mexican Americans and the Administration of Justice in the Southwest." In lieu of a test on the material, he had the students write to me of their reactions to the study.

Their letters reflect a deep frustration at the denial of justice to many chicanos in America today. And often they relate the conclusions of the Civil Rights Commission with their own experiences.

One student, Anita, wrote:

Every morning at the beginning of school, we stand to say the pledge of allegiance. Toward the end of the pledge it says "liberty and justice for all" but seeing and reading what has happened to the Mexican American in this country, I find it very hard to believe that there is equal justice for all.

Another student wrote,

The police frequently interfere at assembly meetings the Chicanos have. We also have a right to assemble without harassment.

Another girl wrote angrily of a man she knew who told her:

That police interrupted a meeting and they kept me and my 5-year-old son until the next day and we didn't have any drinking water . . . so we had to drink water from a dirty water hole because they wouldn't let us move . . . my son still is very scared and he cries every time he sees a policeman.

These reactions of students reflect a deep alienation and exclusion from the system of justice that we all take for granted. The U.S. Civil Rights Commission report is 2 years old. The people of the Southwest have a right to expect the flagrant denials of equal justice to be remedied.

Mr. President, I ask unanimous consent for several of these letters to be printed in the RECORD.

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

MARCH 15, 1973.

DEAR SENATOR KENNEDY: I am presently taking a Chicano studies class at Palo Verde High School in Blythe Calif., and we have been studying the results of a U.S. Commission on Civil Rights report about Mexican Americans and the law in the south west U.S. I am sending you this letter to tell you how I feel.

We have been studying this book for 2 weeks and learned a lot. I didn't know at first, like when we get busted (Chicano) for something, we have to go jail or court or maybe pay a find for about $200 or more, and if your in jail you would have to pay bail for about $300 or $200 dollars to get out of jail and I learned that the Texas Rangers just shot down people back in those days and were always threatening the rights of Mexicanes.

I was reading some pages in the book and then I saw something in the book, it was a 13-year-old Mexican American boy in Los Angeles who were severly beaten by three policemen in connection with an arrest for alleged burglary. According to the mother, she was called at 1:30 a.m. by an officer who told her that her son had been arrested the preceding evening and had fallen and injured his head.

And here is another one of those true stories about a man who had attended a gathering at Canjilon. He reported that policemen had put rifles behind his back and he was made to sit down for questioning. And that men was telling those people what happended to him and his son, and this is what happened.

"They kept me and my 5-year-old son until the next day and we didn't have any drinking water for cooking, so had to drink water from a dirty water hole, cause they wouldn't let us move. When I return home

my boss had seen my picture on TV or in the news. He called me a crimmal and said we were crimmal and he fired me from my job. My son still is very scared and he cries every time he sees a policeman.

Senator Kennedy doesn't this get you? I think it doesn't get you because you weren't in that position like we were. You know what Senator Kennedy if you were like us you wouldn't be senator right now. So why won't you just think about us for a while and I hope you would think about us, and that will make all of us happy.

Sincerely yours

CATALINA GARCIA.

MARCH 16, 1973.

DEAR SENATOR KENNEDY: I am presently taking a Chicano Studies class at Palo Verde High School in Blythe, California. We have been studying the results of a United States Commission on Civil Rights report about Mexican-Americans (Chicanos) and the law in the Southwestern United States.

Every morning at the beginning of school we stand to say the pledge of allegiance. Towards the end of the pledge it says liberty and justice for all, and reading what we have about Chicanos I find it hard to believe that there is equal justice for all.

There was something I read about bail that really surprised me. About a year ago there was this incident that happened in Blythe. A policeman shot a Chicano while not on duty. This Chicano was announced dead on arrival to the hospital. I don't think anyone would survive with his brains blown out. Anyway, when this cop had his trial he was found not guilty.

I couldn't believe it because to me it was plain cold blooded murder. Also to top it all off, before his trial he had a bail of $500. Can you believe that! There are many Chicanos that get harassed by cops for drunk driving then get put in jail. They have a bail of about $2,000. When a cop gets a bail for murdering a guy, of only $500, and a Chicano gets a bail for $2,000 just for drunk driving. That's really hard to believe!

Sometimes during harvest season, local farmers pay the fines of jailed Chicanos on condition that the men work for the farmer until the fine is paid off. Some Chicanos don't have any money for bail, so they just have to stay in jail until their trial.

Something else I read was about counseling for Chicanos. Most people are afraid to represent a Chicano in court because they think they might lose the case. Most Spanish surnamed families in the Southwest live on incomes of less than $3,000 per year. So as you can see, they cannot afford private counsel in either civil or criminal matters. Most of the Chicano attorneys practice in the cities of the Southwest, but even here, Chicanos are underrepresented in the legal profession.

Some programs, like the Mexican American Legal Defense and Educational Fund (MALDEF), are in process of helping train Mexican American lawyers. So as you can see, it is very hard for Chicanos to get counseling or lawyers for their trials.

I was really glad that I read this little booklet because I found out a lot of things I didn't know. These things were really disgusting.

I hope you will take the time to consider some of these things, and help try to do something about it. I also hope our class will hear from you soon.

Sincerely,

ANITA NAVARRO.

DEAR MR. KENNEDY: Right now I am taking a Chicano History class at Palo Verde High School. We have just finished reading a summary of the book that is about the justice of the Mexican Americans in the Southwest.

There were some things that I read that I feel should be stopped.

Like how Chicanos can't get a lawyer to help make a charge against a policeman. So thus, the policeman can keep on picking on the Chicanos, and get aways with it. We need lawyers who are not afraid.

When Chicanos have been arrested for a crime, they sometimes do not get a fair trial because they do not know English. Courts out of all things should give equal and just treatment. Some people say that if they don't know English it's their fault. But if he's out of school, they have no way of learning, and if his job is just working in some field, he probably figured he never needed to know it. So when people like this do appear in court, I believe they need to have interpreters. This could create a good paying job for Chicanos.

I could go on and on but I start feeling disgusted, when you, I mean I realize that our government is not really that good." You guys are the ones who keep prejudice and discrimination alive." I hope someday I could do something about it, but until I'm old enough to have a voice, I'm depending on you, I hope. Or people who feel like me.

You know, I always want to speak the truth, so one day I hope when I pledge ". . . liberty and justice for all. . ." It'll be true and not something someone thought of to write. Think about it.

Just a student who cares.

DEBBIE BLOECKER.

MARCH 16, 1973.

DEAR SENATOR KENNEDY: I'm taking a chicano studies class in Blythe, Calif. I have been studying the Mexican-Americans and the administration of justice in the Southwest. You know, I never realize that in the U.S. there really is no equal justice for chicanos; like some people are poor in Mexico and think that the chicanos who live in the U.S. are rich, but we really aren't, in this report I found out that chicanos really do get hazled by Americans. You know the Americans think they are the best, I mean the people who have everything, but I really think they are not, cause they haven't given the chicanos or black people a chance.

You Americans say that there's justice and liberty for all? black people are Americans so how come they have never been presidents. This really bothers me. I found out that many times the chicanos get more (higher) bail then others in proportion to others. Will you please write back and tell me if you guys are planning to make some changes at all.

DEAR SENATOR KENNEDY: I am presently taking a chicano studies class at Palo Verde High School, in Blythe, Calif. and we have been studying the results of a U.S. Commission on Civil Rights reports about Chicanos and the law in the Southwest United States.

I just finish reading this book and I learn a lot of things that I didn't know, that really bothered me a lot. It just bugs me to know that this things are going on right now, and there is nothing being done about it.

The treatment of Chicanos is very brutal, and they always are discriminating against the Chicano. The fact is that Mexican American's life is alway subject to unduly harsh treatment by police, to be frequently arrested on insufficient grounds, to receive harassment and penalties disproportionately severe on Chicano for some acts. For example, interference with Mexican American Organizational Efforts. The police frequently interfer at assembly meetings the Chicano's have we hear right to assemble.

Police are doing this thing, interfering in meetings. They are not treating people the way they are suppose to.

Sincerely yours,

CARMEN DE LA O.

MARCH 15, 1973.

SENATOR KENNEDY: I am presently taking a chicano studies course at P.V.H.S. Blythe, Calif. Recently we have been studying results of a U.S. Commission on Civil Rights about Mexican Americans (Chicanos) and the law in south west U.S.

In the book, it says that chicanos are getting mistreated and beaten up by police, and in court they are not getting very good trials. Their bail is higher than what it really should be. I was wondering if you can do something about the mistreatment of chicanos. Maybe you can raise enough money for chicano education, so that they may become something other than lettuce pickers.

RICHARD JIMENEZ.

MARCH 16, 1973.

DEAR SENATOR KENNEDY: I am presently enrolled in a Chicano studies class at Palo Verde High School in Blythe, Calif. We have been studying the results of a U.S. Commission on Civil Rights report about Mexican Americans and the law in the southwest United States.

These are a few things I have found out about that bothers me and I was wondering if you could do anything to help improve this. There is evidence of widespread patterns of police misconduct against Mexican Americans in the southwest, such as, excessive use of arrests for "investigations" and of "stop and frisk".

Inadequate protection. Complaints also were heard that police protection in Mexican American neighborhoods was inadequate in camparison to that of other neighborhoods.

Interference with Mexican Americans organizational efforts. In several instances, law enforcement officers interfered with Mexican American organizational efforts aimed at improving the conditions of Mexican Americans in the southwest. Remedies for police malpractice in the southwest were inadequate. There have been instances of retaliation against Mexican Americans who complained about law enforcement officers to local police departments or to the F.B.I. Federal remedies, agents of the Federal Bureau of Investigation have often failed to interview important witnesses in cases of alleged violations of 18 U.S.C. 242 or interviewed such witnesses in a profanitory and hostile manner.

There is a serious and widespread underrepresentation of Mexican Americans on grand and petit State juries in the southwest. The commission found that neither the lack of knowledge of the English language nor low-incomes of Mexican Americans can explain the wide disparities between the Mexican American percentage of the population and their representation on juries.

Local officials in the southwest abuse their discretion in many ways; one way is to set excessive bail to punish Mexican Americans rather than to guarantee their appearance for trial. There are serious gaps in legal representation for Mexican Americans in the southwest. The lack of appointed counsel in misdemeanor cases results in serious injustices to indigent Mexican American defendants.

These are just a few ways in which the government treats different races, and I would like to know if you would answer this letter and write how you feel about this and whether or not you can do anything to help.

MICHELLE WEST.

MARCH 16, 1973.

DEAR SENATOR KENNEDY: I am presently taking a Chicano studies class at Palo Verde High School in Blythe, California. We have been studying the results of a U.S. Commission on Civil Rights report about Mexican Americans (Chicano) and the law in the Southwest U.S. I am reading the book sum-

mary of Mexican Americans and the Administration of justice in the Southwest. This book has some very interesting things about how the police have treated (the Chicano) as in the past. They still don't treat us fair enough. There is one thing in this book that got my mind.

A 13 year old Mexican American boy in Los Angeles was severly beaten by three policemen in connection with an arrest for alleged burglary; to me they had no reason to beat him. They should of just took him to jail. Please try to understand us and reason with us. We are very beautiful people; our ways are beautiful too. So, please read our letters carefully and think them over.

Your truly,

SYLVIA MORALEZ.

P.S.—Write back please.

MARCH 15, 1973.

MR. KENNEDY: I am enrolled in a Mex-American study class at Palo Verde Valley High School in Blythe, Calif. We are studying a report by the United States Commission on Civil Rights. This is only a summary of the real book. Because the school board didn't like it, because it showed some things which happened here at Blythe. Like the Walkout & other things which happened here.

The summary was made in 1970 so it can't have changed much, for good or bad.

The treatment of Mexican Americans is very bad. For example, a 13 year old Mexican American boy in Los Angeles was severely beaten by three policemen in connection with an arrest for alleged burglary. The Mother was called at 1:30 a.m. by an officer who told her that her son had been arrested the preceding evening and had fallen & injured his head. The officer said there was nothing to worry about only a slight cut. As a result the Mother didn't believe her son that he had been beaten up. On the morning after the arrest, profuse bleeding from the head made it necessary for him to be taken to the hospital. There it was discovered that he already had 40 stitches in his head, put in the previous nite. At the same hospital where the officers had taken him between the time of his arrest and their call to his mother.

According to the son and several witnesses, the stitches were required because of the severity of the beating inflicted by the officers.

Some incidents reported to the Commission were so severe that they had resulted in the death of the victim.

As a student this is hard for Mex. Amer. to take. You should try and get a remedy for this crisis. If you're the kind of man I think you are, you will find a remedy.

Write Back.

Your truly,

RICKY L. HOWERY.

NIXON PROPOSAL TO CUT MEDICARE AND MEDICAID IS UNCONSCIONABLE

Mr. BAYH. Mr. President, President Nixon's recent announcement to curtail benefits under the medicare and medicaid programs would have devastating effects on the more than 23 million Americans who qualify and participate in these programs.

Medicare stands in danger of becoming another broken promise. It is helpful to recall the objective of the original medicare program established by Congress in 1965. At that time we made a Federal commitment to provide older Americans, most of whom live on small, fixed incomes, with adequate medical care. Up to that time, senior citizens were often denied proper medical attention because the costs exceeded their means. In 1966, medicare started out paying more than 50 percent of the health bills of older Americans and this year it only paid 42 percent. Should the Nixon recommendations be carried out, medicare may pay well below 40 percent of their health bill.

In a reaffirmation of our original commitment to provide older Americans with adequate medical care, I joined, on March 26, 1973, with a bipartisan Senate majority in a resolution opposing any cutbacks in medicare services. The budget savings which the Office of Management and Budget proposes to secure through the reduction in medicare payments is a false economy, one where the social costs far outweigh, and argue against, any decreased cost to the Federal Government.

I recently received a letter from an elderly lady in Gary, Ind., who, like thousands of Hoosiers, is concerned about this administration proposal to sharply reduce medicare benefits for older Americans, she said in part:

I am a senior citizen and my check is small and food is so high. I don't see how I can live if Medicare is cut.

The understandable concern of the people of Indiana is shared by our fellow Americans in all parts of the country. A recent nationwide poll found that 92 percent of Americans oppose the medicare cutbacks.

Under present law, medicare patients pay the first $72 of their hospital charges and nothing thereafter until the 61st day in the hospital. But under the President's proposals the charge to patients for the first day of hospitalization would increase from $72 to full hospital charges and the patient would be required to pay 10 percent of actual hospital costs between the first and 61st days—now free under medicare. The cost of an average hospital stay under medicare—13 days—would jump from the present $72 to about $200, and a stay of 60 days a minimum of $500. These figures are based on the 1972 average daily hospital charge of $70 a day. But in many States—such as my own State of Indiana charges may run several times the average daily cost of $70. In Indiana this proposed increase would affect more than 505,000 older Americans who received medicare hospitalization benefits during fiscal year 1972.

Under the President's proposed cuts those covered under part B of medicare will be required to pay the first $85 of bills for physicians' services instead of the first $60 and 25 percent of everything above that instead of 20 percent. In Indiana these proposed increases would affect more than 487,795 older Americans who received medicare medical benefits during fiscal year 1972.

The President's proposals would also eliminate medicare advance payments to hospitals and "low-priority medicaid services to adults" including dental care.

More than 23 million Americans would be affected by these cutbacks, which would more than double the average hospital bill paid by medicare patients. This would be done without any reduction in premiums, further tightening the squeeze on those living on fixed incomes.

The simple and tragic fact is that if these proposals are adopted older Americans would receive less medical care because of an inability to absorb increased costs. In practical terms, the existing deductible and coinsurance amounts deter many senior citizens from seeing doctors, because they do not have the initial $60. If the President's plan is accepted, each senior citizen will have to ask whether he or she is sick enough to spend $85 before deciding to see a physician. This runs counter to the goal of providing decent medical care for senior citizens and is an unconscionable retreat from our earlier commitment to these citizens.

I am optimistic that the cutbacks can be forestalled since a majority of Senators, representing both political parties, joined in our resolution last week. However, in order to be certain that this heartless proposal does not become law, I and my colleagues shall keep close watch and remain vigilant in our opposition to the medicare cutbacks.

At a time when inflation is decreasing the purchasing power of every pension or insurance check, saddling older Americans with impossible medical bills is simply and unequivocally unacceptable.

Mr. President, I ask unanimous consent that a copy of the concurrent resolution may appear at this point in the RECORD.

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

S. CON. RES. 18

Whereas, in the National Budget proposed for the fiscal year ending June 30, 1975, the amount of expenditures allocated for the Medicare and Medicaid programs for such year is predicated upon the enactment into law of amendments to titles XVIII and XIX of the Social Security Act which would have the effect of—

(1) increasing the amount of the deductible, which is applicable (under part A of such title XVIII) with respect to the first day of inpatient hospital services received by a patient, to an amount equal to the average per diem cost of inpatient hospital services;

(2) imposing a coinsurance amount, with respect to inpatient hospital services (under part A of such title XVIII) received after the first day a patient receives such services and prior to the 61st day he receives such services, equal to 10 per centum of the actual costs imposed for such services;

(3) reducing coverage for physicians services (under part B of such title XVIII) by increasing the deductible applicable thereto from $60 to $85, and by increasing the patient's share of such costs, above the deductible, from 20 per centum to 25 per centum; and

(4) eliminating (under such title XIX) Federal financial participation with respect to costs, incurred under a State plan approved under such title, attributable to the provision of certain low-priority services (including dental care), to adults: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that no such amendments be enacted.

THE FEDERAL ASSAULT ON CANCER

Mr. NELSON. Mr. President, since enactment of the National Cancer Act in 1971, Federal dollars for cancer research have jumped from $230 million for fiscal 1971 to $432 million for 1973, with a budget proposal of $500 million for 1974. The Office of Management and Budget recently released additional funds for 1973, raising the National Cancer Institute's operating budget from $378 to $432 million.

Considerable controversy arose over the best legislative approach to increase the Federal assault on cancer: whether it should be done by an agency independent of the National Institutes of Health, with its 11 institutes; whether the emphasis should be on targeted or basic research, on contracts or grants.

The law required a 5-year plan to be drawn up, to be updated every year, for the purpose of coordinating the national cancer research effort. It was a unique concept for biomedical science, in that systems analysis was to be applied in an effort to organize a concerted cancer attack.

The plan, although apparently drawn up in three sections, has not yet been released, apparently held up in the Office of Management and Budget, and the controversy still rages over the best approach to cancer research.

The National Institute of Medicine, an institute of the National Academy of Sciences—NAS—was asked by the National Cancer Institute to comment on the cancer plan.

A panel of nine, headed by Dr. Lewis Thomas, dean of the Yale University Medical School and incoming president of the Memorial Sloan Kettering Cancer Center in New York, prepared a critique of the cancer plan, which was completed in December 1972.

I ask unanimous consent that the panel report be inserted in the RECORD following these remarks, along with several news articles describing the panel's report and the still-unreleased cancer plan.

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

THE NATIONAL CANCER PROGRAM PLAN

I. INTRODUCTION

The National Cancer Program and the Five-Year Plan for its implementation were mandated by Congress in order to accelerate the attack on cancer. The underlying intention of the legislation, which is reflected in the design of the National Cancer Program Plan (NCPP), was to make certain that all leads toward the prevention and cure of cancer—leads currently recognized as well as those still undiscovered—be promptly and systematically pursued, and, as new successful measures become available for prevention or treatment, that these be made available for application by the nation's health care system as rapidly as possible. These objectives have had the overwhelming support of the Congress, the American public, and the President.

This Review Committee was appointed in September, 1972, by the Institute of Medicine of the National Academy of Sciences in response to a request by the Director of the National Cancer Institute that the Academy review the NCPP. Our charge has not been very explicit; we were asked to consider whether the plan is sufficiently comprehensive, balanced and clearly conceived to meet the intended objectives, assuming, of course, that it is skillfully administered. The present report is intended to serve as a preliminary overview of the plan, not as a detailed analysis of its scientific content.

It is essential that the limitations of the scope of this review be stated plainly at the outset. It is by necessity a preliminary review, since the complete, final version of the NCPP itself is not yet available; Volumes I and II have still to be reviewed in depth by the National Cancer Board and Panel, and these bodies may choose to revise the document. Moreover, Volume III, which deals with crucial matters of administrative implementation and management of the plan, is still in the process of preparation by the NCI staff and has not been available to this Committee.

For these reasons, and with these reservations, the present review is limited to a consideration of several key issues raised by the NCPP. For some of these, we believe that further clarification of the text of the plan may be needed in only a few instances do we disagree with what we interpret as the substance of the plan.

It can be stated that the Committee endorses the general intentions of the NCPP, and commends the comprehensiveness and thoroughness which have gone into the construction of the plan. We are impressed by the skill with which the plan has succeeded in organizing, conceptually, a stupendous mass of biomedical scientific material, even though we have reservations concerning the framework within which the study was conducted and the material organized.

II. THE PLAN

Two volumes were available for review, the most important of which was Vol. II, part 1, *The Strategic Plan*, which essentially outlines the research and operational strategies of the Plan. This document sets forth seven objectives which, though arbitrarily conceived, present a reasonably comprehensive and cohesive framework for understanding what is presently known about cancer. Four of the seven objectives apply to the complex and extremely difficult long-range search for the causes of cancer and methods for its prevention. The remaining three objectives are concerned with detection, therapy and rehabilitation, recognized as more short-term objectives, and perceived to become less important as information regarding the causes and prevention of cancer emerges. To achieve these major objectives, the plan presents an elaborate, structural hierarchy of lesser objectives: there are multiple "approaches" around each objective, multiple "approach elements" for each approach, and multiple "project areas" for each approach element. The ordering of the structure is conceptually that of systems analysis, and it is evident that the input of the 250 participating scientists was fitted into this framework.

Volume III, the *Program Operating Plan*, has not been completed and is therefore not available at the time of this review; as stated above, it is recognized by the Committee as probably the most critical portion of the Plan, for it intends to set out the "monitoring," "coordinating" and "implementing" features of the National Cancer Program.

By virtue of the comprehensiveness and quality of information (inputs of 250 outstanding scientists) contained in the seven major objectives, the NCPP, including the operations research "wheel," provides a good instrument for reporting the present national effort in cancer research to the Congress and the Public, and for monitoring the progress made under the National Cancer Act.

There has been some disagreement within the committee concerning our understanding of the basic intent of the NCPP. In the view of some of us, it is not intended to make a major revolutionary shift in the method of programming the wide variety of scientific work which is now done primarily on the initiative of scientists in universities and independent research institutes, but rather to lay out a total inventory of scientific areas to be covered in order to assure that no area of importance is either neglected or underemphasized from want of initiative from existing institutions. In short, it provides an assurance that nothing falls between the cracks, and that leads which hold high promise will be exploited more promptly and thoroughly than they would if no such plan were in existence. On the other side, some of us believe that the systems analysis approach may represent the underlying philosophy of the whole program, and may be extensively used, even become the predominant mode of research management. In particular, we are concerned lest the categories established in the "wheel" become rigid budget categories, which then establish correspondingly rigid priorities. There is no question, of course, that certain types of investigations can be excellently managed by highly centralized planning, utilizing the style of systems analysis, but it seems equally clear that there are other important areas of science, necessary, for the solving of cancer, in which these methods may not work. This matter is considered in the section which follows.

III. THE CENTRALIZATION ISSUE

The NCPP tends to give the impression that all cancer research is pretty much the same sort of activity, and that all of it can be run on highly centralized basis, with "targeted" programs throughout; the way ahead is uniformly clear, and all needed lines of research can be clearly envisioned in an orderly progression. This impression is perhaps unintended, since the NCPP itself, in the introductory section of Vol. II, discusses the major dilemma of cancer, which is that so much of the crucial biological information, needed for solving most varieties of cancer, is totally lacking.

It seems to us that human cancers can be classed under two principal headings, depending upon the relative effectiveness of the therapeutic technology which is either available today or likely to be developed in the near future. The terms *Feasibility* and *Prefeasibility* can be used to indicate the two major sets of problems.

Feasibility denotes the current situation in the prevention and cure of the kinds of cancer in which a highly effective, decisive technology is at hand, with real prospects for its continuing development. In this category belong acute childhood lymphatic leukemia, Hodgkin's Disease, certain other lymphomas, choriocarcinoma, Wilms' tumor, carcinoma of the cervix, and some types of skin cancer.

Prefeasibility denotes the situation for the kinds of cancer in which today's therapeutic technology is unsatisfactory, with little or no evidence of progressive improvement in recent years, and no immediate prospect for change unless some completely new information becomes available. This group includes most of the solid malignancies of adult life, including cancer of the brain, breast, lung, gastrointestinal tract, liver, and bone. This is not to say that all of these represent hopeless problems today; indeed, as the NCPP points out, there are effective things to be done for many on this list, especially when they are detected early, but they share in common an unacceptably high mortality and a general lack of discernible prospects for major change in the immediate future.

Basically, the success of today's technologies depends largely on whether all the neoplastic cells in a particular cancer can be

extirpated. The remarkable success in the treatment of cervical cancer is due to the relative ease with which this tumor can be detected early and completely removed by surgery in the majority of cases. The rapidly dividing cells of acute lymphatic leukemia are especially vulnerable to chemotherapeutic drugs, and can be chemically extirpated. For these and a limited number of other cancers, there are highly effective forms of treatment, with excellent prospects that further improvements will be achieved within the near term by accelerated research. Moreover, the direction which this research should take is reasonably clear. The work can best be done if the investigators are centrally organized, with general agreement as to who will be doing what, and when.

The situation in the *Prefeasibility* group of cancers, which actually comprise the considerable majority of human cancers, seems to us altogether different. For example, glioblastoma multiforme, a common neoplasm of the brain, is essentially incurable; it is not cured by surgeory even when detected very early, nor is its growth reversed by irradiation or chemotherapy. Currently, something between 20 and 30% of women with breast cancer (the actual figure is arguable) will die from this neoplasm regardless of when it is detected and what form of therapy is used. The mortality from bronchogenic carcionma of the lung is extremely high, and today's treatment is almost entirely unsatisfactory. And so on. There are many types of cancer for which today's technologies simply do not work, and in which the way ahead for research is not at all clear.

We suggest that the organization and management of research on cancer in the *Prefeasibility* area ought to involve rather less in the way of centralization, and rather more of a tendency toward decentralization. What is most urgently needed for problems of this kind is an abundance of new ideas, and these are most likely to emerge from the imagination and intuition of individual scientists. It is also demonstrably true that when groups of scientists are well organized in collaborative, cross-disciplinary research they can provide a rich source of imagination and new ideas. But it is much less likely that the administrators of large programs, or committees of administrators, at the center of a highly centralized bureaucracy, can generate the kinds of ideas that are needed.

It seems to us a defect of the NCPP that the enormity of our ignorance about cancer receives less emphasis than it merits. Much is said about the lines of research that appear most promising today—virology, cellular immunology and genetics, for example—but too little acknowledgement is made of the genuine possibility that any or all of today's leads, including all of those proposed by the 250 scientists in the Airlie House Conference, could turn out to be the wrong leads.

The NCPP fails in this respect, by not expliciting encouraging and supporting the initiatives of working scientists involved in the system. It leaves the impression that all shots can be called from a central headquarters, that all, or nearly all, of the really important ideas are already in hand, and that given the right kind of administration and organization, the hard problems can be solved. It fails to allow for the surprises which must surely lie ahead if we are really going to gain an understanding of cancer.

The Committee believes that this defect may be less real than it appears, and that it may in fact be largely a problem of language interpretation. The plan certainly leaves open the possibility of flexibility in management, and makes it clear that much of the science can be done with decentralized instrumentalities, by individuals and groups working independently in institutions supported by one or another variant of the grant-in-aid mechanism. It is obvious that a balance of some sort must be struck between total reliance on a centrally managed scientific plan, which is perhaps appropriate for the development of leukemia chemotherapy, for example, on the one hand, and total reliance on completely decentralized, autonomous instrumentalities on the other. From our reading of the plan, we share the impression that the NCPP pushes the balance too far in the direction of centralized scientific planning and imposes too great a risk of bureaucratic rigidity. If, as we hope, this is not the intention of the NCPP, the impression could be rather easily dispelled by some changes in language.

IV. THE ISSUE OF BASIC RESEARCH

In this section, we intend to avoid the conventional doctrinal dispute over which is better or more productive in the short or long run, "pure" or "basic" research without a recognizable target, or "applied" research directed toward a clear, approachable objective. This is not the issue here. The NCPP provides for an abundance of research fields, some at the most profound levels of modern biology, and the documents contain sophisticated presentations of the need for new information from such fundamental sources.

What we mean by basic research, in the present context, is the sort of research which is, to begin with, important for the cancer problem, but is done by investigators who are not labeled as cancer researchers, not based in departments or institutions concerned with cancer, and who may not even recognize that their research preoccupations are relevant to the cancer problem. Such scientists may fail to obtain support under the new cancer initiative simply because their research applications will never reach the NCI through the present NIH system.

This is really a technical problem, not an argument about policy. The NCPP presents with admirable emphasis the need for new knowledge in certain specified fields of biomedical science: cell biology in general, virology, immunology, and so forth. At this level, it makes little difference whether an investigator recognizes himself as a cancer scientist or not, provided that his work is penetrating, sophisticated and of high quality. It would be a dead loss to the cancer effort if research of this kind were to go without support because of fund shortages in the other institutes of NIH—The Institute for General Medical Science, for example, which is chronically underfunded.

What is needed is some better sensing mechanism within NIH for the recognition of the basic science projects which are essential for the ultimate success of the cancer program. Obviously, the totality of biological science cannot be supported by the cancer program. Our suggestion would be for the NCI to prepare a formal listing of the science areas considered to be relevant, regardless of the title of a project or the individual scientist's orientation toward cancer. Such a finite and relatively precise list might, in fact be lifted straight out of the NCPP itself, with a few modifications. We would propose the following areas: *DNA replication, the cell cycle, regulation of transcription, regulation of membrane assembly and function, cell differentiation, regulation of protein synthesis,* and all aspects of *cellular immunity.* Research along these lines should be supported with cancer funds irrespective of the cancer-orientation of the investigator or his institution, and irrespective of the systems used in the research (i.e. eukaryotic or prokaryotic cells, normal or cancer cells, virus or bacteriophage, etc.).

The list should be regarded as flexible, subject to additions or changes depending on the progress of cancer biology itself. To give an example, a few years ago very few people recognized that the delineation of the cellular immune mechanisms in homograft rejection had opened a productive and relevant area for cancer research. The NCPP should possess sufficient flexibility and agility so that new fields with this sort of promise can be recognized early, and developed quickly.

V. THE ISSUE OF CANCER CONTROL AND HEALTH CARE

The text of the NCPP is in need of some clarification with respect to the meaning and content of Cancer Control, which is one of the assigned responsibilities of the National Cancer Program under the Act. This part of the program, and the clinical programs envisioned for the Comprehensive Cancer Centers should be differentiated from the ordinary day-to-day requirements for clinical care which cancer imposes on the nation's health care system as a whole.

In its present form, the NCPP could easily be misconstrued as a plan for a *total* attack on cancer, including the treatment of all cancer patients, which would imply a capacity to deal with the enormous problems of inefficiency and inequity now confounding the health care enterprise throughout the country. It is obvious that the NCI was not assigned such a mission, and is in no position to carry it out if it were. The NCPP is a research plan, not a program intended for implementation of the nation's health care delivery system. It seems to the committee most important that this point be made explicitly and abundantly clear in the NCPP itself, perhaps with a recommendation that such a total strategy be developed under the leadership of HEW, but not in NCI. The Secretary of HEW has under his supervision other agencies of government which spend vastly more in health activities than all of NIH combined—the Social Security Administration (Medicare), the Social and Rehabilitation Service (Medicaid), and the Health Services and Mental Health Administration.

If the Congress and public were to conceive of the NCPP as a total plan designed to mobilize all the institutions, professional practitioners and technicians of our society into a coordinated and rationalized "War on Cancer", it seems unavoidable that the outcome would be the deepest disillusionment. An attempt to define as clearly as possible the limits of this mandate should be part of NCPP.

On the other hand, even under the limited mandate of Cancer Control, providing for research and demonstration but not general health care, the program presents great opportunities for the NCPP. Thus, improvements in today's methods for the education and training of all the health professionals in the cancer fields, technicians, nurses and physicians, would inevitably result in an upgrading of the quality of cancer care. Similarly, there are obviously high stakes in new programs for the education of the public.

If, as an early outcome of the NCPP, the country were to be provided with significant numbers of health professionals, trained in the use of specialized techniques and facilities, this would surely be recognized as a valuable product, solid and highly visible. It is in the Control Program, particularly the activities related to cancer detection, diagnosis and therapy, that the plan offers the greatest promise, in the short term, of decreasing cancer morbidity and mortality. In this area, targeted research is justified. There is, however, considerable ambiguity, and therefore some confusion, in the presentation of this program in the NCPP. It needs more emphasizing that this activity will require high standards, rigorous research and evaluation and careful, detailed planning, if the methods of bringing today's technology to the detection, diagnoisis, treatment and rehabilitation of cancer patients are to be improved.

VI. THE ISSUE OF GRANTS VS. CONTRACTS

In a sense, this problem really lies beyond the scope of the Review Committee, since

the available volumes of the NCPP contain no detailed presentation of future policy on the relative use of grant or contract mechanisms; it is possible that further information on this point will be contained in the still-unfinished Volume III.

However, the issue has continued to arise throughout our discussions, particularly in connection with the problem of balance between Centralized and Decentralized planning. It is our view that the need for balance between grants and contracts is a part of the same problem, and we therefore wish to make the following comments.

The NCI is unique among the institutes of NIH in its extensive use of contracts (50% or more of its funds) for carrying out its scientific mission. The reliance on contracts has been steadily increasing in recent years, and there is apprehension within the scientific community that if this trend continues, the traditional project grant system for the support of research programs generated spontaneously within the scientific community and adjudged by peer review may be virtually supplanted by the contract mechanism. The arguments in favor of contracts are chiefly administrative: the initiatives for research come out of the central planning authority, there is more efficiency in the control and coordination of research programs and decisions can be implemented with greater speed. In recent years, the contract mechanism has been used rather widely by NCI in extension of its own, intramural scientific activities, some of these involving quite basic (rather than applied) research programs. This practice has been criticized publicly on the grounds that the peer review system, which sets the standards of scientific quality elsewhere in the research support sytem, is not applied with the same rigor and visibility in the contract program.

The NCPP should deal more explicitly with this problem, and ought to provide new guidelines for the situations in which grants or contracts will be the mode of research support. The review Committee believes that a balance between these mechanisms must be established and maintained.

There are particular kinds of research and development for which the contract system is ideally suited, principally in the *Feasibility* area. These would include large-scale testing or confirmation of therapeutic concepts, or the accumulation of large-scale epidemiologic information, or the rapid and efficient procurement of certain products needed for research (virus stocks, cell lines, enzymes, special isotopes, animal lines, new instruments, etc.). There is need, however, for a more effective, generally visible, and uniform review process for the regulation of the contract system in order to assure standards of excellence throughout.

The grant-in-aid system, with open competition among scientists and peer review by scientists, should be retained and strengthened by the NCPP. These mechanisms, which have grown to the stature of established traditions over the past two decades, are held in high regard and trust by the scientific community; it is general belief that they work well for the benefit of science. Measures must, however, be devised to increase the efficiency and speed of the project grant system. Very likely, there will continue to be a trend toward larger and more comprehensive projects, on the order of today's "program-project" and "center" grants. The committee believes that consideration should also be given to even larger packages, in the form of total institutional support ("institutional agreements") for cancer research programs. This trend toward grants of larger scale serves to stimulate more coordination and collaboration between scientists from different disciplines in the same institution, and seems to us both timely and desirable.

The role of the in-house scientific staff of NCI in decisions about research on the national scene, particularly with respect to contracts, has been actively discussed by the Review Committee. We do not have a single point of view about this complex issue. It is, on one hand, clearly beneficial to have a high degree of scientific expertise immediately available for participation in policy decisions. On the other hand, there are obvious risks for the future in assigning excessive authority for decisions affecting the national course of science to a relatively small group of investigators, with their own favorite ideas about the way to go.

Two members of our Committee have suggested that the "intramural research NCI" should be separated from the "administrative NCI", and one has proposed that the intramural scientific effort should compete for its budget with other cancer institutes and centers across the country. We are agreed that the mechanisms for continuing external review of the in-house NCI research programs need considerable strengthening. The issues are complicated, and it is hoped that a future version of the NCPP will give consideration to the problems raised.

VII. THE ISSUES OF INSTITUTIONAL STABILITY AND INSTITUTIONAL DIVERSITY

Apart from NCI itself, the principal resource to be generated by the NCPP is the national network of medical schools, universities and independent cancer institutes. Many of these institutions are currently under severe financial strain, particularly the country's medical schools, and the continuing stability of these institutions presents a serious problem. Obviously, the National Cancer Program cannot be regarded as a new source of fiscal stability, but some thought must be given to the possible hazards of increased instability as an effect of the NCPP. The institutions will be required to increase their research staffs, and new buildings will be constructed to house the facilities for expanding research. Thus, the institutions will be taking on new, long-term commitments for faculty support and plant maintenance, without a corresponding assurance of long-term continuity of outside support. The NCPP does not deal adequately with this general problem.

The Committee does not have any global solution of its own. The problem of faculty support might be alleviated, to some extent, by a considerable expansion of long-term, renewable stipends along lines of today's Career Development Awards. Perhaps an entirely new program of Senior Fellowships should be devised. The Career Award program, once adopted by NIH but then quickly terminated, should be reexamined for its possible usefulness at this time; the experience of the American Heart Association and American Cancer Society with tenure investigatorships would indicate that this method of recruiting and retaining distinguished scientists is a good one.

The financial dilemma of the medical schools, as institutions, poses genuine hazards for the future success of the National Cancer Program. These institutions will be placed under new stress because of the present requirement for matching funds for the construction of cancer facilities, and they face even greater demands for the future maintenance of these facilities. It might be well to consider a greater degree of flexibility in the requirement for institutional contributions to such facilities, and some better ways to guarantee long-term support.

The Committee discussed the possible advantages of the British Medical Research Council Units, as one way to relieve the financial pressures on institutions. Under this mode of operation, the government would assume total, long-term responsibility for the construction, staffing and maintenance of new facilities in the universities and medical schools. Some experimentation along this line should be considered for the future.

We believe that the critical importance of institutional diversity does not receive sufficient attention in the NCPP. We believe that there will be an increasing need for the widest variety of institutions, ranging from small clusters of individual scientists to huge, coherent organizations totally devoted to cancer research. In many instances such institutions ought to have considerable autonomy, even if their research directions are inconsistent with the views of the central planners. Ways must be devised to foster the development of this diversity, and, at the same time, to encourage coordination of their collective efforts and, above all, to assure that the atmosphere in each will stimulate good science.

VIII. THE ISSUE OF RESEARCH TRAINING

The NCPP perceives the urgent need for more professional manpower during the next decade, if the mission of a major expansion of the national research effort in cancer is to be successful. It is obvious that this will require a considerable expansion of training programs to produce the scientists needed for the future. The only arguments are around the question as to what kinds of training programs, for what kinds of scientists.

Here, as in our consideration of other problems in the NCPP, it seems useful to resort to the *Feasibility—Prefeasibility* categories. For ongoing and future research in the *Feasibility* area there will be increasing needs for professionals at all levels. The field of cancer detection will require technical manpower for various cytological, biochemical and radiological procedures. The disciplines of surgery, radiation therapy, anesthesiology, pharmacology, medical oncology and rehabilitation medicine will need more trained specialists and more technical support. The expanding field of chemotherapy, with the increasingly complex technological requirements involved in patient care, will require its own cadre of specialized personnel. Training programs for these purposes are probably best located in the institutions dedicated primarily to cancer research; the proposed Comprehensive Cancer Centers should be of great value for this mission.

There is, however, another important area of manpower need for which training programs must be provided on an amplified scale, and for which the optimal locations for training may be quite separate from cancer research units. As has been pointed out in the NCPP, and in an earlier section of this review, there are a number of basic science areas on which the future of cancer research may very well depend—*molecular genetics, cellular immunology, membrane regulation*, etc. The NCPP does not make provision for training programs in such areas. Indeed, the scientific areas recognized in the present version of the plan seem extremely limited; pharmacology heads the list, followed by chemistry and epidemiology, but there is no mention of the equally urgent needs for training in other fields of basic science.

It must be recognized that some of the best opportunities for training at this level may be in departments of medical schools and universities which are not themselves committed to cancer research. This must be faced squarely, and training programs in such areas must be supported. The solution to the cancer problem may require, at some future date, intensive research by scientists skilled in problems dealing with cellular immunology or cell membrane assembly, for example, and it is mandatory that the training of such people be started now, in the laboratories where the best work in these fields is currently in progress.

The committee believes that training for cancer research should also involve some exposure to broader aspects of the cancer problem, and it will be important to encourage the development of interdisciplinary collaboration in training. Wherever possible, clinical and basic science trainees should

have opportunities to interact with each other; ideally, research trainees should be exposed to problems in human cancer during their period of training in a particular area of basic science.

IX. THE ISSUE OF CONTINUING REVIEW OF THE NCPP

The President's Cancer Panel and the National Cancer Board should have a strong and continuing policy input into the way the NCPP is implemented. This should include their involvement in the preparation of the annual report and renewed 5-year projections, and their supervision over all major operational decisions of the NCI. It is foreseeable that when a breakthrough occurs that might shift the focus of the program within the seven major objectives, readjustments of the allocations scheme among these objectives will become necessary.

When this takes place, the NCPP (Vol. 11, 5.2.2.) provides that the NCI may make "additional investments . . . whenever warranted by significant opportunities and leads", and may also "reduce investments whenever warranted by factors such as completion of the work, achievement of sufficient information, change in priorities due to shifts in the scientific base, etc."

When budget readjustments are minor, they should probably be made by administrative action in NCI. However, when these trade-offs involve alterations of strategy of significant magnitude, the Panel and Board should provide oversight. We assume that this will be the case, but we believe that the provision for Panel and Board involvement in NCI decisions, at all crucial operational stages, should be more explicitly stipulated in the text of the plan. In effect, this assures the participation of "outside" reviewers, with a primary responsibility for determining that there has been a major breakthrough, and that intensive exploitation and a shifting of funds are appropriate.

There may be a need for another kind of periodic "outside" review by a highly competent group, completely extramural to NCI, with enough time to conduct site visits to NCI headquarters and to selected institutions in which major investments are being made by NCI. The individuals chosen to carry out such periodic operational reviews should represent a variety of backgrounds and skills. We are not prepared to recommend how they should be chosen, nor to stipulate their functions in detail, but we are unanimous in the view that formal mechanisms for such review should be established.

[From the Washington Post, Apr. 17, 1973]

CANCER PLAN ACCUSED OF STIFLING CREATIVITY

(By Stuart Auerbach)

In a still secret report, the National Academy of Science's Institute of Medicine says a government plan to conquer cancer will stifle the scientific creativity needed to find cures for the disease.

The institute report accuses the federal cancer planners of trying to direct all research from Washington when what is really needed "is an abundance of new ideas . . . (that) are most likely to emerge from the imagination and intuition of individual scientists."

The plan on how to conquer cancer, the institute report says, "leaves the impression that all shots can be called from a central headquarters; that all, or nearly all, of the important ideas are already in hand, and that given the right kind of administration and organization, the hard problems can be solved.

"It fails to allow for the surprises which must surely lie ahead if we are really going to gain an understanding of cancer."

The report, requested by the National Cancer Institute, was written by a nine-man committe of cancer experts headed by Dr. Lewis Thomas, dean of the Yale University Medical School and the incoming president of the Memorial Sloan Kettering Cancer Center in New York.

Specifically, the committee looked at the first two volumes of the National Cancer Program Plan required under an 18-month-old law setting up an intensified national war on cancer.

The plan itself is long overdue and sources say it is undergoing revision by the White House's Office of Management and Budget.

Louis Carrese, who developed the plan for the National Cancer Institute from the recommendations of 250 scientists, said "a lot of changes" were made as a result of the Institute of Medicine review.

Carrese, a systems analyst who is trying to use that process to direct biomedical research acknowledged that some members of the committee "will think we didn't make enough changes."

He denied that the plan aims to control all cancer research from Washington and said that "quite a few word changes—jargon changes—that were worrying the committee" should erase the impression.

Although the Institute of Medicine report says that some of the plan's "defects" can be corrected with language changes, it points to a more substantive problem in the way science should be managed.

"The National Cancer Program Plan," the committee says, "pushes the balance too far in the direction of centralized scientific planning and imposes too great a risk of bureaucratic rigidity."

Moreover, the committee says that the cancer plan doesn't place enough emphasis on "the enormity of our ignorance about cancer."

"Much is said about the lines of research that appear most promising today—virology, cellular immunology and genetics, for example—but too little acknowledgment is made of the genuine possibility that any or all of today's leads . . . could turn out to be the wrong leads."

Many of the new leads for curing cancer, the Institute of Medicine committee feels, will come from scientists not in the cancer field—indeed from scientists "who may not even recognize that their research preoccupations are relevant to the cancer problem.

"Such scientists may fail to obtain support under the new cancer initiative simply because their research applications will never reach the NCI through the present National Institutes of Health system."

This point is especially important now since President Nixon has cut the budgets of all the institutes at NIH with the exception of his two favored health projects—cancer and heart disease.

The National Institute for General Medical Science, the committee report points out, deals with basic research that could have important implications for cancer. This institute "is chronically underfunded.

"What is needed," the committee says, "is some better sensing mechanism within NIH for the recognition of the basic science projects which are essential for the ultimate success of the cancer program."

The committee says that research involving the replication of genetic material, the behavior of cells and the way their membranes are assembled, the synthesis of proteins and cellular immunity should all be supported with cancer funds.

The committee report also calls for the continuation of the grant system, where scientists receive funds for research projects that are judged by other scientists, over the hiring of labs for specific projects under contracts.

It also opposes the cutting of training grants, as proposed by President Nixon in his 1974 budget. These grants, it is asserted, are needed to insure the continued flow of scientists into research.

[From the Boston Globe, Mar. 7, 1973]

NOBEL WINNER CALLS NIXON'S MEDICAL RESEARCH POLICY "LUNACY"

(By Richard Knox)

WASHINGTON.—Prof. James D. Watson, the Nobel Prize-winning Harvard biologist, yesterday told the US Senate Health Subcommittee that the newly launched Conquest of Cancer effort will be "a massive fraud" if the Nixon Administration implements its plans for the spending of medical research funds.

The mild-mannered scientist, whose discoveries of the structure of the DNA molecule made most modern cancer research possible, used the word "lunacy" to describe the Administration's research spending plans.

Delivering the strongest statement heard thus far against the government's National Institute of Health budget proposal, which was revealed January 29, Watson focused his criticism on two policy decisions:

—A cutback of basic laboratory research in favor of "targeted" research designed to apply what is already known.

—A plan to eliminate all Federal support for training new biomedical researchers, on the assumption that young scientists-in-training should find support elsewhere.

Taken together, Watson said, these decisions will insure that additional funds will be wasted rather than leading to the hoped-for cancer conquest.

"Must the new American tradition be to close our wars and call them victories?" Watson asked. "Is it possible that someday we will have our government say that the real problem is not cancer or strokes or coronaries but the scandalous behavior of research scientists who lack the integrity to carry out its government wish for instant victory."

Watson's testimony capped a day of hearings, chaired by Sen. Edward M. Kennedy, which featured criticism of the government's biomedical research policy by Dr. Michael de Bakey, the Houston heart surgeon and Dr. Lewis B. Thomas, dean of Yale medical school. The Administration's side will be presented tomorrow by Caspar Weinberger, Secretary of Health, Education and Welfare.

Watson, one of the foremost investigators of a possible cancer-virus link, said that the Administration has a "puerile understanding of both how good science is done and how its discoveries have been directed toward human application."

He argued that "targeted" research, "in which the government calls the shots," ignores the fact that "most research advances have resulted from allocating grant money in which the individual scientists decides where the future may lie."

"All too large a proportion of this contract money will go to senior established people as opposed to younger scientists" added Watson.

"Yet almost every important new discovery comes from someone under 35, who at the moment of his breakthrough is essentially unknown to the outside world, and so is unlikely to be given a contract by a government that looks with distaste on the unpredictable."

Watson was 25 when he did the work on DNA structure that won him the Nobel Prize along with Francis Crick and M. H. F. Wilkins.

The elimination of training grants, post-doctoral fellowships and career development awards (which allow young scientists to pursue their own leads), Watson continued, will lead shortly to a shortage of creative young scientists with the stamina needed to devote themselves entirely to basic research.

"All the money will be held by middle-aged entrepreneurs," he said, "but the science itself will have, for the most part, to be done by an age group not noted for working into the night."

Likewise, Watson added, under questioning by Sen. Kennedy, the Administration's assumption that young scientists can find money elsewhere to be trained will lower the quality of research and shorten the span of creative years in which they can devote themselves solely to science.

"Young researchers will have to work their way up through science," he said, "and you can't do good research after driving a cab for eight hours."

Watson said that "not one of my colleagues believe the Administraton is following the proper course in spending cancer research funds, but most "don't have the fight in them."

"You mean they think the government is saying, in effect, 'be quiet or you'll get cut even more?' " asked Sen. Kennedy.

"Yes," answered Waston. "They have the feeling that this isn't the time to speak out."

Watson is a member of the National Cancer Advisory Board, which is supposed to advise the President on how to spend Conquest of Cancer funds.

However he said that policy decisions are being made elsewhere. "The advisory board is not a body that's ever going to be a cohesive group," he said. "They'll just hand out press releases for five years about how great everything is going."

[From the Science magazine, Mar. 30, 1973]

NATIONAL CANCER PLAN: THE WHEEL AND THE ISSUES GO ROUND

(By Barbara J. Culliton)

The national cancer plan may soon be released; then again, it may not. The people at the National Cancer Institute (NCI) who are in charge of such things say that they would like to make the plan public as soon as possible. There are two problems.

The first seems to be that the people at NCI are not really in charge at all. People in the Office of Management and Budget (OMB) and in the White House are. Strictly speaking, the National Cancer Program Plan is a document the NCI submits to the President, who will then transmit it to Congress. The word is that certain OMB staff members are unhappy about parts of the first two volumes of the cancer plan and their unhappiness is forcing a delay. This is hard to prove one way or the other because OMB people will not talk about such things. However, it is certain that, without their approval, the NCI cannot make its plan public. When OMB and the White House are ready, they will release it.

The second problem in getting the cancer plan into the open, so that the entire scientific community can see for itself what the cancer crusade is all about, is that the third volume is not exactly finished yet. This is the volume that NCI leaders say is the most important because it will tell how the cancer program is going to be run, not just this year, but for the next 5—a 5-year plan to be updated every year. Louis Carrese, associate director of NCI for program planning and analysis, describes the third volume as an "operating document, perhaps a manual." It will be completed soon, but that does not mean that it will be available to the public soon. It, like volumes 1 and 2, will have to wend its way through channels.

The cancer plan is a unique document in biomedical science, in that it is a tangible expression of this country's first attempt to wipe out a disease through a coordinated effort on a national scale. The sheer magnitude of the program for the conquest of cancer is unprecedented in biology.

The national crusade against cancer is grounded in the belief that cancer is susceptible to an organized attack. This presumption troubles many scientists today, as it has from the begining. Their conviction that there is a lot of science that just cannot be targeted simply will not go away. The expectation that the cancer crusade would be backed by virtually unlimited money is also proving to be a troublesome presumption. Although it is perfectly true that there is more money for cancer research than for any other kind, it is apparently not true that the coffers of the NCI are overflowing.

As of this writing, the NCI is still operating with $378 million—its budget level for fiscal 1972. There is talk of a special presidential action to raise the level for 1973 to $432 million, as originally planned, but it has not happened yet. Meanwhile, of course, those anticipated extra funds are not available.

Thus, the situation is not an entirely happy one. The story of the cancer plan is, in ways, a reflection of the ups and downs within the national cancer program as a whole.

PLAN IS FOR EVERYBODY

In a recent interview with *Science*, Carrese talked about the plan. Whom is it for? For everybody. The plan, he says, is supposed to be "meaningful" to the lay public, the Congress, the scientific community, and the people in the OMB. At its heart is a single goal—"Develop the means to reduce the incidence, morbidity, and mortality of cancer in humans." To achieve it, the NCI has laid out seven objectives, which "reflect the aspects of the disease in man." The first is cancer prevention; the seventh is rehabilitation of the cancer patient. The others range from basic research to therapy. To achieve each objective, there is a series of "approaches"; for the approaches, a set of "approach elements," and, to refine the task further, a host of "project areas." It is at the level of a project area that actual research comes in.

Carrese emphasizes again and again that one of the most extraordinary features of the plan is its authorship. Out of a pool of 1000 scientists, the NCI asked about 250 to meet in small groups to decide what the cancer plan should say. From meetings held at Airlie House, a retreat in the Virginia countryside, they generated 40 reports, each of which talked about cancer from a different angle. From these, Carrese and his staff, with the advice of the chairmen of the various groups, put the plan together.

The first steps for the creation of a national cancer plan were taken in the fall of 1970 by Carrese and Carl Baker, who was then the director of NCI. Groups of scientists first began meeting in the late fall of 1971, so by the time the National Cancer Act of 1971 became law that December, the foundations of the master plan had already been laid. (The law required that there be a plan, as Carrese and Baker anticipated.)

Carrese is adamant about the flexibility of the cancer plan. "Its purpose is not to direct daily research; nor is it meant to exclude new ideas." Nevertheless, a lot of the people who have had access to the plan or who have heard a lot about it are pretty uneasy. Certainly one reason for this is that the plan, to a large extent, is written in the jargon of a systems analyst.

Carrese is a systems analyst who has made a career of trying to adapt the traditional concepts of systems analysis to the process of biomedical research. He and Baker shared the view that systems analysis could be appropriately modified, and, in the April 1967 issue of *Management Science* they described their approach in a paper entitled, "The Convergence Technique: A Method for the Planning and Programming of Research Efforts." "Planning," Carrese says, "is not strange to science. Some of the most detailed plans are called experimental designs. I don't know a single scientist who arrives at his lab not knowing what he is doing."

According to Carrese, the cancer plan not only lays out the scientific and medical problems to be solved but does so in a way that allows administrators to know at a glance what is going on. He points out that the plan is designed to have "something for everybody" and that what you see in it depends upon how you look at it. In that regard, he says that he can look at it and tell in dollars and square feet of space how much effort is being committed to research on cancer prevention, causation, or rehabilitation.

To make the whole thing graphically clear, the plan has been drawn up in the form of a wheel that sets out the objectives and approaches of the cancer program. It hangs on the wall in dozens of laboratories and offices throughout the National Institutes of Health (NIH) and, depending upon the wall, is meant to be taken quite seriously, or, alternatively, as pop art.

The systems analysis approach, so foreign to most scientists, bothers many of them, and there is growing concern that the emphasis on supporting only those things that fit into the cancer *program* will lead to unhealthy rigidity. NCI officials, of course, insist such fears are foolish.

One "official" reaction to the first two volumes of the cancer plan comes from a committee of the Institute of Medicine, a part of the National Academy of Sciences. (The NCI asked the institute to review the plan last summer.)

Under the chairmanship of Lewis Thomas, who has recently resigned as dean of medicine at Yale to become president of the Memorial Sloan-Kettering Cancer Center in New York, a committee of nine* spent most of their fall weekends conducting the review in order to meet a crash deadline of 1 December. They read and reread the plan, admitting that the systems analysis jargon made the going rough in spots. (Carrese says most of that jargon was deleted from the final draft.) They interviewed many of the principals involved in the creation and execution of the plan. And they looked at the 40 reports from which the plan was synthesized. Then they summed up their feelings about it all in a succinct, 23-page report, which, like the cancer plan itself, remains officially a confidential document, although numerous copies are in existence.

By prior agreement with the NCI, the institute will not release its critique until the plan itself is unveiled. Many members of the review committee concede that they are not particularly happy about the necessity for such confidentiality this long after the review's completion.

On first reading, the institute's review sounds rather innocuous. It is written in language that is neither abrasive nor laudatory, and it sounds in places as if its authors are merely politely asking questions that they are sure can be answered. A second or third look can leave one with the impression that the reviewers' opinion of the plan, and of what it represents, is scarcely as neutral as it first seemed.

In thir introduction they say, "We are impressed by the skill with which the plan has succeeded in organizing, conceptually, a stupendous mass of biomedical scientific material, even though we have reservations concerning the framework within which the study was conducted and the material organized." The framework, of course, is one which assumes that research can be effectively programmed on a massive scale.

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*Lewis Thomas, Yale; David Baltimore, Massachusetts Institute of Technology; Harry Eagle, Albert Einstein College of Medcine; Herman Eisen, Washington University; Judah Folkman, Harvard; Paul Marks, Columbia University; Rufus Miles, Washington, D.C.; George Palade, Rockefeller University; Helen Ranney, State University of New York at Buffalo; Alvin Weinberg, Oak Ridge National Laboratories.

Throughout their review, the authors explicitly or implicitly question this.

They find the plan "reasonably sound" as an inventory of the problems of cancer, an "assurance that nothing falls between the cracks." Carrese points out, in this regard, that the identification of rehabilitation of cancer patients as a primary objective emerged as a result of the comprehensive planning. Rehabilitation has not received much attention in the past.

On the other hand, some of the members of the review committee worried that the systems analysis approach might "represent the underlying philosophy of the whole program." Carrese wants to know why that prospect should worry anyone.

The reviewers addressed themselves to the issue of centralization of planning of research and felt uncomfortable with their impression that there is going to be too much of it.

"It seems to us a defect of the NCPP [cancer plan] that the enormity of our ignorance about cancer receives less emphasis than it merits. Much is said about the lines of research that appear most promising today—virology, cellular immunology, and genetics, for example—but too little acknowledgment is made of the genuine possibility that any or all of today's leads, including all of those proposed by the 250 scientists in the Airlie House Conference, could turn out to be the wrong leads."

The plan fails, they said, because:

"It leaves the impression that all shots can be called from a central headquarters; that all, or nearly all, of the really important ideas are already in hand, and that given the right kind of administration and organization, the hard problems can be solved. It fails to allow for the surprises which must surely lie ahead if we are really going to gain an understanding of cancer."

They went so far as to propose that certain areas of basic research are, per se, relevant to cancer and should, therefore, be funded by the NCI whether the investigators doing the work consider themselves cancer researchers or not. Their choices: DNA replication, the cell cycle, regulation of transcription, regulation of membrane assembly and function, cell differentiation, regulation of protein synthesis, and all aspects of cellular immunity. They indicated they would be perfectly happy to see them changed as cancer biology progresses.

The institute review committee then tried to soften its criticism by saying these defects in the plan may be merely a matter of language, not one of intent on the part of the cancer planners. But they are not very convincing. Their concern with targeted research is pervasive and it is significant because, whether the planners intend centralization and rigidity or not, vast numbers of scientists—young and not so young—believe that this is the effect the plan will have. That in itself is stifling.

One of the primary sources of discontent among "cancer" scientists in both clinical and fundamental research is the feeling that they have surrendered control of the direction of science to the administrators of the NCI. The verbal protestations of those administrators notwithstanding, many members of the scientific community share the impression that the important decisions about what to fund and at what level are being made almost exclusively by content among "cancer" scientists in NCI officials whose interpretation of what is suitably part of the cancer program and what is not does not square with their own.

The authors of the Institute of Medicine's review based their concern about an excess of planning on their reading of the cancer plan. To some extent, their concerns were validated recently at a meeting of the advisory committee of the NCI's "molecular control" program, which could be one of the principal channels for funding basic research in the cancer crusade. Issues raised at that meeting are likely to come up again and again as the cancer program takes shape. The molecular control prorgam, new to the NCI table of organization, is headed by Timothy O'Connor, a virologist by training, who is respected as one of the most scientifically sophisticated administrators in the institute. O'Connor, visibly enthusiastic about his program, is particularly anxious that it foster interdisciplinary research. The advisory committee includes a couple other NCI staff members and several university scientists. Their job is to define the goals of the molecular control program, take a hand in implementing them, and to offer an opinion on whether specific contracts (or possibly grants) should be approved. Such recommendations then go to the NCI brass for final action.

From the outset, it was apparent that some of the university scientists did not fully understand how the NCI operates; nor did they fully agree with some of the premises of the NCI program once they got them straight.

When the meeting opened, O'Connor informed the group of four contracts that had won final clearance. The conversation quickly turned to policy when Christian B. Anfinsen, who shared the 1973 Nobel prize in chemistry, asked about how contracts originate. Do they just come from the "stratosphere" for approval, or can the committee initiate things, he queried.

O'Connor said that the ideas for contracts are often generated by investigators themselves at the annual NCI meeting for contractors. Saul Schepartz added to the answer, saying, "Every once in a while you might get a really good proposal that is unsolicited [by NCI], but then you have to ask whether it fits our program." Anfinsen found the answer "disappointing."

The meeting moved on. The committee set about defining the goals of the molecular control program and, after some discussion, agreed on four, roughly as follows: (i) membrane processes, including structure and membrane interactions with various agents; (ii) replication, integration, and transcription of genetic material; (iii) mechanisms by which messenger RNA is processed and by which it translates the information coded in DNA; and (iv) integration of biophysics into research on all of the above.

The goals won general acceptance as being broad enough to encompass a considerable variety of research, but they were not accepted without reservation. Anfinsen asked, somewhat rhetorically, "Our four goals essentially all say the same thing—control of protein synthesis [is important]. Might we be missing something?" The question passed, but other knotty questions arose as the discussion progressed to the ways of implementing research on the goals.

It seems safe to draw the conclusion that the non-NCI scientists present shared O'Connor's conviction that the program must be interdisciplinary. Britton Chance of the University of Pennsylvania pressed the cause of biophysics and had no trouble winning his colleagues to his view. William Joklik of Duke University was firm in his belief that the fields of protein synthesis and membrane biology and related areas could probably benefit from the help of some good organic chemists. He mentioned the problems that nucleic acid workers are having in getting an iodine tag on the RNA molecule without breaking it and postulated that an organic chemist might have the solution. That sounded sensible. (Years ago, it was an organic chemist who helped James Watson and Francis Crick work out the structure of DNA.) There was a suggestion that one thing to do would be to let the entire scientific community in on the idea of soliciting organic chemists by publishing, in some conspicuous place, the fact that the cancer program was open to the contributions that organic chemists might make.

That did not go over as well. One of the NCI administrators warned that the result of such a general announcement would merely be a flood of grant applications, many of them from "nuts," and that the NCI is swamped with applications as it is. Furthermore, there is the matter of limited funds. A proposal to organize small conferences to which a few investigators from fields not traditionally connected with cancer would be invited won greater acceptance from the NCI people. Some of the committee members just could not shake the feeling that NCI wants to call the shots, relying less on the advice of outside people than ever.

RELEVANT RESEARCH ONLY

The other issue that pervaded the discussion was the matter of relevant versus irrelevant research. Is there such a thing as good membrane research that is relevant to the cancer program and good membrane research that is not? Such a question seemed to some to be marginally out of place at a meeting devoted almost entirely to very fundamental research problems, but the question was very much there nevertheless. O'Connor mentioned several times that the overriding aim of the molecular control program is to use appropriate research findings to develop new, rational approaches to the design of drugs for eventual use at the bedside. O'Connor expressed it simply: "Good science for its own sake, no matter how beautiful it is, will not get funded. Good research that may lead to cancer control will." (After the meeting, O'Connor reiterated his position. The idea is to translate—through deliberate effort—basic discoveries into something practical—namely, a drug. To this end, he hopes scientists can learn to see how their work can be used in ways they might not otherwise have considered. "The end of a good experiment has to be more than just the publication of a paper that sits on a shelf," he said.)

Again Anfinsen, who by his own admission was not happy with the framework he felt he'd been forced into, spoke up. "The nub is that we can tell good science that is relevant from good science that is not. I don't think I can."

In a sense, there are two issues here and, in one regard, less discord than appears on the surface. Certainly, one is the issue of relevant research and the extent to which anybody can be sure what that is. Underneath that is the issue of money and the ways the NCI as a whole chooses to allocate it. Anfinsen is talking about principles. O'Connor is trying to get the most sophisticated science he can for a comparatively meager amount of money. The molecular control program, which, no matter what its limitations, is considered by many cancer workers to be one of the more promising of the NCI programs, has an indefinite budget. So far, it has allocated about $1 million.

If one puts that beside the budget for the traditional NCI drug screening program—as both clinicians and basic researchers do—one raises a question that has come up before but which many people still think needs answering. Under the category of cancer treatment, the drug screening program has $23,900,000 or 46 percent of that category's total budget. Anfinsen, who was not buying much of anything the day of the molecular control program meeting, spoke to the issue with regard to a contract the molecular control program itself has given out.

The program, with the approval of its advisory board, has awarded Litton Industries a $301,000 contract to screen anticancer drugs and antiviral agents. Anfinsen suggested that, if the "silver bullet" approach to curing cancer is to be pursued under the heading of molecular control, it might be wise to award the same contract to two groups to see if competition would lead to a better idea.

"Screening has been going on at NCI for a long time and not much has come of it," he said. "It is like trying to get to Mars by building a more powerful moon rocket. It's not very imaginative." O'Connor defends this drug screen as being different from the rest. It will only look at compounds carefully selected as potential anticancer drugs on the basis of their molecular structure. It will not be a random screen and will limit itself to about 800 compounds a year. (The existing screen-program, which uses an animal system to identify promising agents, tests almost 40,000 compounds a year.)

The advocates of the existing drug screening program, can, of course, point to the present arsenal of anticancer drugs as vindication of their efforts—and they have a case. But the questions being raised address themselves to matters of proportion—priorities, if you will—and in this there is still no resolution. The NCI administrators have the upper hand, or, at least, the scientific community thinks they do. And it has no tangible evidence that it is misreading the situation. It may just be a matter of approach—the two "sides" may not really be hopelessly far apart—but it is hard to believe much significant progress will be made until these issues are set straight.

RECENT EVENTS IN SOUTHERN AFRICA

Mr. KENNEDY. Mr. President, I am pleased to enter in the RECORD an editorial from the Washington Post and one from the Star-News concerning recent events in southern Africa.

The sorrowful chain of events in recent months has seen an extension of the many repressive policies practiced by the governments of South Africa and Southern Rhodesia. The United States has neither the capacity nor the right to bring about internal change in Rhodesia, according to the Post editorial. I agree with that declaration. But it is undeniable that the United States certainly has the obligation to act in the legal ways open to it in order to serve its own concept of human dignity.

Public concern about our Government's policies regarding the regimes of southern Africa increases each time this country makes another unjustified pact with one of those regimes. Imports of Rhodesian chrome were authorized by the Congress in complete violation of our 1968 United Nations treaty obligation. Moreover, the Office of Emergency Preparedness verified that current stockpiles are more than sufficient to meet domestic needs. Of course, Great Britain, in the meantime, has attempted to nudge Southern Rhodesia toward a reconciliation of its breakaway doctrine. And U.S. action, regarding chrome, clearly contributes little to the British effort.

The editorials from the Washington Post and the Star-News describes another example of the unreasonable policies that ought to discourage our Government from coddling the Rhodesian system.

The United States should be prepared to do the right thing with that government. I intend to continue the struggle to accomplish rational and humane approaches to the problems in the troubled societies of southern Africa. My support will be offered to the chairman of the Subcommittee on Africa, Mr. HUMPHREY, with efforts that he may deem necessary to repeal the so-called Byrd amendment, that authorized U.S. industry to begin importing chrome ore and other commodities, in 1972.

I ask unanimous consent to enter in the RECORD, the editorials from the Star-News and from the Washington Post that describe not only the shabby chrome deal, but also the jailing of a journalist who has effectively highlighted the actions of black African freedom fighters in Southern Rhodesia.

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

[From the Washington Post, Apr. 16, 1973]

TENSIONS IN SOUTHERN AFRICA

Peter Niesewand is a 28-year-old Rhodesian freelance journalist who used to supply a large part of the news about his country to the outside world. We say "used to" because, apparently as a reward for his coverage of the growing guerrilla activities against the Salisbury white-minority regime, he has been arrested on an undisclosed charge, detained in solitary, given a secret trial still with no charge specified, and sentenced to two years' hard labor for breaking Rhodesia's "Official Secrets Act." This Soviet-style treatment of Mr. Niesewand can hardly fail to have some impact on other journalists in Rhodesia who would consider reporting on the black opposition to the Smith government. It has also collapsed what slender hopes remained in Britain that it was still worth trying to deal with Ian Smith in order to steer Rhodesia toward majority rule

Needless to say, the extent of guerrilla activity in Rhodesia is hard to judge. Salisbury is torn between denying that it has a problem and demonstrating that it has the problem in hand. A recent decree establishing collective punishment for tribes thought to be supporting guerrillas offers clear evidence that, despite official protestations, guerrillas are operating as "fish" in a black Rhodesian "sea." Another measure of the insurgents' effectiveness lies in the complications they have caused in Rhodesia's relations with neighboring Zambia and Mozambique, where the insurgents find sanctuary and supplies. The Smith government continues attempting to light political backfires by encouraging those few Rhodesian blacks it can induce to speak out in favor of its racial policies. But there is no broad black support for those policies, and the rest of the world knows this well.

It remains intolerable that the United States—by buying Rhodesian chrome and other minerals—should be lending real support to the Smith regime. These purchases, made under legislation drafted by Senator Harry Byrd (Ind.-Va.) two years ago, totaled about $13 million in 1972. They trample on the United States' earlier international obligation to honor economic sanctions voted against Rhodesia by the United Nations. They should not go on.

The United States has neither the capacity nor the right to bring about internal change in Rhodesia. But the United States certainly has the obligation to act in the legal ways open to it in order to serve its own basic concept of human dignity. Such an effort may amount to gestures of only symbolic or nominal effect—we would not claim that a resumed boycott of Rhodesian chrome products would have any greater weight. But the effort is not to be scorned because the immediate quantifiable payoff may be slight.

In this respect, we point with favor—and, to confess, with surprise—at a new and positive "gesture" of the United States bearing on racial justice in another quarter of southern Africa. The State Department has just issued detailed "suggestions" designed to nudge susbidiaries of American firms in South Africa to "upgrade employment practices and employee services . . . within the laws of South Africa." These guidelines are designed to end the repugnant practice of some American firms' treating their black employees poorly, even by the discriminatory standards of South African apartheid.

"The role of American firms in South Africa is a subject of increasing interest, both to the general public and to the companies themselves," the State Department now acknowledges. It could have added that the new guidelines demonstrate that the United States government accepts the question as one of legitimate official concern. This is a large breakthrough in American policy towards the white-minority states of southern Africa. We trust it is not the last. Rep. Charles Diggs (D-Mich.) deserves much of the credit for his forceful and intelligent lobbying on the issue, and the Nixon administration deserves equal credit for its response.

[From the Washington Star-News, Apr. 13, 1973]

RHODESIA'S BLUNDER

The breakaway Central African state of Rhodesia has badly tarnished an image that needs all the furbishing it can get. We refer to its treatment of the free-lance journalist, Peter Niesewand.

Several weeks ago, Niesewand was placed under preventive detention. He has since been tried in secret and sentenced to a year at hard labor for an unspecified offense against the Official Secrets Act.

We do not presume to judge the innocence or guilt of Niesewand. Nor do we hold that a man, because he is a journalist, is incapable of an offense against the state or immune to prosecution by it (Kim Philby, after all, was a correspondent for the London Observer in the Middle East at the same time he was operating as a Russian master-spy).

But if Niesewand is guilty of an offense against the state, he or any other Rhodesian, white or black, deserves a fair and public trial. The Rhodesian Official Secrets Act, which makes it an offense to "obtain, collect, publish or communicate to any other person information which might be useful, directly or indirectly, to an enemy" of the state is so loosely drawn as to be ludicrous unless the details of a charge are made public.

Cecil Rhodes, the founder of white-ruled Rhodesia, believed in equal rights for civilized men. If the Niesewand case is any indication, those who profess to be Rhodes's inheritors have strayed far from his dictum.

Niesewand's conviction is under appeal. If the sentence is upheld, Premier Ian Smith would do well to quash it and order a public trial for the 28-year-old writer. Unless this is done—and unless Rhodesia curbs its proclivity for star-chamber proceedings against any of its citizens—it is difficult to see how there can be progress in the negotiation of a settlement of Rhodesia's illegal international status.

As in the case of the detention of former premier Garfield Todd and his daughter, the Smith regime has blundered badly. It ought to recoup what it can of its reputation while that is still possible.

SUMMARY OF HEARING BEFORE HOUSING AND URBAN AFFAIRS SUBCOMMITTEE

Mr. WILLIAMS. Mr. President, last Friday, April 13, 1973, the Housing Subcommittee of the Banking, Housing and Urban Affairs Committee heard witnesses describe the effects of the administration's housing freeze on older Americans. As a member of that subcommittee and

as chairman of the Subcommittee on Housing for the Elderly of the Special Committee on Aging, I was privileged to lead off the testimony that morning.

I have spoken out against the moratorium before, and I have commented especially on the frustrating despair this freeze has brought to many elderly persons who have planned and hoped for new and better housing for their remaining years. In light of the excellent testimony we heard last Friday, I think a few more comments are in order.

First, I would like to mention some results I have received from a brief questionnaire that I sent out in preparation for the hearing. These questionnaires were sent to 161 housing authorities and over 500 housing projects built under the section 202 and the section 202–236 conversion programs.

In public housing, 118 housing authorities responded who represented over 112,000 units for the elderly that are now occupied—about 25 percent of the Nation's total. Every housing authority has a waiting list for the elderly. Not one reported vacancies. More than 111,000 older persons are on waiting lists of these housing authorities. In other words, for every occupied unit, there is a person on a waiting list. These same authorities also reported that over 43,000 units for the elderly had been frozen by the moratorium.

Responses from the sponsors of the 202 and the 202–236 conversion projects were also revealing. I received 303 responses representing 46,620 units. These projects reported over 44,000 persons on their waiting lists. Many sponsors also reported that new projects had been stopped by the moratorium.

Adding up waiting lists is not the most scientific method of measuring the need for housing older persons. I submit these figures only as proof of a very large demand.

As compelling as these waiting lists appear, they do not begin to tell the full story. Many responses pointed out that their waiting lists represent only the tip of a very large iceberg. Because their lists are so long, many elderly persons do not even both to apply.

Mr. President, we need more housing for the elderly, and we need it even more today, when older persons are receiving 60- and 70-percent rent increases, and when food prices are rising at a rate we have not seen for decades.

Several witnesses testified to this need last Friday, and spoke out forcefully about the added burden of the current moratorium, and the many recommendations that have been ignored. Some of their comments were particularly worth noting.

Representing the National Council of Senior Citizens, their executive director, Mr. William R. Hutton, testified:

> We believe the policies and the recommendations that came out of the White House Conference on Aging were good recommendations for the policy of housing, but they are gathering dust in the National Archives, Mr. Chairman.
>
> Exactly what President Nixon in his last statement before that Conference said he would not permit them to do. He said they would not gather dust in the National Archives but that is where they are. We are turning to the Congress, and we are going to have a national legislative convention on Capitol Hill in June, because we feel the hope for the older people is in moving the Congress of the United States.
>
> It seems the President and his people have turned away from older people. We are determined in the National Council to work for a better life for older citizens, Mr. Chairman. We have given up on the present Administration.

Speaking as a consultant to the American Association of Retired Persons—National Retired Teachers Association, Mr. John Martin, former Commissioner on Aging, emphasized the sense of urgency in housing for older persons:

> The current moratorium on programs of the Department of Housing and Urban Development is of immediate concern to older Americans. Our elderly citizens do not have time to wait for decent and affordable housing. Their time is limited. We cannot put a 'hold' on growing old. Far too many older people are living in the nation's substandard housing and others are not able to maintain their facilities because of the lack of maintenance personnel or the high cost of such maintenance. Their problem is now—not years from now—following a study, proposed legislation, follow-through on the legislative process, and finally, gearing-up legislation.
>
> Any lengthy delay caused by the moratorium would be most damaging to older Americans. The human and economic results of such an action can only be described as catastrophic. Those with the greatest need and greatest hardships in obtaining decent housing under present market conditions are directly abused by the moratorium.

Mr. H. Ted Olson, executive vice president of the American Association of Homes for the Aging, spoke of his organization's fear of a much accelerated rise in demand during the next few years:

> While we as an Association cannot quarrel with any agency's desire to constantly review its performance and modify programs to assure relevance, we do feel that now more than ever housing needs of older Americans require substantial government financial support.
>
> As everyone knows, our elderly, now number more than one-tenth of our total population, which is expected to increase substantially in the next few years. Consequently, even though only about 4 percent of our older Americans now are served in congregate living and institutional settings, we do have about 500,000 on waiting lists for facilities under the aeges of HUD. If we had many more such facilities, I am sure a much larger percentage could and should be taking advantage of the care and specialized housing programs. We certainly can expect the demand and need for such housing and accompanying care programs to rise drastically during the seventies . . . we are concerned that there does not seem to be, currently, any commitment to proceed with specialized housing for the elderly; we are unaware of present assurances in this regard which would encourage our sponsoring groups to persist in their efforts to add to or improve their programs and facilities. Further delays can only compound the needs of all elderly needing housing and health services.

Mr. President, in conclusion may I say that the Nixon administration has characterized our housing programs as ineffective, wasteful, and counterproductive. In speaking of housing for the elderly those adjectives are sorely misplaced. Housing for older persons has been productive, effective, and tremendously successful.

The elderly are being left out in the cold by an administration which dogmatically condemns past efforts while offering nothing of substance in their place. We need action, not rationales for delay and retrenchment.

CONSIDER ENTIRE ISSUE OF FOOD PRICES

Mr. HRUSKA. Mr. President, we are all acutely aware that rising food prices are a matter of great national concern. Each day brings new talk of price controls, of rollbacks, or of boycotts. And our sympathy goes out to the housewives who must feed their families on a limited budget in the face of sharply rising prices.

But those of us from the food-producing States understandably take a different view of this unfortunate situation. We do so because we represent the farmer and the rancher. We are acutely aware of his problems. And like all situations, there are two sides to the food problem.

It seems apparent therefore that a review and clear understanding of the food-producing process would be helpful in placing our current situation in the proper perspective.

In that connection, two logical and informative communications have been directed to my attention. They provide most persuasive arguments of the farmer's plight in the current situation. A thorough study of them certainly will convince any objective observer that the farmer and rancher are in no way at fault for our food problems.

One of these communications is a full-page newspaper advertisement sponsored by Farmland Industries, Inc., a Missouri farm cooperative. It asks the reader to consider the entire issue of food prices and it states a most convincing case for the farmer and rancher.

The other communication is a letter I have received from Don F. Magdanz, executive secretary-treasurer of the National Livestock Feeders Association. In his letter, he sets forth clearly the same points which I have often brought to this body's attention. I refer to the complex problems which today's cattle producers must solve in order to remain solvent and in order to meet the constantly increasing demands for meat.

With regard to food prices, they have increased 46 percent during the past 20 years and there is no question they have increased sharply in recent months. But during the past 20 years industrial workers' wages have increased 129 percent, and the farmer's income has increased only 11 percent.

Meanwhile the farmer's costs have increased 109 percent, his taxes have gone up 297 percent, his labor up 141 percent, and machinery up 109.

Those are startling facts. They are more startling still when one realizes farmers have during that period increased their productivity more than any other industry.

These increases in productivity have often come in the face of severe natural impediments. Such has been the case in the past year when weather conditions have been directly responsible for serious food shortages.

Let me turn now to the matter of meat prices, where weather conditions again have played a most significant role in recent months. In this connection, let it be remembered that our farmers and ranchers do not sell beef, or pork as the case may be. They sell cattle and hogs and there are many necessary processes which must take place in converting livestock on the hoof to table-ready retail products.

In the past year cattle feeders particularly have faced a material reduction in feedlot gains per day. Standing belly deep in mud, cattle that normally would have gained 2½ to 3 pounds a day were gaining only 2. This reduced rate has substantially increased the feeder's cost which in turn forces consumer prices up.

Add to this the estimated death of 200,000 head of cattle directly caused by the severe weather conditions. This loss is two to three times greater than usually occurs. It further increases the costs for the cattle feeder and the consumer.

We must not overlook the fact the feed ingredients have risen in price. The cost of corn to the cattle feeder and swine producer has risen as much as 30 cents a bushel. Protein supplement costs have gone up much more.

To the above must be added the recent loss of DES. This growth stimulant meant cattle gains were approximately 10 percent faster and the efficiency of gain was improved about the same percentage. In consumer language, the loss of DES means a rise in beef cost of from 5 to 10 cents a pound.

All of these things have been sustained by the cattle feeder almost simultaneously. Since we all would agree that he is entitled to a fair income, these factors are necessarily reflected in rising prices.

It may also be helpful to review a little production history. In 1972, the domestic industry produced about 113 pounds of beef per capita in the United States. Some 20 years ago, beef production per capita was only 55 pounds. This means that production of beef per capita has more than doubled and total production of beef has increased from 2½ to 3 times.

While there were fluctuations in price during this time, production of beef was really increasing a little faster than demand. This meant that, except for occasional periods, producers received low prices and sometimes sustained losses.

Last year demand clearly started catching up with the already increased supplies. This had the effect of bringing prices back up, but to no more than levels attained 20 years ago. It is interesting to note that during this entire period, practically no other products, goods or services held their level. Instead they maintained a steady increase during this entire 20 years.

Mr. President, these facts and many more are contained in the items I have mentioned. They provide a cogent argument for the excellent production which the Nation has received from our farmers and ranchers under conditions which often have been extremely adverse.

Anyone who studies these facts and who understands the situation cannot help but realize that our farmers and ranchers have done a truly outstanding job of feeding our Nation. They have fed us better than any nation in the history of the world.

They deserve and need our support. With it, they will continue to keep us the best fed people on the face of the earth.

Mr. President, I ask unanimous consent to have printed in the RECORD the advertisement from Farmland Industries, Inc., and the letter from Mr. Magdanz of the National Livestock Feeders Association.

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

AMERICA'S FARMERS AND RANCHERS URGE YOU TO CONSIDER THE WHOLE ISSUE OF FOOD PRICES—INSTEAD OF LOOKING FOR SOMEONE TO BLAME IN THE PRESENT FOOD PRICE CONTROVERSY, LET'S LOOK FOR WAYS TO UNDERSTAND IT

The way things are now, nobody's happy. Some people blame the processors for higher prices. But the facts are that processors' profits are held in line by competition, as well as price controls. Meat packers average less than 1¢ profit per dollar of sales. Some others blame the retailers, yet food retailers average less than three-tenths of a cent profit on each dollar of sales. And some consumers blame them all, including the farmer. Nobody's happy. Is one group all to blame? Let's look at all parts of the problem.

Food prices are up, no question about it—but the whole cost of living is up. So are wages and salaries. Over the last 20 years, industrial workers have enjoyed a 129% pay hike. Even with food prices moving up 46% during that period, farmers' income has increased only 11% gross.

The cost of producing food is up, too. Farmers' total costs of producing food have increased 109% over the last 20 years. Taxes are up 297%; labor up 141% and machinery up 100%. On top of all of that, farmers and ranchers are faced daily with the very same cost of living pressures (food, clothing, housing, medical, etc.) we are all feeling.

Are farmers and ranchers entitled to a fair income? Answer quickly. Yes or no? Of course they are—just as we all feel we have earned the right to a decent living. But, did you know, for example, that the average farm family's annual income last year was only about two-thirds of the average industrial worker's?

Yet, the fact is—farmers have increased their productivity more than any other industry. (In just the last 13 years, they've increased productivity over 20%—on 7% fewer acres!) If it weren't for that increased productivity, beef prices might have gone up to match hourly pay increases in industry and cattle would be selling at market for $80 per hundredweight, instead of the recent $45!

So who is to 'blame'? Well, it's really not possible to point fingers at middlemen or farmers or truck drivers or anybody—and blame them for food price levels. Food prices are a reflection of our whole booming, inflating economy. And what inevitably follows that economy—a rising demand. Food producers, of course, will increase production as long as they can make a decent living at it. Import controls, price controls and boycotting can affect demand, but in the main, consumer demand is the one factor that sets the price of food at retail. Just as demand and production costs set the price of clothing, housing and everything else.

What's the answer, then? Farmers and ranchers need your support. They're in this squeeze, too. They need time to increase production. They need a stable situation. They need assurance of fair prices for their present livestock. They need reasonable assurance of a market.

Either an extended, one-sided price freeze or unduly continued boycott can work against production increases.

Thousands of farmers each make their independent business decisions. If, because of uncertainty about the future, each one decides to raise a few less hogs or cattle, instead of more, the result will be an even smaller supply of meat a year from now. And that means even higher prices, perhaps a black market, and truly serious meat shortages. Uncertainty has the same depressing effect on decisions to plant grain or other crops.

Understanding and working together does it. It's not easy, but be patient. It takes 27 months to produce a market-ready steer; 9 months to produce a market-ready hog. But farmers are already working on the problem. At the beginning of this year, cattle and calves on hand were up 4 million head, as compared with a year ago. And this year's calf crop will be 5% to 7% over last year's. In addition, farmers now are expected to return to production more than 40 million acres of farmland.

So, with disposable income rising faster than food costs, the consumers' share of income being spent for food will drop again—to an estimated 15.5%. (Compared to 20% in 1960.) And that's good news.

America's farmers and ranchers are, in the main, dedicated to increased production and efficiency. If thoughtful Americans, and the men they send to Washington, will help, farmers can get the job done.

WHY HAS FARMLAND CHOSEN TO SPEAK OUT FOR FARMERS?

Farmland Industries is owned by some half-million families operating farms and ranches in the nation's mid-section. Our owners have felt a growing need to present to the nation their point-of-view on some of the central issues that are vitally important to them as basic food producers. Four years ago, Farmland began speaking out for farmers, presenting balanced reports on issues vital to farmers but perhaps overlooked or misunderstood by the rest of the nation.

No issue we have explored has been more vital to farmers than the subject of this advertisement. We think this message will help you better understand and appreciate the nation's food supply system—and farmers' and ranchers' place in it.

If you have questions or comments, please write to me.

ERNEST T. LINDSEY,
President, Farmland, Industries, Inc.

NATIONAL LIVESTOCK
FEEDERS' ASSOCIATION,
Omaha, Nebr., January 12, 1973.

Hon. ROMAN L. HRUSKA,
U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR HRUSKA: We are profoundly concerned over various published comments that are appearing in the press and on television broadcasts having to do with the price of live cattle and hogs as well as price of red meat at retail. Such comments and charges only serve to discourage those persons involved in red meat production at a time when it is necessary that production of red meats be expanded in order to meet increased demands and satisfy the interest of consumers.

It should be known to all persons that the cattle feeders and producers have experienced some serious problems in the past several months and are facing more. In the first place, weather conditions throughout much of the feeding areas in the nation have been unusually severe this last fall and winter with a result that feedlot weight gains per day have been reduced materially, and for short periods of time have been practically nil. This lesser weight gain has substantially increased the total cost of gain

which is a real meaningful factor in the cattle feeding business.

Furthermore, though I cannot supply total figures that would be accurate, we do know that the severe weather conditions have caused substantial death losses in various locations both in feedlots and on wheat pasture. This has further added increased costs for the cattle feeder and grower.

Then we must not overlook the fact feed ingredients have risen in price. The cost of corn to a cattle feeder and swine producer has risen as much as 20c to 30c per bushel, and protein supplement costs have gone up much more. Again, we must look to the severe weather conditions that prevailed during the regular harvest as at least a factor in these increased costs.

To the above, we must add the loss of DES effective January 1. This growth stimulant meant that cattle gains were approximately 10% faster and efficiency of gain was improved about the same percentage. All of these things are being sustained by the cattle feeder almost simultaneously and at least the increased costs will continue.

Last summer and early fall, the total cost of gain for a 700 pound feeder steer that was being put up to the choice grade at 1100 pounds was 26.5 per pound on the average. Under conditions prevailing now, this total cost of gain figure rises to at least 31¢ per pound and there are instances of costs materially above 31¢ per pound. Besides, we must point out that the cost of a 700 pound choice feeder steer has been and still is in the neighborhood of 45¢ per pound (some higher) which means that a cattle feeder can little more than break even with the figures I quote when selling a choice feeder steer in the market at 40¢ per pound.

It is true that the price of fed cattle has gone up from a temporary low point late in November to where choice steers are now selling around 40¢ per pound. This rather abrupt increase has apparently disturbed many people. We point out, though, that prices of cattle, hogs, and nearly all agricultural products do go down as well as up which the historical record clearly shows. Also, cattle feeders and producers in 1972 did furnish the domestic market with some increased beef production although the availability in pounds per capita will not be much different from 1971. In the same time, though, we have witnessed a substantial increase in the demand for beef and other red meats and, where products are sold on an open market basis, we must look to price as the leveling factor between supply and demand.

We do not attempt to conceal the fact that pork production in 1972 was somewhat lower than in 1971. As a result, hog prices have reached a higher level which is a normal development in the market structure. As a result of this current price level, we can accurately expect an increase in pork production that will start showing up in the market place around mid-1973. As far as the livestock business is concerned, this again is a normal development meaning that higher prices stimulate increased production which production will then tend to modify the price level. The same will occur with cattle and beef except that the life cycle dictates it takes longer. A 220 pound hog will be marketed around 5½ months after birth, whereas a 1100 pound choice steer will be from 18–24 months of age. Furthemore, a heifer must be much older than the female hog before it can be settled for reproduction.

Perhaps we should review just a little production history. In 1972, the domestic industry produced approximately 113 pounds of beef per capita in the United States. Some twenty years ago, beef production per capita was only 55 pounds. This means that production of beef per capita has more than doubled and total production of beef has been increased from 2½–3 times. While there were fluctuations in price during this time, production of beef was really increasing a little faster than demand which meant that, except for occasional periods, cattle feeders received much lower prices and sometimes they were disastrously low and heavy loses were sustained. In 1972, demand clearly started catching up with the already increased supplies which did bring prices back up, but to no more than levels attained twenty years ago. During this entire period, though, practically no other products, goods or services held their level, but instead maintained a steady increase almost without interruption during the entire twenty years. In this time, per capita disposable income rose decidedly and continues to go up with a corresponding decrease in the overall percentage of per capita income spent for food. The point we attempt to make is that while cattle prices often make rather abrupt changes, they are just ending to catch up with other segments of the economy.

With respect to food, it is clearly a mistake to make comparisons over a short term because abrupt changes, either up or down, which do occur, tend to distort the real picture. Also, people often forget what has happened in the past and may overemphasize the increases without regard for decreases. At this moment, we are hearing much about the increase in price indexes and red meats are charged with contributing to these increases. We almost never hear about instances when decreases in livestock and meat prices contribute to a stable or lower price index.

Also, I think it is wise to mention that a substantial part of increases in food prices occurs after the products leave the producer. At the present time, the producer is receiving somewhere around 40¢ on the average of the consumer's dollar spent for food. This means that 60¢ of the dollar goes to the marketing, processing, and distribution machinery where many other factors have entered in to increase that portion. Fortunately, the cattle feeder and swine producer receive a higher percentage of the consumers dollar spent for beef and pork, but we still have increased costs that have occurred in marketing and distribution processes.

Perhaps this rather general discussion without quoting too many figures will serve to explain what has and is happening in the production and feeding of meat animals and the availability of red meat to consumers. You are at liberty to use this communication in any way you feel it can be helpful.

Respectfully yours,

DON F. MAGDANZ,
Executive Secretary-Treasurer.

PENSION REFORM

Mr. BAYH. Mr. President, one of the most important issues before the 93d Congress—perhaps more important than any other to the working men and women of this country—is pension reform. I believe that Congress has an urgent obligation to approve strong, fair, and comprehensive legislation protecting working people from inadequate or unfair private pension plans. For this reason, I was happy to note that the Senate Labor and Public Welfare Committee has unanimously approved the Retirement Income Security for Employees Act of 1973 (S. 4). This bill, of which I am a cosponsor, should be acted on promptly and favorably by the Senate. Too many hard-working Americans have suffered financial disaster already for us to permit further delay.

One of the most tragic examples of the need for comprehensive reform of private pension plans occurred several years ago in my home State of Indiana. It was near Christmas time in South Bend when the thousands of employees of the Studebaker Co. learned that they were not only losing their jobs, due to their plant's closing, but also that the company's pension plan was a dismal failure. Many employees had contributed to the plan over years and years and had remained faithful to the company based on the promise of an adequate retirement income. Those men and women walked away from the plant that winter, empty-handed, bitter, and disillusioned. Seven workers committed suicide. Untold members endured the most severe economic hardship because they had trusted in a virtually unregulated private pension plan.

That catastrophe occurred almost 10 years ago, and yet today, 35 million American workers contribute to private pension plans that are potentially as defective as Studebaker's. According to the Department of Labor, one-third to one-half of all those workers who are planning on financial independence during retirement will be let down by their pension plans.

The Senate Subcommittee on Labor estimates that as many as 95 percent of those men and women who have left their jobs in the past 20 years will not get a single penny from the pension plans to which they contributed in good faith. The recent economic recession showed us that failing businesses were far too often accompanied by inadequate pension funds and cheated workers. This is a national scandal that deserves the most immediate and comprehensive action that this body can muster.

How long can we allow workers with more than 20 years of seniority to live in fear of waking up one morning to find themselves out of a job and with no claims whatsoever on a pension they thought was theirs? How long can we allow money to be mismanaged that should be set aside to create sufficient pension funds? How long can we allow accrued pension rights to be the ball and chain by which older workers are tied to inadequate or insecure jobs? The answer to all these questions is, no longer.

S. 4 is the strong, fair, and comprehensive reform we need. Within its 103 pages it contains all the elements that are necessary to protect workers' pension rights. Unlike the Nixon administration's bill, whose inadequate provisions and tax loopholes present the appearance of pension reform without the substance, S. 4 is a hard-nosed, well thought out proposal that protects the worker in virtually every situation. For years, I have argued that there are six essential ingredients to any pension reform legislation that is to achieve the goal of adequate protection. S. 4 embraces all six of these ingredients. We cannot permit any of them to be overlooked if we are—as I am—serious in our efforts to protect the American worker.

1. FULL COVERAGE

All but the smallest private pension plans should be included within the scope of any Federal legislation. The employee of a medium sized firm should

not be a second-class citizen when it comes to standards of honesty and fairness in pension programs. The only lower limit on coverage should be administrative feasibility.

2. GUARANTEED RIGHTS

An employee's right to at least part of his pension credits should permanently vest at an early date. Thereafter, his or her guaranteed interest in the pension fund should gradually increase until the day arrives when he can rest assured that he has earned his pension no matter what. S. 4 assures workers of 30 percent vesting after 8 years of service and an additional 10 percent for every year after that up to 100 percent. This is the least we can do for the working man. We can no longer tolerate the horror stories of men and women who put in their share of pension contributions for over 19 years only to have retirement security escape them by weeks or even days.

3. REINSURANCE

S. 4 provides for a federally administered insurance program to protect pensioners if a plan should fail. While President Nixon would only "encourage" the private sector to step into this field, S. 4 mandates a responsible system of protection for the worker who is left out in the cold. If it is necessary and proper to provide Federal insurance for stock investors and bank depositors as we presently do, it is even more necessary and proper to provide the same protection for the poor employee whose life's work is invested in his pension payments. The entire concept of Federal protection for private pensions is meaningless unless we provide this reinsurance. What kind of security are we affording the American worker if we can only vaguely "encourage" that he be protected against the financial failure of his retirement hopes and dreams.

4. ADEQUATE FUNDING

Employers have a moral obligation and they should have a legal obligation to make adequate contributions to pension funds in order to fulfill the promises made to their employees. Workers accept payroll deductions and pay their fair share of a pension program. They deserve to have that pension program adequately funded so as to meet all short- and long-term obligations. S. 4 requires that all pension funds have sufficient funding to cover all obligations for a 30-year period. This is simply the protection which working people deserve and need.

5. TRANSFERABILITY

If a man or woman contributes to a pension plan for years and earns credits toward an adequate income, he should be able to carry those credits with him to a new job. A worker should not lose everything when he or she is forced to seek new employment. Accrued pension credits should not be the basis for a system of slave labor for older employees.

If our national economy is to retain its flexibility, it requires a highly mobile labor force. Workers are constantly called upon to accept new positions for their own advancement and the good of the economy. Are the 35 million workers contributing to over 40,000 private pension plans to be deprived of this mobility? If they do move, are they to be cheated out of their hard-earned pension credits?

To avoid such an unjust situation, S. 4 provides for a central fund administered by the Labor Department so that workers could transfer their vested pension rights from one employer to another. The failure to provide for transferability of pension rights cheats millions of workers each year. It restricts worker mobility and keeps senior workers tied down to inadequate jobs. Adoption of this aspect of S. 4 will be good for both the individual worker and the national economy.

6. STANDARDS OF RESPONSIBILITY

One hundred and sixty billion dollars are presently in the hands of the officials operating private pension plans. Not only do millions of workers depend on these officials for retirement income, but the investment policies of pension fund managers have a significant impact on the course of the national economy. We cannot leave this massive accumulation of workers' funds virtually unregulated. While most pension fund managers are capable and honest, the American worker should not have to worry constantly about their stewardship.

S. 4 demands stricter regulations against fraud and mismanagement of pension funds without penalizing those plans which have been administered honestly. Even more important, it sets new standards to assure that workers will be kept informed of the provisions of their pension plans. It is absolutely essential that all private pension plans meet this high standard of fiduciary responsibility. In order to assure that this standard is met, the responsible officials should make full and candid disclosures of the operation of all pension plans, including the nature of investments. Complete disclosure lets the worker know where he or she stands and is the best way of protecting the public interest.

Mr. President, there are those who may say that such a plan would put too great a financial burden on private pension plans. I say that it only requires them to keep the promises they have made to the American worker.

The extensive use of private pension plans by millions of men and women is something this nation can be proud of. It indicates a commitment to hard work frugality, and planning for the future. Such qualities should not be betrayed by inadequate governmental supervision. Strong, fair and comprehensive reform legislation is urgently needed to protect the fundamental rights of American workers. I cannot emphasize enough my desire for prompt action on the Retirement Income Security for Employees Act of 1973.

HIGH-RISE FIRE HEARINGS: CONTROVERSY AND PROGRESS

Mr. WILLIAMS. Mr. President, my Subcommittee on Housing for the Elderly recently held hearings on fire safety in high-rise buildings for the elderly. Many constructive comments were made during the course of those 2 days, and I would like to express a few of my thoughts about this initial inquiry.

I am convinced that we can produce high-rise apartments for low-income elderly that are safe from the dangers of multideath fires. I heard nothing at our hearings that would change this conviction; if anything, I have received support.

Several tragic fires have forced the conclusion that extra safety is needed in nursing homes, but it is equally clear to me that similar features are needed for older persons outside of the care type institution. As we seek funds for specially designed housing for the elderly, we should also examine the need for special fire-safety features in this type of housing.

The tragic fire at the Baptist Towers apartments in Atlanta, Ga., which took 10 lives last November 30, illustrates the need for special consideration when a building houses only older persons.

Following the Baptist Towers fire, the Atlanta Fire Department and the National Fire Protection Association—NFPA—conducted a survey of occupants on the sixth floor through the 11th—top—floor. Of the 95 persons interviewed, the average age was 71. Nearly 25 percent of the tenants interviewed had physical impairments which conceivably could affect reactions to an emergency situation. For example, some tenants had hearing difficulties and did not recognize the fire alarm when it went off. Also, elderly persons utilize elevators in high-rise buildings and therefore are unfamiliar with emergency stairwells which may be the only exit in a fire. Older persons are more susceptible to disability from fire and smoke. Some elderly will return to their rooms rather than leave the premises.

Most of the recommendations discussed at our hearings applied to all types of tenants, young and old. Nevertheless, the witnesses agreed that improved fire safety requirements are more crucial in buildings housing only older persons because of the factors I have mentioned. The recommendations of our witnesses fit generally into three areas: First, automatic detection and warning systems, second, automatic extinguishing—sprinkler—systems, and third, systems designed to contain a fire to its point of origin. Several witnesses emphasized the need for a "systems" approach that would consider all possibilities.

Many witnesses were outspoken in their assessment of automatic sprinkler systems.

Mr. Richard Bland, chairman of the National Commission on Fire Prevention and Control, stated:

I submit to this Subcommittee on Housing for the Elderly that the requirement of complete automatic sprinkler systems is the available technical solution toward control of fire in housing for the elderly.

Mr. Chester Schirmer, president of Schirmer Engineering Corp., testified:

The records of the National Fire Protection Association and records from Australia and New Zealand indicate the best tool available for reduction of life loss from fire is the automatic sprinkler system.

The record of automatic sprinkler performance is good. We have yet to record a

multiple loss of life in a building protected by automatic sprinklers.

Because installation of a complete sprinkler system can be costly, other witnesses strongly favored the smoke detector, or ionization—products of combustion—system. They argued that smoke detectors will sound long before the normal sprinkler system will be set off, thereby providing more safety to persons in the area where the fire starts. Presuming that someone is available to put out the fire in its early stage, smoke detectors with their early warning would therefore bring the needed help before the sprinklers would be set off.

The Department of Housing and Urban Development—HUD—has sent out for comment new fire safety regulations which would combine both sprinklers and smoke detectors. Briefly summarized, HUD's new proposals—HUD Publication 4910—include the following:

First, automatic sprinklers in all corridors, public spaces, service and utility areas;

Second, an automatic smoke detector and alarm system within each living unit;

Third, automatic door closers;

Fourth, compartmentalization: at least two fire divisions per floor; and

Fifth, smoke detectors in each elevator lobby that will program the elevator to bypass a floor where the detector is activated.

HUD has failed to require in these proposals that the automatic alarm system automatically transmit an alarm to the fire department committed to serve the area, although they do require this in their new proposals for "care-type" buildings. By their own testimony, this additional requirement would cost about $200 per building, and therefore, I have recommended that the connection to the fire department should also be required in buildings that are not "care-type" institutions.

Several additional points need consideration. Because HUD's new standards will only apply to new buildings, we are faced with the reality that many already constructed buildings could experience a multideath fire tragedy. HUD estimates that it will be several months before their regulations become effective. At that point, all buildings that are finished in construction, or merely approved, will not be subject to the new standards.

Several experts in fire safety have indicated that the complete automatic sprinkler approach can be included in the construction without excessive cost if it is done at the planning stage, and if certain cost benefits or "trade-offs" in other safety requirements are realized. The proposed HUD regulations do not appear to allow for different alternatives such as the completely sprinklered building, nor do these regulations indicate the cost trade-offs that could be realized by this alternative.

Mr. President, I have written to HUD Secretary Lynn asking that his Department examine some of these questions in light of our hearings, and I ask unanimous consent to have that letter printed in the RECORD at this time.

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

U.S. SENATE,
SPECIAL COMMITTEE ON AGING,
Washington, D.C., March 26, 1973.

Hon. JAMES T. LYNN,
Secretary, Department of Housing and Urban Development, Washington, D.C.

DEAR MR. LYNN: A few weeks ago my Subcommittee held hearings on "Fire Safety in Highrise Buildings for the Elderly," and we heard testimony from Mr. Quinton R. Wells of your Department.

At our request, his testimony dealt in part with proposed regulations for fire safety (HUD Publication 4910: Minimum Property Standards for Multi-Family Housing). Several other witnesses, both during and since the hearings, have added their comments about these proposed regulations.

I was pleased to hear that your Department has taken active steps to upgrade the fire safety requirements in highrise buildings under your jurisdiction, but I have a few important questions concerning the proposed changes.

Mr. Wells testified that the regulations, when effective, will apply only to new buildings. Existing buildings, or those approved by the date the regulations become effective, will not be subject to the new requirements. I can understand the difficulty of making these regulations retroactive, but we still would be left with many highrise projects where a multi-death fire could occur.

Mr. Wells further testified that owners of existing buildings could apply for a Supplemental Loan which would be approved "if the economics would support it". This statement prompts several questions:

1. How much money is available for Supplemental Loans?

2. Are Supplemental Loans available for projects built under Sections 202, 236, 231, and Public Housing?

3. Are there any other sources of funds available to owners or sponsors wishing to upgrade buildings already in existence?

4. Do you feel there is need for legislation in this area, or can sufficient provisions be made under current administrative authority?

5. I am receiving letters of concern about buildings now under construction. Local HUD offices have refused to approve additional funds because added fire safety features are not now required.

Is there any way we can facilitate the incorporation of added fire safety features in, as yet, unfinished buildings when costs would be cheaper?

If we are to upgrade our existing standards, we should make every effort to upgrade existing buildings, especially where the owner or sponsor is requesting such assistance.

Secondly, I am concerned over several comments that have been addressed to my attention by the National Fire Protection Association (NFPA) regarding the proposed regulations. The comments of the NFPA can be summarized in three areas:

A. Omissions in the new regulations:

(1) Automatic transmission of a fire alarm to the local fire department is not required under HUD 4910;

(2) Labeled apartment entry door and frame assemblies which insure the integrity of the one-hour fire-rated corridor partitions are not required; and,

(3) The use of corridors as a source of make-up air in the design of the ventilation system is not prohibited.

B. Lack of Alternative Systems.

(1) The NFPA recommends that standards and criteria must be developed that allow designers alternatives for solving fire safety problems.

(2) The proposed regulations would not allow for a complete automatic sprinkler system as an alternative which would allow several cost trade-offs.

C. Cost Estimates of the New Regulations Ignore Possible Cost Trade-Offs.

Mr. Wells indicated in his testimony that HUD is considering various trade-offs and is still studying the question. Considering the seriousness the cost question in buildings intended for low and moderate income tenants, possible trade-offs become very important.

I would like to know what the status of the "trade-off" question is at HUD. Will cost trade-offs become part of the new regulations? If so, what are they? In his testimony, Mr. Wells applied the costs of the new regulations to a typical building. I would like to know what cost differences there would be in this same example if all trade-offs are taken into account.

In addition, I would appreciate receiving answers to the other questions I have discussed above. I feel that the suggestions put forth by the NFPA are constructive and well-considered, and I am anxious to know HUD's position with regard to their comments.

Thank you for your cooperation.

Sincerely,

HARRISON A. WILLIAMS, JR.,
Chairman, Subcommittee on Housing for the Elderly.

SURFACE MINE RECLAMATION BILLS

Mr. HANSEN. Mr. President, as many Senators are aware, there is a great deal of interest in the various bills now pending action which deal with surface mine reclamation.

A comparative analysis of three bills dealing with surface mine reclamation appeared in the April 16, 1973, issue of the CONGRESSIONAL RECORD on page 12578.

In an effort to provide additional information, for comparative analysis purposes, I ask unanimous consent that the administration's surface mine reclamation bill, S. 923, be printed in the RECORD.

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 this Act may be cited as the "Mined Area Protection Act of 1973".

TITLE I

SEC. 101. DEFINITIONS.—For the purpose of this Act, the terms—

(a) "Secretary" means the Secretary of the Interior;

(b) "mining operations" means (1) activities conducted on the surface or underground for the exploration for, development of, or extraction of minerals, organic or inorganic, from their natural occurrences, including strip or auger mining, dredging, quarrying, open pit, in situ distillation or retorting and leaching; and (2) the cleaning, concentrating, refining, or other processing or preparation (excluding smeltering) and loading for interstate commerce of crude minerals at or near the mine site. It does not include the extraction of minerals in a liquid or gaseous state by means of wells or pipes unless the process includes in situ distillation or retorting. For the purposes of this Act, prospecting activities are excluded from this definition;

(c) "prospecting" means the first on-the-ground or airborne phase of a search limited to the gathering of evidence of mineralization of potential commercial worth and is not for the purpose of establishing mineral reserves. Prospecting includes geological reconnais-

sance, the use of geophysical and geochemical methods, and preliminary sampling but does not include the construction of access roads, mechanical trenching, construction of semi-permanent camp facilities, or other activities which will result in appreciable disturbances to the natural condition of the area;

(d) "underground mining operations" means those mining operations carried out beneath the surface by means of shafts, tunnels, or other underground mine openings and such use of the adjacent surface as is incidental thereto;

(e) "surface mining operations" means those mining operations carried out on the surface, including strip, area strip, contour strip, or auger mining, dredging, and leaching, or any combination thereof, and activities related thereto;

(f) "open pit mining" means that surface mining method in which the overburden is removed from atop the mineral and in which, by virtue of the thickness of the deposits, mining continues in the same area proceeding predominantly downward with lateral expansion of the pit necessary to maintain slope stability and necessary to accommodate the orderly expansion of the total mining operation. For the purposes of this Act, this definition shall include caving methods and leaching activities associated with open pit mining. For the purposes of this Act, the mining of surface coal deposits, except those relating to open pit anthracite coal operations, is excluded from this definition;

(g) "mined area" means the surface and subsurface of an area in which mining operations are being or have been conducted including private ways and roads appurtenant to any such area, land excavations, workings, refuse banks, tailings, spoil banks, and areas in which structures, facilities, machines, tools, or other materials or property which result from or are used in, mining operations are situated;

(h) "operator of a mining operation" means an individual, society, joint stock company or a partnership, association, corporation, or other organization controlling or managing a mining operation;

(i) "previously mined area" means a mined area on which mining operations have been abandoned prior to the enactment of this Act or a mined area on which mining operations are abandoned subsequent to the enactment of this Act due to the impracticability of the mining operation under reclamation standards established by or under regulations pursuant to this Act;

(j) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam;

(k) "reclamation" means the process of restoring a mined area affected by a mining operation to its original or other similarly appropriate condition, considering past and possible future uses of the area and the surrounding topography and taking into account environmental, economic, and social conditions; and

(l) "soil" means all of the overburden materials that overlay a natural deposit of minerals, organic or inorganic, and also means such overburden materials after removal from their natural state by mining operations.

SEC. 102. CONGRESSIONAL FINDINGS AND DECLARATIONS.—The Congress finds and declares—

(a) that mining operations are essential activities affecting interstate commerce which contribute to the economic well-being, security, and general welfare of the Nation;

(b) that there are mining operations on public and private lands in the Nation which adversely affect the environment by destroying or diminishing the availability of public and private land for commercial, industrial, recreational, agricultural, and forestry purposes, by causing erosion and landslides, by contributing to floods and the pollution of waters and air, by destroying fish and wildlife habitat and impairing natural beauty, by frustrating efforts to conserve soil, water, and other natural resources, by destroying public and private property, and by creating hazards to life and property:

(c) that the initial and principal continuing responsibility for developing and enforcing environmental regulations for mining operations should rest with the States;

(d) that the cooperative effort established by this Act is necessary to the prevention and elimination of the adverse environmental effects of present and future mining operations; and

(e) that it is the purpose of this Act to encourage a nationwide effort to regulate mining operations to prevent or substantially reduce their adverse environmental effects, to stimulate and encourage the development of new, environmentally sound mining and reclamation techniques, and to assist the States in carrying out programs for those purposes.

TITLE II—ENVIRONMENTAL REGULATIONS FOR MINING OPERATIONS

SEC. 201. STATE ENVIRONMENTAL REGULATIONS FOR MINING OPERATIONS.—(a) Each State, after public hearings and within two years of the date of enactment of this Act, may submit to the Secretary for review and approval or disapproval in accordance with this section State environmental regulations for mining operations on all lands within such State, except federally owned land or land held in trust by the United States for Indians. A State may at any time thereafter submit revisions to such regulations to the Secretary for review and approval or disapproval in accordance with this section. The Secretary shall approve the regulations or revision of such regulations submitted to him if in his judgment—

(1) the regulations require that, for any mining operation or mining operation activity, as defined in section 101(b), not in existence on the date of the Secretary's approval of the regulations, the operator proposing to initiate such operation or activity must obtain a permit prior to the commencement thereof from a State agency established to administer the regulations and provide that such a permit will be issued only after the operator (i) files a mining and reclamation plan describing the manner in which his reclamation activity will be conducted showing that such activity will be conducted in a manner consistent with the regulations and (ii) establishes to the satisfaction of the State agency that the operator has the physical and financial capacity to conduct his mining and reclamation activity in accordance with the reclamation plan;

(2) the regulations require operators of mining operations in existence on the date of the Secretary's approval of the regulations to obtain permits in accordance with paragraph (1) of this subsection within one year of such date, except that (i) permits issued for such operations may allow up to two years from the date of the Secretary's approval of the regulations for the operators to come into compliance wtih performance standards adopted or designated under paragraphs (b)(3), (b)(4), and (b)(5) of this section; and (ii) permits issued for such operations producing less than ten thousand tons per year of mine run material may allow departure from the performance standards for up to five years from the date of the Secretary's approval of the regulations, to the extent found by the State agency to be necessary on the basis of the small size of such operations, their significance to the local economy, and the extent of possible environmental damage;

(3) the regulations contain requirements designed to insure that the mining operation (i) will not result in a violation of applicable water or air effluent or emission standards and regulations, (ii) will control or prevent erosion or flooding, release of toxic substances, accidental subsidence of mined areas or land or rock slides, underground, outcrop, or refuse bank fires, damage to fish or wildlife or their habitat, or public or private property, and hazard to public health and safety, and (iii) will be in conformance with any State land use planning process or program;

(4) the regulations require reclamation of mined areas and that reclamation work be performed as an integral part of the mining operation and be completed within reasonable prescribed time limits and in the case of mining operations for which the Secretary has adopted performance standards, reclamation be accomplished in accordance with such standards; except that in order to encourage the reworking and reclamation of previously mined areas, the regulations may allow reclamation to depart from the specifications adopted by the Secretary pursuant to subsection (b)(3)(ii) in those individual cases where the State determines that the cost of reclamation on a previously mined area in strict compliance with such specifications is impracticable, and that the environmental quality of the entire permit area would, on balance, be clearly enhanced;

(5) the regulations allow the State agency, in order to encourage advances in mining and reclamation practices, to authorize departures in individual cases on an experimental basis from the specifications adopted by the Secretary pursuant to subsection (b)(3)(ii) of this section, if the experimental practices are potentially more or at least as environmentally protective, during and after mining operations, as those required by such specifications, and if the mining operation is no larger than necessary to determine the effectiveness and economic feasibility of the experimental practices;

(6) the regulations require posting of performance bonds or other equally appropriate financial arrangements, in amounts and upon conditions at all times sufficient to insure the reclamation of mined areas in the event that the regulations are not complied with or that reclamation is not completed in accordance with the mining and reclamation plan;

(7) the regulations provide for filing, updating, and permanent retention of engineering maps of all active surface and underground mining operations and of all inactive surface and underground mining operations for which engineering or other maps are available;

(8) the regulations provide that the responsible State agency will identify areas or types of areas in the State which, if mined, cannot be reclaimed with existing techniques to satisfy applicable performance standards adopted by the Secretary, and that the State agency will not issue permits to mine such areas until it determines that the technology is available to satisfy applicable performance standards;

(9) the regulations provide that regular reports will be made to the Secretary concerning the progress made by the State in carrying out the purposes of this title;

(10) the regulations require operators to make periodic reports to the responsible State agency, showing the progress of mining operations and of all required reclamation activities, and require regular monitoring by the State agency of environmental changes in mined areas to assess the effectiveness of the environmental regulations for mining operations;

(11) the regulations designate a single agency, or with the Secretary's approval, an interstate organization upon which the responsibility for administering and enforcing the regulations is conferred by the State or

States and will insure full participation of those agencies responsible for State land use planning and management, air quality, water quality, and other areas of environmental protection;

(12) the State agency or interstate organization responsible for the administration and enforcement of the regulations has vested in it the regulatory and other authorities necessary to carry out the purposes of this Act including, but not limited to, the authority to obtain the cessation of mining operations for violation of applicable laws and regulations adopted pursuant to this Act;

(13) the regulations were developed with full participation of all interested Federal departments and agencies, State agencies, local governments, and other interested bodies and groups;

(14) the regulations provide for regular review and updating, and for public notice and an opportunity for public participation in their revision;

(15) funding and manpower are or will be committed to the administration and enforcement of the regulations sufficient to carry out the purposes of this title;

(16) the regulations are authorized by law and will become effective no later than sixty days after approval by the Secretary;

(17) training programs will be established, as necessary, for persons engaged in mining operations and in enforcement of environmental regulations;

(18) the regulations are compatible to the maximum extent practicable with approved regulations of adjacent States; and

(19) the regulations which are developed by the State agency to meet or exceed performance standards should consider, in addition to relative degrees of environmental protection, the relative costs involved;

(b) (1) In choosing among specifications or other requirements which satisfy the performance standards in this subsection the Secretary shall consider, in addition to the relative degrees of environmental protection, the relative costs involved.

(2) The criteria set forth in subsection (a) of this section shall be further elaborated by the Secretary through guidelines which will be issued within ninety days after enactment of this Act and revised periodically as the Secretary deems appropriate.

(3) Within one hundred and eighty days after enactment of this Act, the Secretary shall by regulation adopt performance standards for the reclamation of mined areas affected by surface mining operations. Those performance standards shall include specifications that will insure (i) that mined areas will be returned, as soon as feasible, to their original contour to a contour similarly appropriate considering the surrounding topography and possible future uses of the areas; (ii) that there is no deposition of spoil material, except as necessary to the original excavation of earth in a new mining operation, on the undisturbed or natural surface within or adjacent to the mined area, and that reclamation be conducted concurrently with the mining operation; except that the State agency may allow departures from such specifications either through a State approved program pursuant to (a) (5) of this section or if the operator demonstrates that such departures will provide equal or better protection of life, property, and environmental quality; (iii) that throughout the mined area, soil conditions be stabilized and water management be conducted such that landslides are prevented, erosion is minimized, and water pollution by siltation and by acid, highly mineralized or toxic material drainage is minimized; and (iv) that the original type of similarly appropriate type of vegetation will be reestablished on the area disturbed by the mining operations as soon after the soil handling is completed as feasible. He shall revise all such performance standards periodically as necessary.

(4) Within one hundred and eighty days after the enactment of this Act, the Secretary shall by regulation adopt performance standards for the reclamation of areas affected by open pit mining, taking into consideration the unique nature of such operations. Those performance standards should insure (i) that new mined areas should be returned, to the extent feasible, to approximately their original contour or to a contour similarly appropriate considering the surrounding topography and possible future uses of the area; (ii) that, to the extent feasible, there is no permanent deposition of spoil material on undisturbed or natural surfaces within or adjacent to the mined area; (iii) that, throughout the permit area, soil conditions will be stabilized and water management conducted, such that landslides are prevented, erosion is minimized, and pollution of water, including that in water impoundments created by the mining operation, by siltation, and by acid, highly mineralized and toxic material drainage is minimized; and (iv) that, to the extent feasible, original type or similarly appropriate type vegetation will be reestablished on the disturbed land areas. He shall revise all such performance standards periodically as necessary.

(5) Within one year after enactment of this Act the Secretary shall by regulation adopt performance standards for reclamation of areas affected by underground mining operations in order to prevent, minimize, or correct environmental harm, including standards for minimizing subsidence and the continuing discharge of acid, mineralized, and toxic material drainage. He shall revise all such performance standards periodically as necessary.

(c) To advise the Secretary in developing guidelines and performance standards under subsection (b) of this section, there is established an advisory committee composed of representatives from the Departments of Agriculture and Commerce, the Environmental Protection Agency, the Tennessee Valley Authority, the Appalachian Regional Commission, the Council of State Governments, and such other representatives as the Secretary may designate. In order to insure consistency with the purposes of the Clean Air Act and the Federal Water Pollution Control Act, the Secretary shall obtain the concurrence of the Administrator of the Environmental Protection Agency in those aspects of the guidelines and regulations under subsection (b) which affect air or water quality.

(d) The Secretary shall not approve regulations submitted by a State pursuant to this section until he has solicited the views of Federal agencies principally interested in such regulations. In order to insure consistency with the purposes of the Clean Air Act and the Federal Water Pollution Control Act, the Secretary shall obtain the concurrence of the Administrator of the Environmental Protection Agency in those aspects of each State's regulations which affect air or water quality. The Secretary shall approve or reject the State regulations within one hundred and eighty days after such regulations are filed.

(e) If the Secretary approves the regulations or revision thereof submitted to him by a State for approval, he shall conduct a continuing review and evaluation of the effectiveness of the regulations and the administration and enforcement thereof. As a result of the evaluation and review the Secretary may determine that—

(1) the State has failed to enforce the regulations adequately;

(2) the State's regulations require revision as a result of experience or the guidelines on regulations issued by the Secretary pursuant to section 201(b);

(3) the State has otherwise failed to comply with the purposes of this Act.

Upon making such determination the Secretary shall notify the State and suggest appropriate action, remedies, or revisions to the regulations affording the State an opportunity for a hearing. If within a reasonable time, as determined by the Secretary, the State has not taken appropriate action as determined by the Secretary, the Secretary shall withdraw his approval of the regulations, and issue regulations for such State under section 202 of this title. After withdrawal of his approval and pending the issuance of regulations under section 202, the Secretary may administer and enforce the State regulations. Following the issuance of regulations under section 202 and while they are in effect, the Secretary is authorized to administer and enforce such regulations within such State.

SEC. 202. FEDERAL REGULATION OF MINING OPERATION.—(a) If, at the expiration of two years after the date of enactment of this Act, a State has failed to submit environmental regulations for mining operations, or has submitted regulations which have been disapproved and within such period has failed to submit revised regulations for approval, the Secretary shall promptly issue environmental regulations for mining operations within such State. The Federal regulations issued by the Secretary for a particular State shall meet the requirements of the principles set forth in subsections (a) and (b) of section 201 of this Act.

(b) Regulations under this section shall be issued pursuant to the Federal rulemaking procedures set forth in section 553 of title 5, United States Code.

(c) The Secretary may from time to time revise such regulations in accordance with the procedure prescribed in section 553 of title 5, United States Code.

SEC. 203. Where the Secretary administers and enforces the program for the State, or when the Secretary administers and enforces State regulations under section 201(e) of this title, he shall recover the full cost of administering and enforcing the program through the use of mining permit charges to be levied against operators of mining operations within the State.

SEC. 204. TERMINATION OF FEDERAL REGULATIONS.—If a State submits proposed State regulation to the Secretary after Federal regulations have been issued pursuant to section 202 of this title, and if the Secretary approves such regulations, such Federal regulations shall cease to be applicable to the State at such time as the State regulations become effective. Such Federal regulations, as changed or modified by the Secretary, shall again become effective if the Secretary subsequently withdraws his approval of the State regulations pursuant to subsection (e) of section 201 of this title.

SEC. 205. INSPECTIONS AND INVESTIGATIONS.—The Secretary is authorized to make such inspections and investigations of mining operations and the mined areas as he considers necessary or appropriate to evaluate the administration and enforcement of any State's regulations, or to develop or enforce Federal regulations or otherwise to carry out the purposes of this Act, and for such purposes authorized representatives of the Secretary shall have the right of entry to any mining operation and into any mined areas. In order to enforce the right of entry into a specific mining operation or mined area the Secretary may obtain a warrant from the appropriate district court to authorize such entry.

SEC. 206. INJUNCTIONS.—At the request of the Secretary, the Attorney General may institute a civil action in a district court of the United States or a Federal district court of the Commonwealth of Puerto Rico, the Virgin Islands, and Guam or the High Court of America Samoa for an injunction or other appropriate order (1) to prevent any operator of a mining operation from engaging in mining operations in violation of Federal

regulations issued under section 202 of this title or State regulations which the Secretary is authorized to enforce under section 201(e) of this title; (2) to prevent an operator of a mining operation from placing in commerce the minerals produced by a mining operation in violation of State regulations approved under section 201 of this title; (3) to enforce a warrant issued under section 205 of this title; or (4) to collect a penalty under section 207(a) of this title. The district court of the United States or a Federal district court of the Commonwealth of Puerto Rico, the Virgin Islands, and Guam or the High Court of American Samoa for the district in which such operator of a mining operation resides or is doing business shall have jurisdiction to issue such injunction or order.

SEC. 207. PENALTIES.—(a) If any person fails to comply with any regulation issued under section 202 of this title for a period of fifteen days after notice of such failure, the Secretary may order cessation of such person's mining operations and such person shall be liable for a civil penalty of not more than $1,000 for each day of continuance of such failure after said fifteen days.

(b) Any person who knowingly violates any regulation issued pursuant to section 202 of this title shall, upon conviction, be punished by a fine not exceeding $10,000, or by imprisonment not exceeding one year, or both.

(c) The penalties prescribed in this section shall be in addition to any other remedies afforded by this title or by any other law or regulation.

SEC. 208.(a) Review of the Secretary's action in (i) promulgating any standards of performance under section 201 (b)(2), (b)(3), (b)(4), and (b)(5); and (ii) approving or disapproving a State environmental regulations and standards or revision to those under section 201(a; may be had by any interested person in the circuit court of appeals of the United States for the Federal judicial district in which such person resides or transacts such business upon application by such person. Any such application shall be made within ninety days from the date of such determination, approval, promulgation, issuance, or denial, or after such date only if such application is based solely on grounds which arose after such ninetieth day.

(b) Action of the Secretary with respect to which review could have been obtained under subsection (a) of this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 209. RESEARCH.—The Secretary is authorized to conduct or promote research or training programs to carry out the purposes of this title. In so doing, the Secretary may enter into contracts with institutions, agencies, organizations, or individuals and make grants to nonprofit organizations and collect and make available information resulting therefrom.

SEC. 210. GRANTS.—(a) The Secretary is authorized to make a grant to any State for the purpose of assisting such State in developing, administering, and enforcing environmental regulations under this title: *Provided*, That such grants do not exceed 80 per centum of the program development costs incurred during the year preceding approval by the Secretary and do not exceed 60 per centum of the total costs incurred during the first year following approval, 45 per centum during the second year following approval, 30 per centum during the third year following approval, and 15 per centum during the fourth year following approval, at which time the Federal grants shall cease.

(b) The Secretary is authorized to cooperate with and provide nonfinancial assistance to any State for the purpose of assisting it in the administration and enforcement of its regulations. Such cooperation and assistance may include—

(1) technical assistance and training, including provisions of necessary curricular and instructional materials, in the administration and enforcement of the State regulations or program; or

(2) assistance in preparing and maintaining a continuing inventory of mining operations and mined areas in such State for the purposes of evaluating the effectiveness of its environmental regulations for mining operations programs and identifying current and future needs of the State's activities under this Act.

SEC. 211. In extending technical assistance to States under section 210 and in the enforcement of regulations issued by the Secretary under section 202 concerning matters relating to the reclamation of areas affected by surface mining, the Secretary may utilize the services of the Secretary of Agriculture and the Administrator of the Environmental Protection Agency, and may transfer funds to cover the cost thereof.

SEC. 212. Any records, reports, or information obtained under this Act shall be available to the public, except that upon a showing satisfactory to the Secretary by any person that records, reports, or information, or particular part thereof, to which the Secretary has access under this Act if made public, would divulge methods or processes entitled to protection as trade secrets of such person, the Secretary shall consider such record, or information or particular portion thereof confidential in accordance with the purposes of section 1905 of title 18 of the United States Code, except that such record, report, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act.

SEC. 213. RULES AND REGULATIONS.—The Secretary is authorized to promulgate such rules and regulations as he considers necessary to carry out the provisions of this title.

SEC. 214. AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out the provisions of this Act.

TITLE III

SEC. 301. (a) The heads of all Federal departments or agencies which have jurisdiction over land on which mining operations are permitted are authorized to promulgate environmental regulations to govern such mining operations. Such department or agency heads shall issue regulations to assure at least the same degree of environmental protection and reclamation on lands under their jurisdiction as is required by any law and regulation established under an approved State program for the State in which such land is situated. Each Federal department and agency shall cooperate with the Secretary and the States, to the greatest extent practicable, in carrying out the provisions of this Act.

(b) Nothing in this Act or in any State regulations approved pursuant to it shall be construed to conflict with any of the following Acts or with any rule or regulation promulgated thereunder:

(1) the Federal Metal and Nonmetallic Mine Safety Act (80 Stat. 772; 30 U.S.C. 721–740);

(2) the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742);

(3) the Federal Water Pollution Control Act (79 Stat. 903), as amended, the State laws enacted pursuant thereto, or other Federal laws relating to preservation of water quality;

(4) the Clean Air Act, as amended (79 Stat. 992; 42 U.S.C. 1857); and

(5) the Solid Waste Disposal Act, as amended (79 Stat. 997; 42 U.S.C. 3251).

SEC. 302. SEPARABILITY.—If any provision of this Act or the applicability thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

COMPREHENSIVE TEST BAN

Mr. HUMPHREY. Mr. President, the successful negotiation of a comprehensive test ban treaty must be linked to the issue of establishing an effective verification system to detect violations in the treaty.

Persons who have indicated opposition to the concept of a comprehensive nuclear test ban both in the United States and abroad fear that the provisions of the treaty would be evaded by signatory nations who might continue to hold nuclear tests clandestinely.

In the July 1972 issue of Survival, published by the International Institute for Strategic Studies, Danish nuclear physicist P. L. Olgaard addresses himself to this problem. He writes:

In recent years developments in the field of detection seismology have been very impressive and it is now possible to establish identification criteria which, based on the information available today, seem to be positive identifiers.

I bring this article to the attention of my colleagues because it examines both the obstacles to a comprehensive test ban treaty and the methods to surmount those obstacles. As Mr. Olgaard points out, onsite inspection is not the only way to police a test ban treaty. Advances in technology have made it virtually impossible or impractical to violate a treaty without being caught.

If Mr. Olgaard's conclusions are valid, as I believe them to be, and modern technology has made evasions of a treaty unfeasible, I think that we finally can end testing of all nuclear weapons with the signing of a Comprehensive Test Ban Treaty.

Mr. President, I ask unanimous consent that Mr. Olgaard's article be printed in the RECORD.

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

VERIFYING A COMPREHENSIVE TEST BAN

(By P. L. Olgaard)

(NOTE.—Mr. Olgaard is a Danish nuclear physicist, Professor at the Technical University of Denmark in Copenhagen and a member of the Disarmament Commission of the Danish Government.)

In April 1969 Commissioner Tape of the United States Atomic Energy Commission (USAEC) gave a lecture entitled 'Why we test',[1] in which he outlined the reasons for continued American nuclear tests. One reason was the need for the United States to maintain a credible strategic deterrence; another was the fear that a unilateral American test ban and continued nuclear developments in the Soviet Union might lead the Russians to believe that they had obtained a first-strike capability and so destroy the credibility of the American deterrent forces.

No statement of reasons to continue testing has come from the Soviet Union, but they are probably similar to those of the United States.

There is little, if any, cause to believe that the strategic balance would be changed if one super-power were unilaterally to stop nuclear

[1] G. F. Tape, 'Why We Test', *USAEC Release* No. S–10–69, 1 April 1969.

tests. It must be recognized that for political reasons neither of the two super-powers is likely to take such a step. But Commissioner Tape's reasons cannot be taken as an argument against a comprehensive test ban treaty. The conclusion of such a treaty would create a situation in which no nuclear power would be allowed to continue its tests. The credibility of nuclear deterrence would not change. Any cessation of testing, however, presupposes a comprehensive test ban treaty which contains clauses giving reasonable assurances that violations, if any, are detected. This article discusses existing control possibilities.

SEISMIC DETECTION

The detonation of a nuclear weapon produces a violent pressure wave that moves out in the surrounding medium, extremely strong electromagnetic radiations rapidly converted into heat and a very large amount of radioactive material.

The detection of nuclear weapon explosions in the atmosphere and under water is primarily based on the detection of the pressure wave and of the resulting radioactivity. In the case of fully contained underground explosions, however, detection of radioactivity may often not be possible, since such explosions occur so far below the surface that no measurable amount of radioactivity in general escapes to the surface. Consequently, the primary mode of detection is seismic detection of the pressure wave produced by the explosion. However, other possibilities also exist.

To achieve proper control of the observance of a comprehensive test ban treaty through seismic measurements, it is not sufficient to detect the seismic signals from underground nuclear explosions. It must also be possible with reasonable accuracy to determine their geographical position. Finally, since seismic signals are also produced by earthquakes, it is essential that a seismic signal coming from an underground nuclear explosion should be distinguishable from a seismic signal coming from an earthquake. It is this problem of identification which is the most difficult to solve.

A seismic event, i.e., an underground explosion or an earthquake, makes the surrounding earth medium oscillate and these oscillations, or waves, travel through the body of the earth or along its surface. The former are called body waves and the latter surface waves. The velocity of the body waves varies with the depth under the earth's surface. As a consequence, body waves originating in a seismic event can best be detected in the area between 3,000 and 10,000 kilometres from the centre of the event. This area is called the teleseismic zone.

Body waves may also be detected at distances of up to about 500 kilometres from the centre of the seismic event. In recent years this possibility has proved to be of less interest since it only allows surveillance of very limited parts of the territories of the two super-powers, assuming that only seismic situated outside these countries are used. And the Soviet Union insists that all control in connection with a possible comprehensive test ban treaty must be exercised on a national basis; consequently, no intrusion, for example in the form of automatic seismic stations coming in from the outside, would seem acceptable to the Soviet Union.

The seismic waves are detected by means of seismographs—that is, instruments which measure the ground oscillations of movements and which are usually placed in holes in the ground. A seismic station may consist of a number of seismographs situated close to each other. Another type of station is the so-called seismic array, which consists of a number of substations, dispersed over an area with a diameter of something like 100 kilometres.

Each sub-station is provided with seismographs, and the waves registered by these seismographs are transmitted by cable to the main station, where signals from all substations are processed by an electronic computer. The American LASA station in Montana and the Norwegian NORSAR station in the southern part of Norway are examples.

The recording of the ground movements from a seismic event by use of an array or of information obtained from a number of seismic stations, situated in different geographical positions, and the subsequent processing and analysis of the signals, makes it possible to determine the position of the seismic event. The uncertainty margin is 10 to 50 kilometres. It is also possible to determine the depth under the surface of the earth at which the event occurred. Here again the uncertainty margin is 10 to 50 kilometres.

When the position of the centre of the seismic event is fixed, it is possible to determine its magnitude, which is a measure of size or strength. The magnitude of a seismic event is adjusted in such a way that it is independent of the point of detection. This means that an earthquake has the same magnitude independent of the place of detection of the seismic waves. It is important to realize that the magnitude of a seismic event depends not only on the amount of energy released by the event, i.e., on its size but also on the geological formations at the centre of the event. The dependence of the magnitude on geological conditions is very important for the seismic detection of explosions. This is shown in Table I, which gives yields of underground nuclear explosions (in kilotons) in two different media, alluvium (loose deposits of gravel, sand and/or clay) and granite, together with corresponding magnitude values.

TABLE 1.—MAGNITUDE AS A FUNCTION OF EXPLOSION YIELD

Explosion yield (kiloton)	Magnitude	
	Alluvium partly saturated)	Granite
1.0	2.8	3.6
2.5		4.0
10.0	3.7	4.6
15.0		4.75
25.0	4.0	
30.0		5.0
100.0	(4.5)	
240.0	(4.75)	
450.0	(5.0)	

Source: Seismic Methods for Monitoring Underground Explosions (Stockholm International Peace Research Institute, 1969).

Certain reservations must be made about the magnitude values given in Table 1. The magnitude value obtained from an explosion depends on the water content of the medium around the detonation point. The higher the water content, the higher the magnitude, a relation which is of special importance for alluvium. There exist several not quite identical magnitude scales, hence comparisons of magnitude values obtained from different sources must be made with care. The figures given in parentheses have been obtained by extrapolation, and are consequently somewhat uncertain.

Although the magnitude of a seismic event and the position of its centre are of considerable important to the detection of underground explosions, other properties of the recorded seismic signals than those already referred to make it possible distinguish between explosions and earthquakes, that is, to identify explosions. In this connection two different types of identification criteria are used, positive identifiers and diagnostic aids.[2]

The use of these criteria is based on the fact that when a measured seismic signal is processed mathematically in certain ways, dependent upon which criterion is used, the signal can be represented by a numerical value or a number. In the case of positive identifiers, all numbers from explosion signals will, for example, be higher than a given numerical value, while all numbers from earthquake signals will be lower than this value. Therefore, if a positive identifier can be established, an examination of the corresponding number of a seismic event easily shows whether the event was an explosion or an earthquake, depending on whether the number was higher or lower than the given value.

Diagnostic aids are also usually based on the determination from a seismic signal of a number, which is compared with a given value. However, for diagnostic aids the number of an explosion is usually, but only usually, larger than the given value, and the number of an earthquake is usually lower than the given value. Consequently it is not possible by use of diagnostic aids to determine with certainty whether the event was an explosion or an earthquake. However, with some over-simplification it can be said that it is possible to calculate the probability of an event being an explosion (or an earthquake). If the probability so calculated is 50 per cent of an explosion (and 50 per cent of an earthquake), the diagnostic aid is not very useful. If, on the other hand, the probability of an explosion is 90 per cent (i.e., 10 per cent of an earthquake), one can be almost certain that the event was an explosion.

Another type of diagnostic aid is the depth at which the seismic event occurred. If it takes place more than 50 kilometres below the surface of the earth, it cannot, for purely technological reasons, be an explosion. The geographical position may also be used as diagnostic aid. On account of the subsequent ground vibrations it is inconceivable that anybody would perform a nuclear test below, or close to, a major city.

In recent years developments in the field of detection seismology have been very impressive, and it is now possible to establish identification criteria which, based on the information available today, seem to be positive identifiers. In addition, a number of diagnostic aids have been established.

It is, however, important to realize that underground nuclear tests can only be detected and identified with certainty if the magnitude of the event is above a certain level. This threshold value is usually supposed to be about magnitude 4.75, but by the use of improved technology, for example better seismographs and extened use of computers, it is believed that the threshold value could be significantly reduced.

The detection threshold is, of course, considerably lower than the assured identification threshold. Ten years ago, Dr. Harold Brown, then Director of Defense Research and Engineering in the United States stated:

We feel confident of our detection capability for 10 kilotons in dry alluvium. However, the violator would have to work below 3 kilotons in yield to feel relatively secure of being undetected by seismic means. These numbers have to be scaled downwards by a factor of about 10, if the medium of the tests is of harder material—like tuff, granite, or salt.[3] Today the detection threshold may well be significantly lower.

The reason for these magnitude threshold values is that a number of problems occur when very weak seismic signals are to be measured. One is the need for increased sensitivity of the seismographs used. Another is the unavoidable seismic background "noise" caused by ground vibrations from, for

[2] See source reference to Table 1.

[3] Military Aspects and Implications of Nuclear Test Ban Proposals and Related Matters, Hearings before the Committee on Armed Services, US Senate, 1963. Part I. Statement by W. C. Foster.

example, traffic, surf and winds. Also, the annual number of events to be analysed increases with decreasing magnitude value. Thus the annual number of earthquakes of a magnitude above 5 is about 1,000 (i.e., 3 per day), while the annual number of a magnitude above 4 is about 10,000 (i.e. 30 per day).

Considering the rapid development of detection seismology, which has steadily improved the possibilities of distinguishing between explosions and earthquakes and has considerably reduced the analysis time of the seismic signals by the use of computers, there is every reason to expect it will be possible to distinguish between explosions and earthquakes down to a magnitude of 4, or even lower, in the not too distant future.

SATELLITE OBSERVATION

Satellite observation of the territory of the adversary will also contribute to control in connection with a comprehensive test ban treaty. First of all, it is possible to observe preparatory work connected with clandestine tests, for example, the drilling of holes, although such operations may be performed for many other purposes. Second, in the case of underground explosions in alluvium, a subsidence crater usually forms above the point of detonation. During the detonation, a cavity is formed around the detonation point and the alluvium layers above subsequently subside into the cavity. On account of the loose nature of alluvium deposits, this subsidence process continues all the way up to the surface unless the alluvium layer is extremely thick. It has been stated that in order to avoid the formation of a subsidence crater by the detonation of a 20 kiloton weapon in alluvium, the explosion must occur at a depth of 450 meters or more.[4] It is doubtful whether alluvium layers of that thickness exist. Such craters are usually not formed by detonations in hard rock, e.g. granite, but on the other hand, the possibilities of seismic detection are, in such cases, much better. Third, the detection of clandestine tests may be possible by other means, for instance, by measuring temperature increases of the surface of the earth above the point of the explosion. Infra-red optics might be used; this procedure is—at least in principle—possible on account of the very large amount of heat produced by any nuclear detonation. However, very little has been written about the practical possibilities of this method.

There is always the risk that small amounts of radioactive materials may be released by accident when underground nuclear explosions are carried out. Since even very minute amounts of radioactivity can be measured—including amounts much smaller than that representing a health hazard—there is always the risk that a clandestine explosion may be revealed by such an accidental release of radioactivity. Since the conclusion of the partial test ban treaty a small number of underground tests have released radioactivity and this release has been measured in neighbouring countries. Consequently, this form of detection is not entirely academic in possibility.

When control measures connected with disarmament agreements are discussed it seems taboo, probably for political reasons, to mention control through conventional intelligence activities, even when such control has always been used. Each country wanting to carry out clandestine test explosions in spite of a comprehensive test ban treaty would have to consider the possibility that the carrying out of such tests might leak out through conventional intelligence channels. It should also be noted that test explosions require quite an effort on the part of the country concerned, and hence a considerable number of people must be kept informed of the tests. Consequently, the risk of the adversary's finding out about the clandestine test in this manner is not to be dismissed.

It seems to be generally accepted today that it is possible to use seismic detection and identification methods to reveal any explosion of a magnitude of more than 4·75. According to Table 1, this means that all explosions in hard rock with a yield of more than around 15 kilotons and all explosions in loose geological deposits with a yield of more than 200 kilotons will be detected and identified. Concerning explosions in loose deposits, the real detection threshold is probably considerably lower, say around or below 20 kilotons, because of the formation of subsidence craters. Further improvements in seismic technique should make it possible to detect and identify even smaller nuclear explosions. Additional verification methods do exist. These may not *per se* be sufficiently effective, but they will help to deter any country from violating a comprehensive test ban treaty.

However, it will probably never be possible to be 100 per cent certain in the detection of any underground nuclear explosion. The positive identifiers so far established are based on seismic signals from a limited number of explosions (and earthquakes). Even if identification criteria have so far given numerical values for explosions which are clearly separated from the values for earthquakes, certain fundamental physical facts make it impossible for separations to be obtained with 100 per cent certainty—perhaps "only" with 95 or 99 per cent certainty. Seismic signals may occur which originate from earthquakes, but look as if they came from explosions. And the opposite may also happen. But that is not the point. What really matters is the fact that it is not possible to predict under what circumstances such "erroneous" signals occur. And so, in the case of a comprehensive test ban treaty, it would not be possible, in practice, to violate the treaty and yet remain undetected by using such "erroneous" signals as cover. The risk of being caught is quite considerable.

If a treaty is concluded, it is essential that no, or at least very few, explosions remain undetected, but it is equally important that no earthquakes should be taken as explosions in the territory of the adversary. It is therefore essential that control systems should be reasonably reliable, not only to ensure that all violations are revealed, but also—and perhaps even more important—to avoid long-drawn discussions as to whether a certain event was an earthquake or an explosion; these could strain the treaty beyond the breaking point.

EVADING A TEST BAN?

In the course of time various methods of evading a comprehensive test ban treaty have been suggested.

A test explosion may be carried out simultaneously with an earthquake and close to its centre. Provided the magnitude of the earthquake is considerably higher than that of the explosion, the seismic signal from the explosion may be blurred sufficiently by the more powerful signal from the earthquake for the explosion to be revealed. Such a method, however, is subject to important limitations. Test explosions could only be undertaken at a time when a sufficiently violent earthquake occurred. It might, therefore, be necessary, especially in the case of larger test explosions, to wait quite some time before the detonation could take place. This would mean again that only very limited test programmes could be launched using this method. Since the instrumentation of the test must be kept in continual operation until the time of the detonation, in an area with frequent earthquakes, the instrumentation might easily be damaged by ground movements.

In the case of ordinary underground nuclear tests, a hole is drilled into the ground to the desired depth, the nuclear device is lowered to the bottom of the hole, which is then refilled and sealed and the detonation follows. In order to carry out such an experiment quickly and inexpensively, the diameter of the bore hole is made as small as possible, but of course, large enough for the device and the necessary instrumentation to be lowered into the hole. The hole diameter is usually less than 1 or 2 metres.

If, instead, the explosion takes place in a sufficiently large underground cavity, the strength of the seismic signal emitted is considerably reduced. This phenomenon is called "decoupling." By using this technique, the strength of the emitted signal may be reduced by a factor up to a couple of hundred. In the magnitude scale, this corresponds to a decrease in the magnitude value roughly equal to 2. This means that an explosion, which would ordinarily have a magnitude of 5 and consequently be identified as an explosion, appears to have a magnitude of only 3 if carried out in a cavity of sufficient size. Such a detonation would hardly be detected and certainly not identified as an explosion.

It is by no means easy to excavate such cavities. If a fully decoupled test explosion of a 100-kiloton yield is to be performed 1 kilometre below the surface, the amount of material to be removed to create the necessary cavity is around 8 million tons. The diameter of the cavity is about 100 metres. If the yield of the explosion is reduced to 10 kilotons, the amount of material to be removed is reduced to some 8 million tons, still quite a considerable amount. If the detonation is carried out at a smaller depth to facilitate excavation work, the amount of material to be removed increases. The extensive excavation work to be carried out even for small explosions would involve considerable risks of detection, for example by means of satellite observations.

The simplest and cheapest method of producing such cavities would appear to be to send water through a bore hole down to an underground salt dome where the water dissolves the salt. The salt water is then pumped up to the surface. By using this method a cavity large enough for a fully decoupled test explosion of a yield of 30 kilotons can be constructed in 2 to 4 years, at the cost of about $10 million. The seismic signal from such an explosion would look like the signal from an uncoupled explosion of a yield of roughly 0-I kiloton and would therefore not be detected. The construction period of such a cavity is rather long, however, and this in turn increases the risk of detection. Again, salt domes are only found in regions which are in general aseismic, and any seismic signal from such aseismic regions would give rise to suspicion.[5]

It might be possible to avoid, or at least reduce, the excavation work by using existing underground cavities or caves. But this would be of limited value. The number of known caves of sufficient size and depth is small, and there are often cracks or tunnel systems through which radioactivity might leak out and betray the explosion.

Consequently, the practical possibilities for using the decoupling technique to test more than a few weapons of limited yields seem small. Several suggestions have been made that it would be possible to evade the control measures laid down by a comprehensive test ban treaty by making underground nu-

[4] David Davies, *Seismic Methods for Monitoring Underground Explosions*, Stockholm International Peace Research Institute, 1971.

[5] *Technical Aspects of Detection and Inspection Control of Nuclear Weapons Test Ban. Hearings before the Joint Committee on Atomic Energy, US Congress* 1960. *Part I.* Statements by L. P. Meade and H. A. Bethe.

clear explosions simultaneous or almost simultaneous.

One method consists of detonating several devices, situated close to each other, with small time delays between the explosions. The purpose of this procedure is to alter the seismic signal produced in such a way as to make it appear like a signal coming from an earthquake. This method might work in connection with some identification criteria. For example, the body waves emitted can be made to look like those from an earthquake; in this way the so-called complexity criterion is invalidated. However, this criterion is only a diagnostic aid. If the signals are processed in a proper way, everything would seem to indicate that they could be identified as coming from an explosion. The practical applicability of the method, therefore, seems to be quite limited.

Another possibility consists in the simultaneous detonation of a number of devices, placed underground and situated in a circle with a radius of, say, 10 to 100 kilometres. The strategem is that, at teleseismic distances, the seismic signals received look as if they come from one big explosion in the centre of the circle, and any inspection team would consequently be misled. Since on-site inspection is not any longer in vogue, this strategem is not of particular interest, and it might not even work at all.

PEACEFUL NUCLEAR EXPLOSIONS

In recent years, interest in the use of nuclear explosions for peaceful purposes has been on the increase. Such explosions can be divided into two types: earth moving explosions intended for the construction of harbours, canals and the diversion of rivers; and underground engineering explosions.

The practical applications of peaceful nuclear explosions are still at the experimental stage. But if such explosions are to be carried out fairly often in the future, it will be very difficult to ensure that the explosions are not also used for weapon development and testing. The nuclear weapon countries are most unlikely to allow non-nuclear weapon countries the right to inspect the interior of their nuclear devices so as to ensure that weapon tests are not performed, since such a practice would help to spread knowledge of nuclear weapon design. It is equally unlikely that they will allow inspectors from adversary nuclear powers to inspect their devices, since this would be tantamount to helping these adversary powers in their own weapon designs. Effective control in this area can, of course, be obtained by banning this type of explosion. Another possibility, probably more practicable, but less effective, is to reduce to an absolute minimum the number of measurements to be performed in connection with peaceful nuclear explosions.

To some limited extent it is possible to evade a comprehensive test ban treaty, but except for peaceful nuclear explosions, such a possibility allows only a very limited number of tests per year, and the yields of the explosions must be small. A considerable risk always exists that clandestine tests are revealed. Since the technical gain from such tests is meagre, it is hardly likely that any nuclear-weapon power will run the risk of being caught violating the treaty. Should any such power find it necessary to resume testing, it would in all probability withdraw from the treaty. A similar step seems to be equally likely for any non-nuclear weapon country which might decide it would be necessary to produce its own nuclear weapons.

The only possibility of evasion which seems to present any real danger to a comprehensive test ban treaty is the peaceful use of nuclear explosives. It is consequently of extreme importance that any rules under which such explosions should be allowed (if allowed at all) be most carefully considered. If this is not done, the conclusion of an effective, comprehensive test ban treaty may well prove to be impossible.

PROGRAM FOR GIFTED AND TALENTED CHILDREN

Mr. TUNNEY. Mr. President, I have once again cosponsored S. 874 introduced by Senator JAVITS to amend the Elementary and Secondary Education Act to provide a program for gifted and talented children.

Today educational programs develop and support curriculum designed to meet the needs of what is commonly referred to as "the majority." What is overlooked in this philosophy of educating children is that "the majority" describes a statistical group and neglects to define each individual child that makes up this group. In reality by designing a system to meet the needs of a statistically defined group, "the majority," we may indeed be failing each and every member of the group—each and every one of our children.

As a country, we provide education for all of our children because we feel it is a necessity for the future of our country and our world. Every child has the right to develop to his full potential and our educational system and philosophy should guarantee this right. The gifted child in society today holds a position of limited status—he is respected by the public at large, he is envied by the parents of his peers, and he is neglected by our educational system. Society and educators alike expect him to be able to cope with his environment because of his special abilities; he is expected to succeed in spite of us rather than because of us.

The gifted child is just like any other child in our society—he is a human being. Just because he is different from other children, different from "the majority", doesn't entitle him to any more than any other child in our educational system, but conversely it does not entitle him to any less.

Today an equal philosophy of education means that both teaching and learning should be directed toward meeting the needs of the individual child. We must strive to strengthen each child in the areas each needs most. In meeting the needs of the gifted child in this country we must create new programs that cut across cultural and economic barriers, programs that bridge the gap between the rich and the poor, between urban and rural, and between slum and suburb: programs that are directed toward meeting the individual needs special to these children.

It is to these needs that the legislation I cosponsored is directed. The legislation is designed to serve those children who have special abilities, the development of which requires activities or services not ordinarily provided by local educational agencies.

First, the legislation would establish a national clearinghouse on gifted and talented children to obtain and disseminate information on education, counseling and identification. Identification of gifted and talented children, as I see it, is an area of major concern and emphasis. I have been informed by experts that restandardizations of current IQ tests would not measurably increase their effectiveness in the identification process. Present measures now fail to locate half of the gifted and talented in our population. I urge educators to start now in developing and instrumenting innovative techniques to attempt to assure the recognition of gifted children, particularly among ghetto youngsters. There is grave reason to believe that existing unfavorable environments—cultural or social, hostile to learning—may result in a substantial failure to discover and develop latent talent among minorities.

For example, in Illinois a standardized test as sole indicator of talent has been abandoned. In any identifiable minority subgroup they take the top 5 percent of that subgroup, whatever their scores were, and treat them as a gifted and talented population. This sometimes amounted to having youngsters of IQ 115 in a talented and gifted group, instead of an IQ of 130. However, to obtain an IQ of 115 under the circumstances and environment, that prevailed, is a substantial accomplishment in itself. This provision of the legislation, as I see it, can aid in the preservation of talent in the same sense that we are trying to preserve our environment and thus rescue children from environmentally "polluted" areas.

Secondly, the bill will authorize funds to States for educational programs for gifted and talented children from preschool through high school. The funds would be allocated to States on the basis of population between the ages of 3 and 18. In addition, 15 percent of the appropriations would be reserved for special project grants outside of the State allocation formula. This will allow for creative projects such as those now existing and under consideration by the exceptional child services department in many school districts.

Thirdly, the bill will authorize funds for the training of personnel for the education of the gifted and talented youth. One of the most important and complex areas of educational quality involves the training and the selection of teachers to work with these exceptional children.

Lastly, funds will be authorized for research and demonstration projects for the education of gifted and talented children. Under this area there must certainly be more attention received than in the past in the specific nature of planned curriculum changes for working with the gifted and talented. These children can understand ideas and concepts beyond that of the average child. They can see linkages between ideas. They have a greater capacity for original thought. What then does this mean for curriculum in mathematics, in the arts, in the sciences, and so forth? There has not been anough existing experimental curriculum adventures based upon these distinctive talents of these distinctive youngsters. This bill could establish the opportunity for curriculum development projects that could become major stimuli for improved program changes in all areas of education.

This is not the first time funds have been proposed or appropriated to meet these recognized existing needs under legislation for exceptional children, but too often, the gifted child is defined as the lowest priority and such funds are non-existent long before his level of priority is ever reached. We must not let this happen again. The gifted child is considered exceptional, not because of his giftedness alone, but because of the special problems he faces as an individual. The gifted child suffers social and emotional problems that are real and grave, not only to his mental health, but also to his ability to function as a part of our social system. Society overemphasizes the academic ability of the gifted child. His brightness is easy to identify and to instruct; it is, however, his social and emotional makeup that contribute to his self-value, which must be taken into account by society and educators alike. We must have programs and legislation alike that concentrate on the gifted child as a whole person with his own special problems that must be recognized as well as solved.

The gifted child is not a miniature adult, and we must not treat him as one, either in our society or in our educational system; rather we must provide the best possible environment both socially and educationally in which he can grow and develop—learning from, as well as enjoying, his childhood. Every child must be allowed to be a child! Today in this age of science we seem to want to relate every child to a hypothetical group that forms a neat, normal curve; but it is the child himself, the why and the how of his behavior that makes him an individual who can never be adequately or completely described by a test or a number. A child is not a symbol but a real person interacting with his environment; he has real needs and real problems; the goals of educators and legislators must be to help the individual child to be understood for his uniqueness rather than categorized for his sameness.

What then is the answer? Many idealists in education have written about the system—change the system, and the problems for all children, including the gifted, will be solved. I find the ideas interesting but far from inspiring. I most definitely agree with the premise that "every child, every person, can delight in learning." The educational system should use every means at its command to make learning, as well as school itself, an intrinsically rewarding and joyful adventure. I agree also that learning should and must be life-long, that joy in learning can aid joy in life. It definitely is the responsibility of every person, parent or teacher, to aid each child to attain a level through school where learning in life is a pleasure.

As long as teachers are human, they will be imperfect just as education itself will be imperfect. Each teacher, parent and child must work toward the ideal knowing that joy is only defined because of sorrow, happiness only known through unhappiness, good exists only in relation to bad. Emotions in extremes are necessary for learning enjoyment in life; is it possible to explain to a child the meaning of hot without his ever feeling something hot and then what is hot without its opposite cold? Learning is exciting because sometimes it is ordinary and sometimes it is insightful. Is it possible to define any act of learning as joyful or ectasy if one has never known boredom? Learning for every child must be more than just knowledge.

At this point I would like to refer to Nietzche to remind us all: "The surest way to corrupt a youth is to teach him to esteem more highly those who think as he does than those who think differently."

Too long has the gifted child been impersonally looked at as a natural resource to be developed for society and then exploited by society. Children—all children—are not inanimate objects because their abilities are not finite, not limited; rather their abilities are limitless in the development of the mind. Gifted children must never be referred to as objects for society—objects which can do things we want done, done in the way we dictate, done to meet our expectations. Rather society must cultivate what our children want, what our children need as individuals in our society.

We can talk about freedom—freedom of choice, unstructured classes and curriculum in education, but until we also allow our children the freedom to be themselves, we are defeating our own purposes as well as the purposes of the new progressive education itself. All children must be free to accept or reject what we as parents, educators and legislators feel is best for them after we have given them the necessary information with which to make their own decision. But more important, if freedom is going to be more than just a meaningless word in their vocabulary, whether we agree or not, we must be prepared to accept their decision. Otherwise the progressive education and legislation are meaningless; merely old ideas rewritten using new terms.

I have heard it said that by neglecting our gifted children we might be losing vast creative potential that could solve problems like manned space flights to Mars and beyond; find solutions to air pollution and overpopulation. I have heard it said that the gifted child trained and educated could develop his creative potential, producing a Nobel Prize winner. I ask, do we have to try to create an Einstein, a Frank Lloyd Wright, a Charles Eames, a Van Cliburn or a Bobby Fischer? I say let us provide the funds, the facilities, the programs, the teachers for the gifted and talented children—then let us let the children be individuals and make their own decisions, live their own lives, find their own success, their own joy.

I ask unanimous consent that the text of the bill be included as part of my remarks.

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

S. 874

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Elementary and Secondary Education Act of 1965 is amended by redesignating title VIII and references thereto as title X, and by renumbering sections 801, 803, 805, 807, 808, 809, 810, and 811, and references thereto, as sections 1001 through 1008, respectively, and by inserting after title VII thereof the following new title:

"TITLE VIII—GIFTED AND TALENTED EDUCATION ASSISTANCE

"PART A—GENERAL PROVISIONS

"SHORT TITLE

"SEC. 801. This title may be cited as the 'Gifted and Talented Children's Educational Assistance Act'.

"PURPOSE

"SEC. 802. It is the purpose of this Act to assist State and local educational agencies to develop special educational programs for gifted and talented children and youth.

"PART B—ADMINISTRATION AND INFORMATION

"ADMINISTRATION

"SEC. 811. The Commissioner shall designate an administrative unit within the Office of Education to administer the programs and projects authorized by this Act and to coordinate all Federal programs for gifted and talented children and youth.

"NATIONAL CLEARINGHOUSE ON GIFTED AND TALENTED CHILDREN AND YOUTH

"SEC. 812. (a) The Commissioner shall establish independently or locate in an existing clearinghouse the National Clearinghouse on Gifted and Talented Children and Youth (hereinafter referred to as the 'clearinghouse'). The clearinghouse shall obtain and disseminate to the public information pertaining to the education of gifted and talented children and youth. The Commissioner is authorized to contract with public or private agencies or organizations to establish and operate the clearinghouse.

"(b) There is authorized to be appropriated for the establishment and operation of the clearinghouse $1,000,000 for the fiscal year ending June 30, 1974, and for each of the two succeeding fiscal years.

"PART C—ASSISTANCE TO STATES FOR EDUCATION OF GIFTED AND TALENTED CHILDREN AND YOUTH

"GRANTS AUTHORIZED

"SEC. 821. (a) The Commissioner is authorized to make grants pursuant to the provisions of this part for the purpose of assisting the States in the initiation, expansion, and improvement of programs and projects (including the acquisition of equipment) for the education of gifted and talented children and youth at the preschool, elementary, and secondary school levels.

"(b) For the purpose of making grants under this part there is authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1974, $60,000,000 each for the fiscal year ending June 30, 1975, and for the succeeding fiscal year.

"ALLOCATION OF FUNDS

"SEC. 822. (a) (1) From 85 per centum of the amount appropriated pursuant to section 821 for any fiscal year the Commissioner shall, after reserving the amount required by paragraph (2) of this subsection, allot to each State an amount which bears the same ratio to such amount as the number of children aged three to eighteen, inclusive in the State bears to the number of such children in all the States, except that no State shall be allotted less than $50,000. For purposes of this subsection, the term 'State' shall not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

"(2) For each fiscal year for the purposes of this paragraph the Commissioner shall reserve an amount equal to not more than 3 per centum of the amount to be allotted for such year under paragraph (1) of this subsection. The Commissioner shall allot the

amount reserved pursuant to this paragraph among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs.

"(b) The number of children aged three to eighteen, inclusive, in any State and in all the States shall be determined, for purposes of this section, by the Commissioner on the basis of the most recent satisfactory data available to him.

"(c) The amount of any State's allotment under subsection (a) for any fiscal year which the Commissioner determines will not be required for that year shall be available for reallotment, from time to time and on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsection (a) for that year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly realloted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for that year.

"(d) Fifteen per centum of the sums appropriated pursuant to section 821 for each fiscal year shall be used by the Commissioner to make grants to or contracts with public or private agencies or organizations for the establishment and operation of model projects for the identification and education of gifted and talented children and youth, including career education, bilingual programs, programs for the handicapped, programs for the disadvantaged, and development of community resources.

"STATE PLAN

"SEC. 823. (a) Any State which desires to receive grants under this part shall submit to the Commissioner through its State educational agency a State plan in such detail as the Commissioner deems necessary. Each such plan shall—

"(1) provide satisfactory assurance that funds paid to the State under this part will be expended, either directly or through local educational agencies, solely to initiate, expand, or improve programs and projects, including preschool programs and projects, (A) which are designed to meet the special educational and related needs of gifted and talented children and youth throughout the State, (B) which are of sufficient size, scope, and quality (taking into consideration the special educational needs of such children) as to give reasonable promise of substantial progress toward meeting those needs, and (C) which may include the acquisition of equipment. Nothing in this part shall be deemed to preclude two or more local educational agencies from entering into agreements, at their option, for carrying out jointly operated programs and projects under this part;

"(2) provide for proper and efficient State administration (including State leadership activities and consultive services) and for planning on the State and local level, and provide evidence that a person knowledgeable about the educational needs of gifted and talented children and youth is employed in a full-time capacity to administer and coordinate the programs and activities authorized by this part;

"(3) provide satisfactory assurance that the control of funds provided under this part, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this part, and that a public agency will administer such funds and property;

"(4) set forth policies and procedures which provide satisfactory assurance that Federal funds made available under this part will be so used as to supplement and, to the extent practical, increase the level of State, local, and private funds expended for the education of gifted and talented children and youth, and in no case supplant such State, local, and private funds;

"(5) provide that effective procedures, including provision for appropriate objective measurements of educational achievement, will be adopted for evaluating at least annually the effectiveness of the programs in meeting the special educational needs of, and providing services for, gifted and talented children;

"(6) provide that the State educational agency will be the sole agency for administering or supervising the administration of the plan;

"(7) provide for making such reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this part, including reports of the objective measurements required by paragraph (5) of this subsection, and provide for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports;

"(8) provide satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this part to the State, including any such funds paid by the State to local educational agencies;

"(9) provide satisfactory assurance that effective procedures will be adopted for acquiring and disseminating to teachers and administrators of gifted and talented children and youth significant information derived from educational research, demonstration, and similar projects, and for adopting, where appropriate, promising educational practical practices developed through such projects; and

"(10) provide satisfactory assurance that, to the extent consistent with the number and location of gifted and talented children and youth in the State who are enrolled in private elementary and secondary schools, provision will be made for participation of such children in programs assisted or carried out under this part.

"(b) The Commissioner shall not approve a State plan or a modification of a State plan under this part unless the plan meets the requirements of subsection (a) of this section.

"PAYMENTS

"SEC. 824. From the amounts allotted to each State under section 822 the Commissioner shall pay to that State an amount equal to the amount expended by the State in carrying out its State plan. Such payments may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"ADMINISTRATION OF STATE PLANS

"SEC. 825. (a) The Commissioner shall not finally disapprove any State plan submitted under this part, or any modification thereof, without first affording the State agency administering the plan reasonable notice and opportunity for a hearing.

"(b) Whenever the Commissioner, after reasonable notice and opportunity for hearing to such State agency, finds—

"(1) that the State plan has been so changed that it no longer complies with the provisions of section 823; or

"(2) that in the administration of the plan there is a failure to comply substantially with any provisions, the Commissioner shall notify such State agency that the State will not be regarded as eligible to participate in the program under this part until he is satisfied that there is no longer any such failure to comply.

"JUDICIAL REVIEW

"SEC. 826. (a) If any State is dissatisfied with the Commisioner's final action with respect to the approval of its State plan submitted under section 823(b) or with his final action under section 825(b), such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

"(b) The findings of fact by the Commissioner if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(c) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"PART D—TRAINING OF PERSONNEL FOR THE EDUCATION OF GIFTED AND TALENTED CHILDREN AND YOUTH

"TRAINING GRANTS

"SEC. 831. The Commissioner is authorized to make grants to State educational agencies to assist them in establishing and maintaining, directly or through grants to public or other nonprofit institutions of higher learning, a program for training personnel engaged or preparing to engage in educating gifted and talented children and youth or as supervisors of such personnel.

"LEADERSHIP PERSONNEL TRAINING

"SEC. 832. The Commissioner is authorized to make grants to public or other nonprofit institutions of higher learning and other appropriate nonprofit institutions or agencies to provide training to leadership personnel for the education of gifted and talented children and youth. Such leadership personnel may include, but are not limited to, teacher trainers, school administrators, supervisors, researchers, and State consultants. Grants under this section may be used for internships, with local, State, or Federal agencies or other public or private agencies or institutions.

"APPROPRIATIONS AUTHORIZED

"SEC. 833. For the purposes of this part there is authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1974, $20,000,000 for the fiscal year ending June 30, 1975, and $25,000,000 for the fiscal year ending June 30, 1976. At least 50 per centum but no more than 75 per centum of the annual appropriation for this part shall be expended for section 831 in each fiscal year.

"PART E—RESEARCH AND DEMONSTRATION PROJECTS FOR THE EDUCATION OF GIFTED AND TALENTED CHILDREN AND YOUTH

"PROGRAM AUTHORIZED

"SEC. 841. (a) The National Institute of Education is authorized to (1) conduct, (2) make grants to States, State or local educational agencies, public and nonprofit private institutions of higher learning, and other public or nonprofit private educational or research agencies, for and (3) enter into

contracts with States, State or local educational agencies, public and private institutions of higher learning, and other public or private educational or research agencies and organizations for, research and related purposes, relating to the education of gifted and talented children and youth.

"(b) As used in this section, the term 'research and related purposes' means research, research training, surveys, or demonstrations in the field of education of gifted and talented children and youth, or the dissemination of information derived therefrom, or all of such activities, including (but without limitation) experimental and model schools.

"APPROPRIATIONS AUTHORIZED

"SEC. 842. For the purposes of this part there is authorized to be appropriated to the National Institute of Education $14,000,000 for the fiscal year ending June 30, 1974, $16,000,000 for the fiscal year ending June 30, 1975, and $18,000,000 for the fiscal year ending June 30, 1976."

THE INDIAN SUBCONTINENT

Mr. CHURCH. Mr. President, there is good news from the Indian subcontinent. It appears that the deadlock over the exchange of prisoners and private persons now located in Pakistan, India, and Bangladesh is beginning to break.

As long as the United States, the Soviet Union, and China stay out of the area's military and political problems, the chances for peaceful resolution remain good.

Unfortunately, as has been our habit since 1954, the United States restarted transferring arms, ammunition, implements of war, and technical data relating thereto, to Pakistan last month. Such a foreign input is unnecessary and insensitive; it is an irritant to peace and stability. The best policy for the United States toward all the countries of South Asia is a total arms ban on federally funded arms and weapons, a policy I have advocated via legislation for the past 2 years.

I ask unanimous consent that several articles related to development in the Indian subcontinent be printed at this point in the RECORD.

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

[From the New York Times, Apr. 18, 1973]

INDIA AND BANGLADESH OFFER PLAN FOR END OF DEADLOCK OFFER ON PRISONERS

(By Bernard Weinraub)

NEW DELHI, April 17.—India and Bangladesh, seeking a breakthrough in the political deadlock on the subcontinent, announced a joint initiative today that seeks the return of most Pakistani prisoners of war.

After four days of private talks in New Delhi, the two Governments called for a "simultaneous repatriation" of prisoners in India, Bangladesh and Pakistan. The three-way exchange would involve most of the 90,000 Pakistani prisoners and civilians held in India as well as the 175,000 to 200,000 Bengalis in Pakistan and about 260,000 non-Bengalis in Bangladesh.

[In Rawalpindi, Pakistan, official sources welcomed the announcement but would not comment further on its acceptability, Reuters reported.]

Today's announcement marked a fundamental shift in Bangladesh's policy toward Pakistan, which lost the war with India in December, 1971, that resulted in the creation of Bangladesh, formerly East Pakistan.

Sheik Mujibur Rahman, the Bangladesh Prime Minister, has said repeatedly that he would not agree to release the prisoners, held under joint Indian and Bangladesh command, until Pakistan recognized Dacca. Today's declaration brushed aside the question of recognition, saying that India and Bangladesh "are resolved to continue their efforts to reduce tension, promote friendly and harmonious relations in the subcontinent and work together toward the establishment of a durable peace."

Although the announcement was considered a major step toward solving the bitter stalemate on the subcontinent, the conditions involved stirred uncertainty about a firm agreement between India and Bangladesh, on the one side, and Pakistan on the other.

Two key questions are unresolved. One is the issue of war-crimes trials of Pakistani soldiers accused of murdering Bengali civilians. The other is the fate of the non-Bengali Bihari population in Bangladesh, a minority that Sheik Mujib wants to evict but Pakistan seems reluctant to accept.

PROBLEM FOR BHUTTO

Today's announcement was vague on both issues. "The two Governments," it said, "are ready to seek a solution to all humanitarian problems through simultaneous repatriation of the Pakistani prisoners of war, and civilian internees, except those required by the Government of the People's Republic of Bangladesh for trial on criminal charges, the repatriation of Bengalis forcibly detained in Pakistan and the repatriation of Pakistanis in Bangladesh, i.e., all non-Bengalis who owe allegiance and have opted for repatriation to Pakistan."

With Bangladesh committed to war-crimes trials—and with reports today from Dacca that 195 to 200 Pakistanis are scheduled to be tried before a tribunal at the end of next month—it was uncertain how the Pakistani Government would react to any possible agreement with India and Bangladesh as long as criminal trials were publicly held.

The problem is especially delicate because President Zulfikar Ali Bhutto of Pakistan has been under increasing domestic political pressures from militant Opposition figures who decry any accommodation with India and Bangladesh.

The Biharis of Bangladesh are another fundamental—and unsolved—problem. The non-Benglai Moslem minority, numbering 600,000 to 900,000, are scorned in Bangladesh because many of them collaborated with the Pakistani Army in 1971 during the violent nine-month occupation aimed at crushing the Bengali independence movement.

INDIA SEEKS SOLUTIONS

Sheik Mujib has said that a Government poll indicated that 260,000 Biharis wanted to go to Pakistan while 150,000 wished to stay in Bangladesh. Although the figures are far below the actual number of Biharis in Bangladesh, President Bhutto has indicated that the Pakistani Government was reluctant to accept even 260,000 Biharis.

How this would affect today's proposal on prisoners is unclear. The joint announcement, made in New Delhi and Dacca, came after meetings here between Dr. Kamarl Hussain, the youthful Bangladesh Foreign Minister, and Indian officials, including Prime Minister Indira Gandhi.

In recent months Mrs. Gandhi and her advisers had grown increasingly uneasy and embarrassed over the international reaction to holding the Pakistani prisoners, a deadlocked issue for nearly 16 months. Since Sheik Mujib's landslide election victory last month Indian officials have sought to unravel the Bengali position over prisoners and work out a joint strategy to deal with Pakistan.

Pakistan has charged that the prolonged detention of the prisoners on political grounds was in direct contradiction to the Geneva convention, which stipulates that war prisoners must be released without delay after hostilities end.

India maintained that since the prisoners surrendered to a joint military command, Bangladesh must agree before they are freed. And Bangladesh insisted that this could not take place until Pakistan recognized Dacca. President Bhutto, in turn, has said that talks must first take place with Bangladesh over mutual problems, such as Pakistan's prewar financial debt, before formal recognition takes place.

PAKISTAN IS CAUTIOUS

RAWALPINDI, PAKISTAN, April 17.—Official sources welcomed today's announcement of an initiative to break the diplomatic deadlock on the subcontinent, but would not comment on its acceptability.

They said the reported offer of India and Bangladesh to release most prisoners of war in exchange for the return of Bengalis from Pakistan and the acceptance of Pakistan of Biharis was a forward move. But they declined to comment on the acceptability of the package, which contains items Pakistan has rejected in the past.

A Government spokesman refused to say anything about the offer until officials had studied the text of the declaration.

According to reports from New Delhi, the offer applies to all Pakistani prisoners except those wanted for trial on charges of war crimes allegedly committed during 1971.

President Zulfikar Ali Bhutto has warned that such trials would constitute a "point of no return" in his gradual move toward recognition of Bangladesh. Government spokesmen here have also made clear, that the Urdu-speaking Biharis of Bangladesh would not be welcome in Pakistan.

[From the Washington Post, Apr. 18, 1973]

INDIA, BANGLADESH OFFER PAKISTAN POW TRADE

NEW DELHI, April 17.—India and Bangladesh today offered Pakistan an exchange involving about half a million people, including most of the 90,000 Pakistani prisoners of war that India has held for 16 months.

The proposal would require Pakistan to accept from Bangladesh more than 250,000 non-Bengalis of the Bihari minority, something it has been reluctant to do, in exchange for the repatriation of the Pakistani prisoners. Pakistan would also release 157,000 Bengalis stranded there by the December 1971 war. The exchanges would be simultaneous.

Some 195 Pakistani prisoners, however, will not be released, according to an announcement today by the Bangladesh government. These will be tried by a special war-crimes tribunal in Dacca before the end of May. Pakistan has opposed such trials.

The exchange proposal was the first time that India and Bangladesh have offered to release the Pakistani prisoners without Pakistan's prior recognition of the Dacco government of Prime Minister Sheikh Mujibur Rahman.

The declaration reaffirmed that Bangladesh would not hold talks with Pakistan until Pakistani President Zulfiqar Bhutto reccognizes Bangladesh, but the exchanges would not require that talks be held.

The prospects of Pakistan's agreeing to the proposal appeared slim, however.

Official Pakistani sources in Rawalpindi today welcomed the India-Bangladesh initiative to break the diplomatic deadlock in the Subcontinent, but they would not comment on its acceptability until they had studied the text of the declaration.

An Indian Foreign Ministry official described the package deal as "a take-it-or-leave-it offer." He said Pakistan's response must reflect "totality, uniformity and speed." In other words, he said, Bhutto must accept

all provisions of the proposal and do it quickly.

He said the text of the declaration has been handed to the Swiss embassy for transmission to Pakistan. India has had no diplomatic relations with Pakistan since the 1971 war which resulted in the creation of Bangladesh, which had formerly been East Pakistan.

The declaration was issued after four days of talks between the foreign ministers of India and Bangladesh, Swaran Singh and Kamal Hossain.

Admission of the Biharis into Pakistan is the most difficult aspect of the proposal for Bhutto to accept. He has said several times that the Biharis are the responsibility of Bangladesh. Most of them lived in the territory that was East Pakistan after the Subcontinent was partitioned in 1947.

The Bengalis accused the Biharis of collaborating with the Pakistan army and administration against the Bengali secessionist movement before and during the 1971 war. Since the war ended, more than 300,000 of them have been confined to internment camps in Bangladesh.

In Islamabad, a Foreign Office spokesman said Saturday that the Urdu-speaking Biharis in Bangladesh have the right to stay there, and that their "option" in favor of moving to Pakistan could not be taken seriously. Their case could not be equated with that of Bengalis stranded in Pakistan, he said.

Meanwhile, the Pakistan government today announced that permits for 11,000 Bengalis to leave Pakistan have been deposited with the International Committee of the Red Cross in Islamabad.

There was no reaction in Islamabad, however, to the Bangladesh announcement of a war-crimes tribunal.

A Pakistan government source said yesterday that if Bangladesh went through with its plans for war-crimes trials, Pakistan would try a number of Bengali military officers and civil servants for treason.

Today's announcement by Bangladesh Foreign Minister Hossain said the government has charged the Pakistan prisoners with genocide, war crimes, crimes against humanity and breaches of the Geneva convention on warfare, murder, rape and arson.

The Bangladesh government claims that 3 million people were killed by the Pakistani army and 200,000 Bengali women raped during the Pakistan army crackdown on the civilian population in the former eastern wing of Pakistan.

The foreign minister said international jurists would be invited to the trials, and the defendants would be allowed legal representation if they liked, including foreign lawyers.

[From the Christian Science Monitor, Apr. 10, 1973]

A Breakthrough Is Hinted in Indo-Pak Exchanges

(By Razia Ismail)

New Delhi.—A repatriation exchange of "wives and children" is rapidly shaping up between Pakistan and Bangladesh.

Sudden fresh impetus for this first step in breaking the diplomatic deadlock over settlement of Bangladesh independence war issues came from two directions during the past few days.

First came the dispatch of India's special emissary, P. N. Haksar, for high-level talks with Bangladesh leaders in Dacca.

Now comes a radio announcement by the Pakistan Government that it will issue exit permits to 15,000 Bengali detainees within a week.

Although Pakistan's motivation in the timing of its announcement is a matter of some speculation in New Dehli, it is nevertheless being accepted by many as an important conciliatory gesture.

TALKS REPORTED FRUITFUL

Coupled with reports from Dacca that the talks are going well between Mr. Haksar and the Bangladesh Prime Minister, Sheikh Mujibur Rahman, there is cautious optimism that a breakthrough is near.

What further India-Bangladesh initiatives may emerge from the Dacca talks is anybody's guess.

India has been ready for some time to release the Pakistan wives and children it holds. The two core issues—recognition of Bangladesh independence by Pakistan, and return of Pakistani POWs by Bangladesh—remain to be resolved before the subcontinent can achieve a full postwar settlement.

But civilian repatriation has long been accepted as the logical first step. India and Bangladesh first offered early last November to return the family members (wives and children) of all Pakistani POWs and civilian prisoners. A complete list of 6,503 names was sent to Pakistan.

REDTAPE HAD PREVAILED

In response, the Islamabad government offered to release 10,000 women and children from among the more than 200,000 Bengalis living in Pakistan, who have become virtual prisoners while they await repatriation of their newly independent Bengal homeland, Bangladesh. The number to be let go was later increased to 15,000 during the conciliation efforts of UN Secretary-General Kurt Waldheim.

But the exchange proposals had seemed hopelessly mired in red tape and mutual recriminations—until events of the past few days.

Further steps are still needed.

In addition to depositing exit permits with the International Red Cross, the Pakistan Government indicated it will transport the 15,000 repatriates to the border. But it did not say which border.

SHIP TRANSIT FAVORED

Bangladesh reportedly favors their being sent by ship directly from Karachi to Chittagong, since most in the group are destitute and overland travel would be a problem for them. On the other hand, if they are to be sent overland through India, New Delhi has made it clear that all facilities will be provided to take them to Bangladesh.

Meanwhile, the 6,503 Pakistani wives and children in Indian protective custody are ready to leave at short notice. All arrangements for their repatriation are complete at the New Delhi end.

It is up to Pakistan and Bangladesh to decide what happens next.

What is most important just now is that a workable system of negotiation is in the process of being established. If it can work to bring about this first exchange of wives and children, then it becomes a proven and ready tool for tackling the other issues.

It could become the basis for long-range stability in the region.

OUTSIDE OFFICES UNWELCOME

Spurred by a strong aversion to any possible "meddling" by the big powers, India has been striving vigorously to establish and protect a system of direct negotiations between "the countries concerned"—bilateralism—as the only way to bring a durable peace to the subcontinent.

Rumors that either China or the United States might soon be offering their good offices in the current dispute were not received with favor here.

It is all right to have personal conciliation efforts by the UN Secretary-General, or by a nearby friend like Indonesian Foreign Minister Adam Malik. They are appreciated.

But not the heavier hand of a superpower. It could undermine the region's independence and hopes for stability.

In a speech to Parliament April 5, Indian Foreign Minister Swaran Singh came out strongly against "any third-party intervention."

PREVIOUS GAINS NOTED

The Simla agreement establishing the basis for a peace settlement in the region was achieved without outside "intervention." The India-Pakistan dispute over the Jammu Kashmir border and the exchange of prisoners captured in the fighting there was settled through "bilateral" negotiations.

India is determined that the rest of the peace settlement be achieved in the same manner.

[From the New York Times, Apr. 3, 1973]

Bengalis Held in Pakistan Long for Home

(By Bernard Weinraub)

Karachi, Pakistan, April 2.—They are huddled in the straw shacks of Musa Colony, in guarded military camps, in bare city apartments where families sit in lonely anguish.

"We are like birds in a cage," said a 48-year-old doctor in an empty room in Islamabad, Pakistan's capital. "We have sold everything—the fridge, the furniture, the carpets, the beds, the car. Our money is gone. We are without hope."

In Karachi, a former city planner said in a tremulous voice: "We are sinking and we don't know the end of the abyss. In a year I have grown old. Look at me. My hands shake. I can't sleep. I have lost weight. I am 43 and I am an old man now."

Sixteen months after the emergence of Bangladesh, formerly East Pakistan, the Bengali community here is stranded and terrified. "We don't belong here and we don't want to stay here," said a former Bengali professor at the University of Karachi. "We want to go to Bangladesh, but we are pawns, we are hostages. What crime have we commited? What have we done?"

There are 175,000 to 200,000 Bengalis in Pakistan, a minority that includes 40,000 military personnel and their families in 16 guarded camps around the country. Before the division of Pakistan in December, 1971, the eastern wing was dominated by Bengalis and the western wing controlled by Punjabis. What tenuously linked the nation—which was separated by 1,000 miles of Indian territory—was the common tie of the Moslem religion.

Racially and ethnically, however, the people of the two wings are radically different. They eat different foods (grain and meat in the west, fish and rice in the east) speak different languages (Urdu in the west, Bengali in the east) and have maintained opposite cultures. The Punjabis of West Pakistan—often tall and light-skinned—prefer soldiering, and the wild natural life. The volatile Bengalis—lithe and dark—are fond of literature and philosophic and political argument. The two groups, despite their religious tie, are bitterly resentful of each other.

At the outbreak of the war, the Bengalis in the west included former senior and middle-level civil servants who worked as teachers, doctors, economists and policemen. There were also businessmen and low-income workers such as factory employees, cooks, servants and street hawkers who had lived in the west for years.

Virtually all the Bengalis have now lost their jobs. Their schools have been closed in Karachi—the port city with nearly 100,000 Bengalis—leaving 15,000 students without classes for the last year. The communities in Karachi and Islamabad are in the grip of despair, anger and wild rumor.

Compounding the fears, there are even hints that Bangladesh, despite the rhetoric welcoming the Bengalis from Pakistan, is now hesitant about a large influx. The reasons vary: the fear of infiltrators who could spur unrest, the addition of thousands of unskilled laborers, the flow of civil servants

who will expect their old jobs back and thus create friction with younger officials. Moreover, the release of Bengali soldiers to Bangladesh could lead to demands to create a Bangladesh army, which could cause strains with India.

Nevertheless, the Bengalis of Pakistan, are insistent about leaving. "All we want to do is go to Bangladesh, our home," said a 39-year-old former police official from Lahore. "We are in an alien country. Friends ignore us. No one looks at my wife in the market. Even in the mosque people don't look at us."

Near Musa Colony, a vast Bengali slum in north Karachi, a 28-year-old doctor said quietly: "Many Bengalis in this city were senior people. To suddenly feel this isolation, this insecurity, this deprivation is a powerful shock. Suddenly we have become nonentities. We Bengalis must leave."

What makes their plight especially uncertain now are the war-crimes trials promised by the Bangladesh Prime Minister, Sheik Mujibur Rahman. Relief workers as well as Bengalis fear that the trials of Pakistani soldiers, for the wanton murder of civilians during the war, could lead to bloody reprisals against the Bengalis here.

"The atmosphere is emotional enough now and can get very ugly with the trials," said one British relief worker who, like most Western officials and Bengalis here, declines to have his name published. "The Bengalis are justifiably scared because they're the most obvious and convenient scapegoat."

The Bengalis themselves are key elements in the macabre deadlock between India, Pakistan and Bangladesh. Pakistan's President, Zulfikar Ali Bhutto, refuses to recognize Bangladesh until Sheik Mujib meets him, to discuss prewar financial debts, and until the repatriation of the 90,000 Pakistani prisoners of war, now held in India.

Sheik Mujib will neither meet President Bhutto nor agree to the release of the prisoners until Pakistan recognizes Bangladesh. And India will not return the prisoners until Sheik Mujib agrees to it, since the prisoners are under a joint Indian-Bangladesh command.

In this bitter deadlock, the Bengalis here are, in effect, hostages for the prisoners of war.

So far, Pakistan has tentatively agreed to release 15,000 Bengalis, mostly women, children and the unskilled. Their processing is being handled by the International Committee of the Red Cross. But the situation has now turned murky and complex because, according to relief officials, Bangladesh has been cool to this initial influx. In fact, the 15,000 applications processed in December have been returned by the Dacca Government.

"They said they wanted more information and we had to start the procedure all over again," said one harried official. "They wanted two photos of the applicant, not one. They then wanted photos of the wife and children and they wanted to know the occupation of the father of the applicant as well as the applicant.

"Everything was ready and there was always something else to delay," said the relief official. At present the Bengalis are being assisted by an organization called the inter-Aid Committee. It includes the Roman Catholic Archdiocese here, Catholic social services and the Church of Pakistan. Each month the group distributes $20,000 worth of rice and $5,000 worth of medicine.

Financial hardships have, of course, afflicted most Bengalis. Last July the Government sent a questionnaire to the approximately 16,000 Bengali Civil servants asking whether they would prefer to work in Pakistan or what is called East Pakistan. Virtually all replied East Pakistan, and within days they were discharged.

Initially, most civil servants were allowed to remain in their Government quarters and to receive a monthly living allowance. This allowance had dwindled, payment is sporadic and many families have been ordered to move in with other Bengalis in Government quarters.

"I'm left without teacups, I've sold practically everything that I can," said a short, sad-eyed businessman in Karachi.

"Is it necessary to lose everything and wait, without end?" he asked. "Is it necessary to live with such terrible uncertainty about the future? Some of my friends have escaped. Perhaps I should try, but what about my wife here, my children? What happens if I were caught by the police?"

[From the Washington Post, Mar. 28, 1973]

SOVIET ROLE IN INDIA UNCLEAR DESPITE HEAVY AID

(By Lewis M. Simons)

NEW DELHI, March 27.—Red-shirted and sweating in the mid-afternoon heat, 150,000 members of the Soviet-backed Communist Party of India took to the streets today to protest against the ancient scourges of their country, poverty, hunger, corruption.

But implicit in the mammoth demonstration was the party's effort to dim its image as an appendage of Prime Minister Indira Gandhi's ruling Congress Party and to reaffirm its allegiance to Soviet-style Marxist-Leninist Communism.

In return for this allegiance, the Soviet Union is the party's principal financier. Today, for instance, the Russians were instrumental in paying for transportation to bring thousands of penniless demonstrators to New Delhi from all over the country.

But the party is only one of many threads Moscow uses to penetrate India's social fiber.

With some 5,000 Soviet nationals spread throughout the country, a strong case could be made for persistent and often hysterical right-wing party claims that the Russians are everywhere.

Yet, despite their impressive physical presence, the real influence of Soviet Communism in India is very much open to debate.

"The Russians may, I repeat may, have penetrated the intellectual community of Delhi," said a newspaper editorial writer specializing in agrarian affairs, "but they have had no impact among the peasants. And in India, the countryside means the country."

A Congress Party member of Parliament from the Communist-governed state of Kerala dismissed the danger of Soviet Communism entirely. "The Communist threat is a dead issue worldwide," he said. "Indian Communism is a brand of its own."

A U.S. diplomatic observer who devotes most of his time to watching Indo-Soviet relations was less sweeping in his analysis, but still maintained that Soviet influence in internal affairs was limited. KGB intelligence-gathering and political activities "have made almost no penetration in the northern and central states," he said, "and these are the most populous and influential in the country."

Other Western diplomats noted, however, that the KGB need not be as active, for example, as the U.S. Central Intelligence Agency, which recently underwent a prolonged period of accusations of meddling in Indian domestic affairs. The Indian Communist Party and its front organizations print hundreds of publications and supply the Russians with vast amounts of information.

The return of their propaganda rubles for the Soviet Union is somewhat in doubt. While some 12,000 Indian college students study in the United States each year, only 350 attend Moscow's Patrice Lumumba University, and a few more are spread around other Soviet institutions.

Students returning from the Soviet Union complain that they have great difficulty in getting jobs and, when they do find work, that they're discriminated against by Western-trained colleagues and employers.

On the other hand, merely by making the right noises at the appropriate moment the Russians have gained enormous public relations benefits. Following Moscow's support for India in the Bangladesh crisis, a Gallup Poll taken in major Indian cities showed that 85 per cent of those persons queried had a "favorable impression" of the Soviet Union, while only 2 per cent had such an impression of the United States.

In New Delhi, Soviet diplomats keep a moderate-to-low profile, despite their government's firm position as India's greatest friend and ally. They travel on the cocktail circuit, but with high selectivity. As a result, many Westerners never see them.

Almost all official Russians and their families live in a large walled compound behind the hulking, pink sandstone embassy building. "Any of them who live outside the compound, and that goes for their journalists as well, you can assume are KGB agents," claimed a senior editor of a major English language daily. There are 14 Soviet correspondents in India, twice the number of American newsmen).

This kind of speculation is a natural result of the Russians' reluctance to speak openly on their role in Indian affairs. Pressed repeatedly by a newsman for a briefing on Indo-Soviet relations, an embassy spokesman refused, saying: "There is no tradition of giving this type of information."

Instead, the spokesman offered a large stack of booklets and pamphlets, most of them related to the Soviet Union's role in developing Indian industry.

These booklets and hundreds of other Soviet embassy publications provide an interesting sidelight on how Moscow finances the Communist Party of India. The embassy contracts the printing to party-run companies and pays many times over for the work, thus enabling the largest transfer of Soviet funds to the party.

While the Russians are generous to the party, Indian businessmen find them hard to deal with. "They're terribly demanding paymasters," said a source within the Tata organization, one of the country's two largest private corporations.

Businessmen, government leaders and many politicians also attack the Russians and their East European allies for a practice known as "switch trade."

The Communist governments buy Indian-made goods and pay for them in rupees. Then they sell these products on other markets for hard currency, but at a lower rate than the Indians could afford to dispose of them.

While this "switch trading" is of general concern, Indian trade with the Soviet Union, which still trails far behind its trade with the United States, is expected to increase markedly this year.

Conservative political leaders find this prospect ominous as well as what they consider other signs of growing Soviet influence.

At the extreme right, ever vigilant for new Soviet inroads, is the Swatantra Party and its leader, Piloo Mody.

"Every day," says Mody, "there's more and more involvement, more and more collaboration. In the last 18 months, since the signing of the [Indo-Soviet] friendship treaty, they have gained complete freedom in India."

Mody is a classic Red-hunter of the Cold War school, who sees Soviet agents under every bed and in every closet. "There are thousands of KGB agents swarming through our villages and towns," he said in a recent interview. He even accused the leader of India's other major right wing party, the Jana Sangh, of being pro-Soviet.

Mody is just as startling as his views. A man of enormous girth, a tent-like Indian shirt fails to camouflage his great bulk.

An architect by education, Mody has an American-born wife and an almost pixyish sense of humor. During the recent rash of anti-CIA outcries, Mody appeared in Parliament wearing a large plastic button declaring "I am a CIA agent."

He stopped just short of charging Mrs. Gandhi with being a Communist. "I really can't say. But she most certainly is not a democrat," he said.

Slightly to the left of Mody, is Atal Bihari Vajpayee, president and a founder of the Hindu nationalistic Jana Sangh Party.

Like Mody, he sees red everywhere. "Mrs. Gandhi is surrounded by Communists," he said, and proceeded to tick off a list of her most trusted ministers and advisers. "Through their advice India has become far too dependent on the Soviet Union for military weapons and spare parts. If the Russians didn't want to keep us dependent, why don't they let us make our own spares?"

The Jana Sangh, Vajpayee said, is for a "welfare state" and a "decentralized economy." He added that in order to attempt to regain political territory lost to Mrs. Gandhi and the Congress Party, his party had to break its former image of representing the shopkeeper class and "create the image of standing with the common man."

Images and slogans, often no more than that, are very important to parties of all political shades in India. Bhupesa Gupta, secretary of the National Council of the Communist Party of India, is a man who thrives on slogans.

"The CPI has its basis of strength in those places where our slogans of monopoly, land reform, workers' conditions, imperialism, neocolonialism, the Vietnamese people's struggle, Portuguese colonies, apartheid, big business monopolies, et cetera, all evoke sympathy and support from the broad masses of the people, especially those affiliated with the Congress Party," he said, barely pausing for breath as he leaned back on a hard wooden chair in his spartan living room, the words rolling out with mechanical cadence, his eyes half-closed behind thick glasses.

Is there any justification to rightist charges of Soviet interference in Indian domestic affairs, he was asked.

Gupta, who holds a law degree from London's University College, replied in the same rolling cadence: "The people and government of the Soviet Union help us when and where their help is sought. They do not enter into domestic politics."

Were improved relations with the United States desirable?

"The pro-Pakistani reactionary forces of the United States in India are trying to gain leverage in our economy. They are trying to make our industry dependent on American monopolies. The United States and the World Bank are interested only in our private sector and with working their way into the Indian system."

Does the Soviet Union dictate policy to the party?

"Our party is directed by our own leadership. We are capable of handling our own problems."

According to some assessments, the party is not likely to gain all-out support from the Soviet Union. The Russians, while making some effort to move the ruling Congress Party more to the left, seem content in keeping Indian politics and the national economy relatively stable.

"The last thing the Russians want," said one Western analyst, "is chaos in this country and a revolution which would leave the CPI in control. Just think of what a situation like that would cost them."

[From the New York Times, Mar. 16, 1973]

WASHINGTON, March 15.—Following is the transcript of President Nixon's news conference today as issued by the White House:

15. ARMS TO INDIA AND PAKISTAN

Q. Mr. President, I want to ask you about peace. You have concentrated on peace in your Administration. Don't you find an inconsistency there with continuing to give arms to India and Pakistan and perhaps a hundred other countries around the world?

A. First, we are not giving them, we are selling them.

Q. Isn't that worse? That is even worse.

A. I just wanted to be sure that we understood the difference, because of all the concern about aid. But the point that is involved in the India-Pakistan thing has been a very difficult one for this Administration, because it involves commitments that were made before we got here. Those commitments were made during the Johnson Administration. I do not criticize the fact that they were made, but they were made.

As far as we were concerned, once the war between India and Pakistan began, we cut them off, as you recall. We stopped all economic assistance—not all, but some economic assistance to India, and we stopped all military assistance to Pakistan.

Let's look at the numbers: $83-million in economic assistance to India and $14-million in military assistance to Pakistan. We have maintained that embargo up to this point. The difficulty was that there were contracts that had been made, the materials had already been, in effect, sold, and under the circumstances, we felt that it was time to clean the slate.

So what we have done, the Indians are getting their $83-million in economic assistance; the Pakistanis are being allowed to go through with their purchases of the arms, nonlethal arms and spare parts.

Now as far as the whole, the major problem—and Miss McClendon, you have put your finger on the major problem—and that is peace in the area. This in no way, in no way jeopardizes the peace in the area.

After the war that broke Pakistan in half, India's superiority is so enormous that the possibility of Pakistan being a threat to India is absurd.

All we are trying to do is to seek good relations with both, and we trust in the future that our aid to both can be ones that will turn them towards peace rather than war.

I should also say in India's case—while our aid there, our $83-million, was economic—India, as you know, purchases quite significant amounts of arms from the Soviet Union, and also has an arms capability itself. So there is no problem in terms of creating conditions which could lead to another outbreak of war by providing for simply keeping a commitment that the United States had made for the sale of spare parts and nonlethal arms to Pakistan.

[From the New Republic, Mar. 31, 1973]

ARMING PAKISTAN

Senator Frank Church likens the US arms policy in South Asia to the habits of an alcoholic: you swear off because you know it's not good for you; but then you find you have to have just one more little nip. Understandably President Nixon must have found the current situation in South Asia unnerving. The war between India and Pakistan has been over for 15 months. Prime Minister Gandhi and President Bhutto managed to reach a detente at Simla last July and, while much is left to do, at least both sides succeeded in evacuating each other's territory in the Punjab, Kashmir and Rajasthan and in withdrawing troops from the temptation of direct confrontation. Bangladesh now is an independent nation and earlier this month its president, Sheikh Mujibur Rahman, came through the elections with an overwhelming majority and a far freer hand to govern and make concessions in negotiating with Pakistan. On the outside both the Soviet and Chinese participation in events in South Asia seems to have lessened, so much so on the Soviet part that Assistant Secretary of State Joseph Sisco told a House foreign affairs subcommittee a few days ago that the 1971 Indo-Soviet friendship pact apparently had not resulted in any noticeable increase in Soviet military influence in India.

There are indeed unsettled problems aplenty—the unrepatriated Pakistani military prisoners of war still held in India from the Bangladesh conflict; the unrepatriated Bangladesh Bengali civilians stranded and still held in Pakistan; and the "Biharis," the non-Bengali civilians unwanted by either Pakistan, India or Bangladesh yet still pushed and threatened in a corner of Bangladesh. All this has resulted in a deadlock in getting Pakistan's President Bhutto formally to recognize that his old East Pakistan now was Sheikh Mujib's Bangladesh. But at least people were speaking to each other, the problems were identified and active fighting was over.

So what did President Nixon do on behalf of US self-interest? He lifted the six-year embargo on US arms shipments to Pakistan. Of course it was made to appear more equitable than that. The State Department announced that hereafter both India and Pakistan could buy nonlethal arms from the United States. And, to make it even more even-handed, the Nixon administration said it would "clean the slate" of past "commitments" by letting one party, Pakistan, buy 300 armored personnel carriers which Pakistan contracted for in 1970 and made a down payment on, and also take delivery on some $1.1 million in military surplus, parachutes and reconditioned aircraft engines. India now would have the go-ahead on the $87.6 million in US economic aid which had been contracted for but suspended with the outbreak of the 1971 Indo-Pakistani war over Bangladesh. India also now could place orders for the communication computers to expand the radar network along its northeast border which the United States and India jointly began in mutual China-watching self-interest after China's 1962 invasion of India.

"All we are trying to do is to seek good relations with both, and we trust in the future that our aid to both can be such as to turn them towards peace rather than war," President Nixon explained to his press conference on the Ides of March.

Military sources tell us armored personnel carriers, thin-skinned tanks with protective cannon used to hurry soldiers into action, are offensive not defensive weapons. Mr. Nixon's administration does not deny they are "lethal," but contends their commitment is the one exception to the ban on lethal weapons shipments. President Nixon originally made this exception on Pakistan's behalf in 1970. this was just after Pakistan's then president, General Yahya Khan, had visited Washington and then went on to Peking with word that Mr. Nixon was interested in a Sino-American detente. Also at that time the President personally made some other exceptions: F–104 jet fighter planes and B–57 bombers that Pakistan hadn't asked for but that the President thought might be useful in filling out the Pakistan squadrons decimated in her 1965 war with India. In the latest State Department announcement it was explained that the applications for the plane licenses now had "lapsed." But State's spokesman Charles W. Bray III did not absolutely foreclose reapplications.

So at the moment the only "lethal" weapons to be sold to Pakistan are the 300 armored personnel carriers. The cost is estimated at $13 million. But that estimate may not be too meaningful because of the Pentagon's habit of declaring equipment "surplus" in order to provide favored clients with discount prices. Yet even that $13 million might be hard to collect, considering the $3.5 billion debt that Pakistan now is asking its World Bank consortium creditors to reschedule.

In 1971, when "slippages" enabled Pakistan to acquire US arms despite the supposed embargo, it was explained that the ammunition included in those shipments actually was not a lethal end item and therefore it was presumed "nonlethal." That definition still holds. Similarly spare parts for lethal weap-

ons can go forth because they are not lethal in themselves. Also while it used to be true that India obtained most of her arms from the Soviet Union, causing the United States to feel obliged to provide balance by arming Pakistan, things have changed. India has become more and more self-sufficient through its own munitions industry. Pakistan now looks to China as its arsenal.

How does President Nixon explain all this? First he told his press conference that the arms to Pakistan he now has released "involve commitments that were made before we got here. Those commitments were made during the Johnson administration. I do not criticize the fact that they were made, but they were made." Then he started to say that, with the outbreak of the Indo-Pakistan war over Bangladesh in 1971, the United States equitably stopped all economic assistance to both nations. But Mr. Nixon caught himself: "Not all, but some economic assistance to India, and we stopped all military assistance to Pakistan." What he did was permit economic assistance to continue to Pakistan, but not to India. The administration at the time argued that India obviously would have diverted its economic assistance for military use against Pakistan.

Why should President Nixon decide on a policy change at this time? There is his "time to clean the slate" argument over U.S. past "commitments." There is the official State Department explanation that the United States has an obligation to furnish spares to keep operable equipment it has provided in the past. There is the notable coincidence of President Nixon's decision coming within days of his receiving President Bhutto's two special emissaries at the White House, Governor Ghulem Mustafa Khar of Pakistan's Punjab and Aziz Ahmed, one-time Pakistan ambassador to the United States and now minister of state for foreign and defense affairs. But there would appear to be something far more premeditated in this, something of a continuance of Mr. Nixon's "tilt-in-favor-of Pakistan" that Henry Kissinger ordered administration officials to observe during the 1971 Bangladesh crisis.

Mr. Nixon's motives may in part be emotional. In the '50s when Mr. Nixon was Vice President and John Foster Dulles was secretary of State, Nehru's India represented preaching, hypocritical, "immoral" neutralism. It was contrasted with Ayub Khan's Pakistan ("your last friend in Asia," Ayub told Congress) and Pakistan's membership in the anti-Communist alliances called CENTO and SEATO. India connoted "those mushy, moralizing Krishna Menons." And that estimate lingers today with many Americans, not just with Mr. Nixon, Secretary Rogers and Henry Kissinger. By contrast there are residual assumptions about Pakistan, what might be characterized as "the Sandhurst Swagger-Stick Syndrome." Never mind that Bhutto's Pakistan now represents civilian rule. Never mind that neither Field Marshal Ayub's Pakistan nor General Yahya's Pakistan ever thought more of the anti-Communist alliance objectives of CENTO and SEATO than as a convenient cover for Pakistan to obtain U.S. arms against India. The image of Sandhurst-trained, snappy, quick-stepping, "Westernized" Pakistanis persists when, as always, they are in lock-step with the Indians.

Furthermore there is President Nixon's China policy. Of all the third-party probes to Peking sought through various nations, Pakistan's, under President Yahya Khan, apparently proved to be the most persevering and the most productive. When Henry Kissinger finally made that first flight to talk with Chou En-lai in 1970, he made it from Pakistan, with a Pakistani plane and crew and under the protective cover of secrecy provided by Yahya. When the Bangladesh crisis erupted the next year, President Nixon, eager to make his trip to Peking, was aware that Pakistan was useful to China in antagonizing India. Whether Mr. Nixon believed it or not, he put out word that India's motive in backing the Bangladesh independence fight was first to dismember Pakistan, and then to reabsorb at least her western half, reunite the old Punjab and claim itself the rightful heir of the old British Indian subcontinent.

But despite President Nixon's "tilt," events took another course. The Bengalis in East Pakistan broke loose from their stepchild status and formed their own nation of Bangladesh. India, with enough problems handling her more than half billion people, did not see fit to take on the additional headache of Pakistan. And Pakistan, for the first time since its independence from the British in 1947, was reduced to facing reality. It lost its East Bengal province, which it had always exploited as a colony. And it lost its war with India, despite the stockpile of U.S. arms that always had given Pakistan the illusion of feeling co-equal to an India with three times its territory and four times its population.

Mr. Nixon was correct when he told his press conference this month: "After the war that broke Pakistan in half, India's superiority is so enormous that the possibility of Pakistan being a threat to India is absurd." He is correct in implying that whatever the United States does in the way of new arms shipments to Pakistan that situation won't change. He even would be correct should he disdain the "grave concern" which India's Minister of External Affairs Swaran Singh told Parliament India now took of the matter.

President Nixon's change in US policy seems pointless. He could have stuck indefinitely to his policy of declaring the lifting of the US arms embargo "under review." West Pakistan is under no threat externally that requires sophisticated US weapons, lethal or nonlethal. President Bhutto indeed should have concern over keeping his country together internally. But for that he has his assured arms supply from China. The United States, on the other hand, has at stake a very heavy investment in India. India is that sort of democracy successive US administrations have been urging all developing nations to become. And India is the largest of them all. India now feels far more militarily secure because the emergence of Bangladesh removed a hostile border. Her dependence on the enormous US economic aid of the past has diminished. But it promises to be a healthier relationship for both India and the United States with India forced to fend more for herself.

Giving Mr. Nixon the benefit of doubt he may have a two-fold policy: to provide Pakistan with minimal assistance while building up a more mature relationship with India based on open recognition that India is the dominant power of South Asia and no challenge is conceivable. However we must remember that it was the original decision to furnish Pakistan with US arms in 1954 that poisoned Indo-American relations in the first place, and forced India to arm and seek Russian weapons to match the ones the US provided Pakistan. The arms have consistently been the most contentious problem between India and the United States ever since. With Pakistan's defeat in 1971 Indo-American relations were just beginning to recover. Indo-Pakistan-Bangladesh relations were just beginning to recover. But the reintroduction of US arms—no matter how limited, no matter how "nonlethal," touches raw nerves, rekindles persistent suspicions. The arms probably are a disservice even to the old client Pakistan as they divert that humbled country's limited resources from pressing economic needs to fantasies surrounding that old Sandhurst Swagger-Stick Syndrome.

[From the Louisville Courier-Journal, Mar. 20, 1973]

SHOULD THEY ARM THEMSELVES?

Despite President Nixon's promise to bring us a generation of peace, the future looks bright for the arms industry. Business is booming, as governments in trouble or in troublesome areas of the world—which covers most countries—come shopping for jet fighters, tanks or automatic rifles. Iran has just signed the biggest contract the Pentagon has ever arranged, for over $2 billion worth of sophisticated weaponry. And an administration effort is under way to persuade Congress to relax its strict limitations on the sale of arms to Latin America.

Congress should respond warily to the smooth sales talk that State and Defense Department officials are putting over. Certainly it's possible that if the United States refuses arms sales, foreign governments could turn elsewhere, possibly even to the Soviet Union. But U.S. manufacturers have cornered such a large share of the market—$2.8 billion last year, compared with only $700 million each for France and Britain, the two runners-up in the Western world—that it wouldn't be easy for the arms buyers to find immediate alternative sources of supply.

In addition, it's hard to raise the bogey of the Soviet Union when the Cold War is visibly thawing. The administration at least shows signs of realism about ending the East-West rivalry in this field in its reported pledge to the Indian government that, after meeting present commitments to Pakistan (the same orders embargoed during the 1971 Indo-Pakistani war), the United States will no longer supply any "lethal" weapons to either country. This decision was apparently taken despite the possibility that India might turn once more to the Soviet Union for help.

Another argument often used to promote arms sales is that the exports help our balance of payments. In view of the two years of trade deficits behind us, this argument has appeal. And selling the weapons rather than giving them away, as we did right and left at the height of the Cold War, seems to make sense, too. Nevertheless, the fundamental fact is that most of the countries we sell to ought not to waste their meager resources on sophisticated weaponry. Even countries like Iran, with plenty of oil revenues, would do better to use their money improving the living standards of their people. The per capita income in Iran is only a little over $300 a year, yet this year defense spending is to be doubled, to almost one-third of the national budget.

It's certainly not our business to tell other governments how to divide up their budgets, or to try to make them spend more on butter and less on guns. We have enough trouble, it seems, getting our fiscal priorities straight. But it's hardly consistent with our aim of achieving peace and stability in the world by slowing down an arms race between the major powers to turn around and encourage the smaller nations to arm themselves to the teeth. There must be a middle way between the aggressive sales policies of the past and downright paternalism. And there are definitely better products that we could ship abroad stamped "Made in the U.S.A." than tanks and machine guns.

[From the New York Times, Mar. 18, 1973]

DANGER IN PAKISTAN

The Nixon Administration's decision to resume arms shipments to South Asia—principally to Pakistan—marks a disturbing step backward toward a policy which in the past has proved damaging both to Pakistan and to American interests.

It is certainly true that the limited purchases of ammunition, armored personnel

carriers and spare parts that have been authorized cannot seriously affect the balance of power on the Indian subcontinent, currently heavily tilted toward India. The danger lies in the potential psychological impact of any renewal of American arms aid on internal political developments in Pakistan and on delicate peace negotiations among Pakistan, India and Bangladesh.

Such aid could help to revive still potent militarist tendencies which have brought tyranny to Pakistan, war to the subcontinent and profound embarrassment to the American people. It might, too easily, divert President Bhutto from his recent commendable efforts to restore civilian rule and to seek reconciliation with India, especially if this week's move should prove to be only the opening wedge for more massive military assistance. India's fears on this score cannot be entirely discounted in light of the past record.

The timing of Washington's announcement is particularly unfortunate because the expectations it may excite in Pakistan and the apprehension it has aroused in India and Bangladesh could endanger efforts to break the peace deadlock on the subcontinent. Now that the Bangladesh elections are safely out of the way and Pakistan is close to agreement on a new constitution, there is at least a chance for a comprehensive settlement that would enable both India and Pakistan to divert scarce resources from arms to development.

The United States interest clearly lies in promoting such a settlement. This can best be achieved through the kind of development assistance that Washington already has been extending to Pakistan and Bangladesh for the last year and which has just been renewed in India. Arms aid to Pakistan, or to any other nation in the area, only subverts the "constructive role" which Assistant Secretary of State Joseph Sisco has told Congress the United States intends to play in South Asia.

[From the Christian Science Monitor, Mar. 17, 1973]

MOYNIHAN REASSURES MRS. GANDHI, BUT INDIA CAUTIONS UNITED STATES ON RESUMING ARMS SHIPMENTS TO PAKISTAN

(By Razia Ismail)

India has warned the United States it may step up its own military strength in response to Washington's decision to resume arms-supply shipments to Pakistan.

New Dehli's ruffled feathers over the U.S. action have obviously not been smoothed—despite American and Pakistani reassurances.

Ambassador Daniel P. Moynihan was all smiles after he emerged from his first meeting with Prime Minister Indira Gandhi, in which he assured her that the United States is only clearing earlier military-supplies commitments to Pakistan and has decided not to supply any lethal arms to any country of this subcontinent in the future.

But Foreign Minister Swaran Singh told an indignant Parliament March 15 that the supply of armored personnel carriers and other military equipment to Pakistan will cause a "district setback" to relaxation of tensions in this region.

He also said that in India's experience the United States has always "prevaricated" after giving assurances in the past.

The Foreign Minister told Parliament that India must now build up its own defense potential as well.

Early this week, U.S. Assistant Secretary of State Joseph J. Sisco had told Congress that India had received military supplies from the Soviet Union. From the Indian point of view, Washington seems bent on making New Delhi seek more.

In Parliament discussion, a leading Communist member, Indrajhit Gupta, said the United States has four unfriendly objectives in mind in resuming arms flow: It wants to retain Pakistan as a military base, it wants to scuttle the bilateral relations so laboriously built, it wants to strengthen the military elements in Pakistan's internal-power struggles, and it wants to force India to divert precious development resources into a defensive military investment.

Minister Swaran Singh expressed agreement. He told Parliament he cannot guarantee that America will keep its word that additional arms would not be transferred to Pakistan through third countries and would not be used against India.

[From the Christian Science Monitor, Mar. 17, 1973]

ON SELLING WEAPONS

The news of recent days underlines one of the facts about the world we live in which can stand being looked over from time to time to see whether things need to go on as they are going.

Washington has agreed to resume shipments of so-called "nonlethal" arms to Pakistan. India is protesting. Washington has agreed to the sale of another round of American war planes to Israel. This will keep up the flow through the supply line into 1975. And it was recently disclosed that Iran has contracted to buy about $2½ billion worth of American arms in a new program of re-equipping its armed forces.

The three incidents underline the fact that the United States is one of the biggest suppliers of weapons to other countries, although by no means the only one. The Soviet Union is the other big supplier. But West European countries are also in the arms export business.

American and Soviets by and large sell arms differently than the others. The British, French, Swedes, etc. are simply in the arms export business. Generally speaking they will sell to any and all comers. As a group they are now the major supplier of arms to Latin America. Their sales are about double those from the U.S. to the countries in the "Monroe Doctrine area."

Americans and Soviets differ in that they give or sell arms mostly for political reasons. The Russians supply primarily countries which are Communist, or are willing to revolve in the Soviet power orbit. Iraq, Syria, and Egypt are examples of the latter.

The U.S. like the Soviet Union, is politically motivated. In fact, it is not U.S. national policy to allow the sales of arms for profit alone. The U.S. Government gives arms free to such countries as are found to be under Communist threat. This is the old Truman doctrine formula. The recipients include Vietnam, Laos, Cambodia, Korea, Turkey, Jordan, Thailand, Indonesia, and the Philippines.

The U.S. Government also allows arms sales to the NATO countries of Western Europe and Canada. This is the largest single market for American weapons sales.

Sales to Israel fall in a special category, since Israel neither is threatened by Communist subversion or aggression (the Truman doctrine) nor is a member of NATO. Special legislation allows the Israelis to buy American weapons on U.S. Government credit. The loans are for ten years and must pay interest at the current government borrowing rate.

The giving of weapons free under the Truman doctrine formula is already becoming a recessive part of the picture. The Vietnam war is receding into a new American relationship to China and Russia. Once Southeast Asia is stabilized, which might happen, there would no longer be an open battlefield between Russian and American "cold-war" clients. A mutual, balanced reduction in the flow of free weapons to such clients is a subject Henry Kissinger can work out in the course of his negotiations with Russians and Chinese. We much hope that he can and will. This sort of thing is getting very much out of date.

Sales to NATO allies are in a special category. So long as NATO seems necessary to the security of the Western Community it seems right and proper that the NATO allies be free to buy such American weapons as they may want.

Sales to Iran, Pakistan, and Israel are different matters. Each one is a special case with its own arguments pro and con. In respect to Iran the question is one of stability in the Persian Gulf. Is a well-armed Iran a stabilizing factor? Washington thinks it is. And since Iran can afford modern weapons and is bound to get them from one source or another the serious question is whether it buys from Russia or the West. Washington prefers Western suppliers—for obvious political reasons. We can't see a basis for any strong objection.

Pakistan is in disarray from its beating in its recent war with India. Its losses were so heavy in men and equipment that there is a serious question whether it could even handle an insurrection. And India is so decisively the military master of the area that it cannot justly claim being threatened by a small supply of replacement vehicles for the Pakistan Army.

Israel—is Israel. Considering how decisive is its military superiority over its Arab neighbors, any more American weapons would seem to be as unnecessary as the proverbial "coals to Newcastle." However, Israel wants the pipeline kept full both currently and prospectively. The Israelis seem to think that it impresses the Egyptians.

All of this makes the U.S. the world's biggest single exporter of weapons. During the year 1967 a total of 67 countries received military assistance or made purchases, or both, through the U.S. Department of Defense. Cash sales were $2.9 billion. Credits of $550 million were granted. Of this $300 million were for Israel. And the U.S. gave $2.5 billion worth of arms to Vietnam and Laos.

Fortunately, the ending of the Vietnam war should see a sharp drop in the total of this kind of export business.

[From the Chicago Tribune, Mar. 16, 1973]

INDIA ASSURED—UNITED STATES VOWS NO MORE ARMS TO PAKISTAN

NEW DELHI, INDIA, March 15.—U.S. Ambassador Daniel P. Moynihan assured Prime Minister Indira Gandhi today that the United States will never again supply lethal weapons to any country on the Indian subcontinent, an Indian spokesman said.

India and Pakistan make up most of the subcontinent. They have been feuding for years.

The spokesman said that Mrs. Gandhi conveyed to the ambassador in a meeting today "Indian's deep concern" over the U.S. decision announced in Washington yesterday to relax its 15-month-old arms embargo in this region.

The spokesman said that Moynihan said the decision had been made to permit the United States to clear earlier commitments.

The State Department announcement said that Pakistan will now be able to take delivery of $1.1 million in military spare parts and 300 armored personnel carriers ordered two years ago.

In another development, India has stopped buying sorghum from the United States because of a "sad experience" in which poison seeds were found in a shipment of grain, an official of the food ministry said here today.

Anna Shakeb Shinde, state minister for food and agriculture, told a news conference that India already has bought 500,000 tons of sorghum from the U.S. India plans to import a total of 2 million tons of grain to make up for a severe drought.

The minister said the first sorghum con-

signment of 150,000 tons was found to contain poison seeds, known here as "dhatura." The seeds are from the jimson weed that often grows with sorghum in the U.S.

He said he had been informed that the supplies had violated adulteration laws in the U.S. The Indian government was examining a proposal to claim damages for the loss caused by the adulteration, he said.

Following a public outcry, the government has stopped distribution of the American sorghum, which was largely intended for the drought-stricken people of Maharashtra, Gujarat, and Rajasthan states.

American officials were reported puzzled by the incident. One embassy official here was quoted as saying that jimson weed is not considered a poison in the U.S. and that the second-grade sorghum ordered by the India supply mission normally contains some of the seeds, which become mixed with the grain during mechanical harvesting.

This grade of sorghum is fed only to animals in the U.S.

[From the Christian Science Monitor, Mar. 16, 1973]

NO MILITARY IMPACT SEEN IN ARMS EMBARGO END—PAKISTAN, INDIA BALANCE NOT EXPECTED TO SHIFT

(By Charlotte Saikowski)

Despite New Delhi's displeasure, Washington's decision to lift its embargo on arms shipments to Pakistan and India is not viewed here as having military significance.

Rather it is an effort to clear away commitments made before the Indo-Pakistani war over Bangladesh in 1971 and hence to remove an irritant in U.S.-Pakistani relations.

Administration officials say it is nonsense to believe that allowing Pakistan to buy $1.1 million worth of spare parts for old American equipment and reconditioned aircraft engines and $13 million worth of armored personnel carriers blocked by the embargo would tip the military balance on the subcontinent.

India, which has received some $1 billion worth of arms from the Soviet Union since 1965, will continue to have an overwhelming military edge over the Pakistanis.

RAPPROCHEMENT ENCOURAGED

President Nixon told newsmen Thursday that India's strength of arms is "so enormous that the possibility of Pakistan being a threat to India is absurd."

Nor, as seen here, does the embargo relaxation prevent India and Pakistan from getting together to resolve their differences and moving toward a rapprochement. That, it is felt, is the relevant question.

On a positive note, Pakistani President Zulfikar Ali Bhutto has told India not to overreact to the lifting of the embargo because the decision will not endanger Indian security. The military equipment is needed, he said, for Pakistan's own defense.

New U.S. ambassador to India Daniel P. Moynihan, meanwhile, has assured Prime Minister Indira Gandhi that the United States will never again supply lethal weapons to any country on the subcontinent, according to a report from New Delhi.

Against the background of Soviet penetration of South Asia, the thinking in the Nixon administration is that the United States must seek to establish normal, pragmatic ties with all countries on the subcontinent. In this context, the arms embargo was of considerable concern to Pakistan, which was truncated with the breakaway of Bangladesh and greatly weakened militarily. Pakistani Minister of State for Foreign Affairs and Defense Aziz Ahmed and Governor Mustafa Khar came here recently to press their government's case and the embargo removal resulted.

Similarly, Washington is moving quietly to restore its once-good ties with New Delhi. On Thursday, less than 24 hours after the announcement on the arms sales, the United States lifted its suspension of an $87.6 million loan to India, freeing the funds to be used for imports of American products and equipment.

The loan, which comprised the major portion of U.S. economic aid to India, was suspended at the outset of the Indo-Pakistani war and has been one of the many problems roiling U.S.-Indian relations.

Relaxation of the arms embargo will also benefit India, which can now, if it chooses complete the purchase of about $19 million worth of communications equipment for its air defense system.

Where the Pakistani arms are concerned, U.S. officials note that last year Washington provided over $200 million worth of economic assistance to Pakistan, yet some aid was drained because Rawalpindi had to buy military spare parts in the world market at higher prices.

POW ISSUE SKIRTED

Under its new policy, the U.S. will sell only "nonlethal" equipment to India and Pakistan. This would have excluded the armored personnel carriers which Pakistan contracted to buy before the 1971 embargo except that shipment is being permitted simply to clear away an old commitment.

Aside from the arms problem, the high Pakistani officials also raised the issue of the 92,000 Pakistani prisoners of war still interned in India as a result of the war but apparently got no assurance of U.S. help in securing their return.

Washington is sympathetic to the Pakistani case and has made clear that it favors implementation of the Geneva convention, under which the POWs should be returned. But, say administration officials, the United States will not publicly involve itself in the dispute, feeling that the parties themselves must work out a solution.

[From the Christian Science Monitor, Mar. 16, 1973]

GRAIN PACT BACKFIRES, TOO—UNITED STATES-PAKISTAN ARMS DEAL BRUISES TIES WITH INDIA

(By Razia Ismail)

The United States sends "arms to Pakistan and jimsonweed to India."

This is the bitter catchphrase now being used in New Delhi to describe American foreign policy.

It's the result of two recent disclosures that have given another setback to Indo-American relations, just when they seemed to be headed for better days. It illustrates how sensitive these relations have become.

The critical blow was Washington's hint that American military equipment would soon be flowing again to Pakistan. It came during a March 12 congressional appearance by the Assistant Secretary of State for South Asian Affairs, Joseph J. Sisco, who said that "the U.S. is looking again at its commitment made in 1970 to Pakistan for the supply of some spare parts."

U.S ISSUES STATEMENT

This was quickly interpreted in New Delhi as a signal of America's intention to resume supplying Pakistan with large-scale armaments—including promised B-57 bombers, F-104 fighter-interceptor jets and armored personnel carriers.

[The State Department announced March 14 a decision to allow Pakistan to receive $1.1 million in military spare parts and $13 million in armored personnel carriers for which purchase had already been transacted.]

It would mean the end of the 15-month-old embargo placed on all such shipments to this region at the time of the war over Bangladesh, even though the critical settlement phases of this war are far from over.

India's reaction was one of immediate disappointment and dismay.

SECURITY THREAT SEEN

"A grave theat to India's security," said Foreign Minister Swaran Singh in Parliament March 14.

"We are making earnest efforts to normalize relations with Pakistan and establish durable peace," he stated. "The United States intention to resume arms supplies to Pakistan will jeopardize the process of normalization and adversely affect the chances of establishing durable peace on the subcontinent."

The arms-supply news had come on the heels of the discovery that recent American grain shipments to India contain narcotic and poisonous jimsonweed seeds. The Indian press, government, and public were finding the whole affair rather hard to stomach and American explanations that such foreign matter is common in "livestock feed" did not improve matters. The grain had been purchased for famine relief.

But the major concern here is still over "arms to Pakistan."

PROTEST AIRED

Foreign Secretary Kewal Singh summoned U.S. Ambassador Daniel Moynihan to the Foreign Office to formally convey India's "utmost concern."

Coming as it did on the eve of Ambassador Moynihan's first meeting with Premier Indira Gandhi, the American move to give Islamabad previously promised arms can hardly be said to have given the new envoy a good start to his tenure here.

In his statement to Parliament, Foreign Minister Singh reiterated India's conviction that U.S. arms aid has "encouraged the anti-Indian and militaristic policy of Pakistan." He added, "We hope that the U.S. will carefully consider the implications of such an action. . . ."

[Pakistani President Zulfikar Ali Bhutto has issued a statement telling India not to overreact, because the decision will not endanger Indian security, the Associated Press reported March 15. "We need the military equipment for our own defense, to stand on our feet, not for offensive or aggressive uses," Mr. Bhutto said at a conference near Rawalpindi.]

POLICY SPOTLIGHTED

It is clear that New Delhi is keeping a wary eye on Washington's professions of wanting peace in Asia and of keeping out of Indo-Pakistan affairs. Recent U.S. pronouncements in this vein have been greeted with skepticism.

Actually, it had been expected here that when Washington thought the time was proper it would indicate that it did not wish Pakistan to be left without weaponry.

But apart from the fact that this was hardly the proper time in the limited context of envoy Moynihan's so recent arrival—not to mention the much larger context of delicate peace prospects concerning Pakistan, India, and Bangladesh—the announcement has been more a disappointment than a surprise.

New Delhi has been wondering just how serious Mr. Nixon is about peace in this area. Whatever small intangible gains might have been made in the past month, American intentions about bilateral relations with India and the U.S. Government's whole concept of what makes for peace in this region now are most suspect all over again.

"Arms for Pakistan and jimsonweed for India?"

Ambassador Moynihan will have an uphill task convincing New Delhi it isn't so.

[From the Baltimore Sun, Mar. 15, 1973]

UNITED STATES HALTS ARMS BAN TO PAKISTAN, INDIA

(By James S. Keat)

WASHINGTON.—The resumption of arms sales to Pakistan and India, halted during

their war in 1971, was announced yesterday by the State Department.

Charles W. Bray 3d, the department spokesman, said the embargo was being lifted on the sale of "nonlethal" military equipment to both countries. Pakistan will also be permitted to take delivery of 300 armored personnel carriers, valued at $13 million, which it bought in 1970 but which were impounded here by the embargo.

The decision, which benefits Pakistan far more than it does India, restores U.S. Arms supplies to the subcontinent to the same status as between 1967 and the winter of 1971. Before the 1965 war between the two hostile neighbors, the United States was Pakistan's major arms supplier, much of it in military assistance grants.

Mr. Bray said the administration believes the step will not have "a significant effect on the ratio of military power" between the two nations. The United States, he added, wants "to avoid involvement in anything which might be considered an arms race in the subcontinent."

The term "nonlethal" is imprecise. It has included in the past ammunition as well as spare parts for all sorts of weapons, including tanks and aircraft previously supplied by the United States.

India has a substantial domestic armaments industry, manufacturing such items as a British-design medium tank and assembling Soviet-design MIG 21 supersonic jet fighters. It also receives military assistance from the Soviet Union.

Once a staunch member of the U.S.-sponsored ring of anti-Communist alliances, Pakistan now has close relations with China and receives some military aid from Peking.

U.S. officials said the lifting of the embargo, sure to arouse sharp protests from India, was designed to maintain the military balance between Pakistan and its larger neighbor. The two nations have been bitter foes since they were granted independence from Britain in 1947.

Even though the United States halted military aid to Pakistan in 1965 and has never resumed it, the supply of arms, even for cash, has had considerable symbolic importance. President Nixon has demonstrated a personal affinity for Pakistan, rooted partly in its former role as an ally and partly in gratitude for its assistance in his rapprochement with China.

Pakistan considers the evidence of United States support, as much as the equipment itself, necessary to counterbalance the power of its larger neighbor. India sees it as an unsettling factor that encourages Pakistan to maintain a hostile stance it could not otherwise support.

The only tangible gain for India in the lifting of the embargo will be the shipment of communications equipment for a radar network the United States helped India build in the mid 1960's. Ironically, that screen was designed to protect north Indian cities from Chinese aircraft.

AID NOT RESUMED

At the same time it imposed the arms embargo the administration blocked some $87 million in economic aid to India. No decision to resume the economic aid was announced yesterday, but it is expected to follow soon.

The lifting of the arms embargo was decided on following a visit to Mr. Nixon a week ago by Ghulam Mustafa Khar, the governor of Punjab state, as a personal emissary of President Zulfikar Ali Bhutto of Pakistan.

Pakistan's armed forces suffered severe losses in December, 1971, when India intervened in support of Bengali rebels in what was formerly East Pakistan and helped create the new nation of Bangladesh. India still holds some 90,000 Pakistani troops and civilians which it refuses to repatriate to return until Pakistan formally recognizes Bangladesh.

Aside from the armored vehicles, Pakistan will also be able to take delivery of $1.1 million worth of spare parts, parachutes and reconditioned aircraft engines that were on order when the embargo was imposed. Contracts for aircraft authorized in 1970 have elapsed, Mr. Bray said.

[From the New York Times, Mar. 14, 1973]

U.S. EASES CURBS ON PAKISTAN ARMS

(By John W. Finney)

WASHINGTON, March 14.—The United States relaxed its total embargo on arms shipments to India and Pakistan today, thus permitting the Pakistanis to receive some 300 armored personnel carriers, spare parts for previously supplied arms and some "nonlethal" military equipment.

In announcing the decision, made at the request of the Pakistani Government, the State Department said it would not alter the military balance or stimulate an arms race. Officials explained that India, as a result partly of her military victories over Pakistan in 1965 and 1971 and partly of large-scale Soviet arms aid in recent years, now held an overwhelming military position.

PAKISTAN MAIN BENEFICIARY

The new policy was decided upon at the White House. Under it, the United States will sell "nonlethal" equipment and spare parts to either Pakistan or India, but State Department officials acknowledged that Pakistan would be the principal beneficiary.

The decision was made, officials said, more for political and psychological reasons than for military ones.

They said that Pakistan was in an intracably defensive mood following the destruction of much of her military forces in the war with India in December, 1971, and the loss of her eastern region, which became Bangladesh.

By providing an assurance of renewed American support and limited military aid, the officials said, the Administration hopes Pakistan will become more amenable to a settlement of some of her political problems with India and with Bangladash.

The United States imposed its total embargo on arms shipments to the Indian subcontinent following the Indian-Pakistani war of 1971. The decision announced today returns United States policy basically to what it was in 1967, when a limited embargo was in force.

Pakistan will now be able to receive some $1.2-million in spare parts, parachutes and reconditioned aircraft engines that she ordered but whose export was blocked with the embargo.

In addition, Pakistan will be able to buy 300 armored personnel carriers worth $13-million. Pakistan contracted to buy the vehicles in 1970 and had made a down payment before the imposition of embargo.

"NONLETHAL" AMMUNITION

Officials said that the policy decision made it possible to sell ammunition to either India or Pakistan. They explained that ammunition, according to definitions used by the Defense Department, could be regarded as "nonlethal" equipment.

Weapons, however, are not regarded as "nonlethal," and technically the armored personnel carriers ordered by Pakistan should be excluded. But Charles W. Bray 3d, the State Department spokesman, said their shipment would be permitted "in order to wipe the slate clean" of arms commitments entered into before the 1971 embargo but never fulfilled.

Mr. Bray and other officials stressed that "nonlethal" military aid from the United States to Pakistan was not going to upset the present "military ratio" between the Pakistanis and the Indians.

In announcing the relaxation of the embargo, Mr. Bray also emphasized that it continued to be the administration's intention "to avoid involvement in anything which might be considered an arms race in the subcontinent."

In principle, India would be allowed to complete her purchase of some $91-million in communications equipment for an air defense system that was blocked by the embargo. Whether India, which has now turned to the Soviet Union for arms, intends to purchase the equpment was left unclear by United States officials.

The United States policy on arms sales to the Indian subcontinent has gone through various phases since the shipment of all military equipment was first embargoed after the Indian-Pakistani war of 1965.

This embargo was modified in 1966 to permit the sale to both countries of "nonlethal end items"—a category that was construed to include ammunition.

In 1967, the policy was further relaxed to permit the sale of spare parts for military equipment already provided the two nations, with a further exception made in 1970 to permit Pakistan to order the armored personnel vehicles.

[From the Philadelphia Inquirer, Mar. 12, 1973]

ARMS SELLING IS BAD BUSINESS

The Pentagon and State Department have been trying to persuade a reluctant Senate Foreign Relations Committee to make it easier for the U.S. to expand its sales of arms to foreign countries, especially in Latin America.

In former days, when the Cold War was at its height, any hardware we could sell or give away could be justified as vital to help other other countries face the Red Menace from Moscow and Peking.

Nowadays, the menace is the fading green of the American dollar. With the U.S. balance of payments running its worst deficits in history, the argument is that anything we can sell is so much to our own good.

Besides, business is business, and what business is it of ours if foreign potentates and generalissimos prefer to invest in jet fighters instead of ploughshares and pruning hooks? If we don't sell them what they want, they'll just buy the stuff elsewhere.

These arguments have a certain plausibility, but then countries where the poppy grows, might argue that if they don't meet the demand for heroin someone else will.

The World Bank, in its most recent annual report, declared that the world's burden of poverty has been increasing rather than declining. It is not sheer coincidence that in the decade ending in 1971 global arms trade had also multiplied by more than two and a half times.

In specific cases, sending U.S. arms abroad may surely be justified on moral and security grounds. In a general way, though, we think the business of the U.S. ought to be to promote the ways and works of peace.

[From the St. Louis Post-Dispatch Mar. 3, 1973]

MERCHANTS OF DEATH

The biggest single U.S. arms deal has been announced in Washington after months of secret negotiations at the Pentagon. The principal beneficiaries, as usual, are U.S. munition makers and the authoritarian government of a developing nation. The losers, as usual, are the people—in this case, Iranians whose per capita income is $350 a year.

The Shah of Iran plans to spend more than two billion dollars for American helicopter gunships, supersonic jet fighters and other such arms of modern warfare. Iran is in no danger of invasion and its forces are quite capable of warding off smaller neighbors such as Iraq. The Shah cannot defend his country militarily from his giant neighbor, Russia. So the question is, why should this nation squander its oil money when nearly half

its children die in infancy from disease and malnutrition?

The answer probably lies in the dreams of Shah Reza Pahlavi who speaks often of ancient Persian grandeur and sees himself as a Middle Eastern De Gaulle. The shah may, of course, buy arms from somewhere else and we suspect the Pentagon would use this argument to bolster its position.

It would, however, be ludicrous for Iran to purchase these arms from Russia, the country it presumes to defend itself from. The two other major sources are Britain and France and the U.S. can exert considerable leverage to discourage sales by its allies.

Americans have come a long way from the days when Senator Gerald Nye exposed the "merchants of death," the mostly foreign munitions makers. Until World War II, the U.S. was reluctant to engage in such immoral business and when salesmen were finally authorized by the Pentagon to make calls in foreign capitals, it was justified in terms of national security.

Senator Fulbright says the salesmanship has deteriorated to the point where supporters are defending arms exports in terms of improving the balance of payments. And the U.S. Arms Control and Disarmament Agency reports that more than half of the six billion-plus dollar arms trade in 1971 was conducted by the U.S.

France, the second biggest exporter, complained last week that its arms sales have dropped substantially because of cut-rate pricing by American competitors. America does not need this kind of business and should not be lured into it, whether by the fantasies of the Shah of Iran, the fables of the Greek dictators or by the jinn of Turkish generals. If the Administration continues to permit the promotion of foreign military sales, then Congress should impose restrictions as it did in 1966 when sales to Latin America were stopped.

[From Sea Power, March 1973]

INDIA AND THE TWO "WON'TS"

(By Easwar Sagar)

Easwar Sagar is the Washington Correspondent for India's English-language paper, The Hindu. A former officer in the Indian Navy with service in World War II, he has covered Indo-United States relations from Washington for many years.

Some years ago, Dean Rusk evoked the spectre of a future where there would be a billion Chinese armed with nuclear weapons. Today it is no longer fashionable to think of China as the yellow peril—in American eyes, at least, she has become a *status quo* power like the Soviet Union and the United States, interested not so much in changing the established order, but in maintaining her position within it. The role China played in the Bangla Desh crisis, where she supported the existing order rather than the "liberation," and the part she played, behind the scenes, in bringing about a Vietnam peace agreement are evidence that she has indeed become a *status quo* power.

In the proliferation of power centers that has taken place since World War II there are now five acknowledged entities—the United States, the USSR, the European Economic Community, Communist China, and Japan. It will be interesting to examine whether there will be a further dispersal of power during the next three decades.

By the turn of the century, if the present rate of population growth is not substantially altered, there will be a billion Indians. It is also conceivable that, if present global relationships—based on military, political, and economic power radiating from the existing centers—do not alter radically, India might feel compelled to seek the status of a new center of power in Asia, believing that to be the only way she can change an equation unfavorable to her. Since she is likely to lag behind others in economic power, she might decide that the shortcut to major power status lies in becoming a nuclear power.

India today is, by definition, a mere middle power, although an extremely important one. One attribute of such status is that, while India may be able to influence developments in her immediate region (such as in Bangla Desh) according to her own "enlightened self-interest," she is unable or unwilling (in that order) to influence the course of events in areas farther away from her (such as in Southeast Asia or the Middle East). That ability today rests with the present major powers.

What rankles India even more (and what would therefore impel her to seek an expansion of her status) is that she in turn, by virtue of remaining a middle power, becomes the subject of attempts by the major powers to condition her role in her own region—to the big powers she becomes "an available instrument or an unnecessary obstacle" to the realization of their own often conflicting global designs. This, more than any inherent hostility or friendship, has so far determined India's relations with the United States and China, as well as with the Soviet Union.

China does not love the Pakistanis or dislike the Indians *per se* (in 1956 the *People's Daily* was describing Sino-Indian relations as the "friendship of a thousand million"). Although China now figures more prominently in the U.S. perception, not long ago American policymakers vigorously held the view that a democratic India would be the best answer to a totalitarian China. The Soviet Union and India have close ties at present, but there was a time when Moscow considered Nehru "a running dog of imperialism." Neither altruism nor similar ideological philosophies have been serious factors in choosing up sides, because, as realists know, the superpowers are interested not so much in transplanting their form of government to other countries but in preserving it at home.

After 25 years of independence, India is probably sophisticated enough to understand that this is what the name of the game is. What she resents is the continuation of the game, and the application by the major powers of the "divide and rule" policy (followed by the British in India) to divide and dominate the nations of the subcontinent.

ANATOMY OF A SUBCONTINENT

Can India realistically hope to be anything more than a middle power? A brief resume of her internal conditions and external relationships should help distant viewers arrive at a reasonable estimate of her potential. After 25 years of parliamentary democracy, India remains in the select ranks of that dying breed of countries (no more than a dozen) which still retain the luxury of democracy despite the liability of poverty. Since Mrs. Gandhi's party won a landslide victory in the 1971 elections the country has enjoyed political stability; in the foreseeable future there would seem to be no danger of the country coming under a right-wing, or left-wing, dictatorship.

Unlike the situation in other countries nearby, the Indian Army has always remained completely apolitical, true to the British traditions it inherited. In contrast, though the country has reached the stage of self-sustaining growth, economic well-being still lies in the future. In terms of gross national product India ranks tenth in the world with $53 billion, but because of her vast 560 million population her per capita GNP ranking is toward the bottom of the list.

There have been, however, two slightly heartening developments: (1) the "Green Revolution" in agriculture, and (2) India's decision to become self-reliant. As a result of these two factors India has been able to do without "concessional," or PL 480, foodgrains from the United States since early 1972. India's food production has, in fact, doubled since 1951, and in 1971 reached a peak of 108 million tons. Because of a bad harvest India did have to import two million tons of grain in 1972, but all of it was bought with hard cash. And it should be remembered that the Soviet Union and China have had to meet much larger deficits.

In the last few years the emphasis has also shifted from foreign aid to trade to support India's development—during the third Five-Year Plan (1961–66) 20 per cent of India's net investment came from aid, but that figure has dropped to 8 per cent in the fourth plan, which ends in 1974. Last year, when the United States suspended aid to India, the volume of two-way trade between India and the United States (India's largest trading partner) reached a peak of $800 million, with for the first time, a small surplus in India's favor.

Over the last four years Indo-Soviet two-way trade, on the other hand, has averaged $480 million, resulting in a more substantial trade surplus for India. Most of her trade with the Soviet Union is on a "rupee payment" or barter basis, which has its advantages. The bulk of the aid India receives now comes from a World Bank consortium of countries (excluding the United States), the International Development Association, and the Soviet Union—credits extended by the latter have been used for building steel plants and a heavy machine building complex, production of thermal power, coal mining, and oil and gas production. Although a majority of her people are still below the poverty line, India has built up, economists believe, an industrial infrastructure which should make her self-sufficient economically in 10 or 12 years.

INDIAN OCEAN RAJAH

As for military strength, India, with a million-man armed force (and 100 million men of military age), ranks fourth in manpower of all the military powers and eleventh in terms of resources spent on maintaining a military establishment (the defense budget is $1.7 billion). Compared to the sophisticated arsenals of the major powers, India's own would be considered insignificant, but it is still true that, in the Indian Ocean are extending from South Africa to Singapore, she has the largest and most advanced army, air force, and navy. Their performance during the 1971 war against Pakistan also demonstrated that, unlike Egypt, she knows how to use them.

Although the Soviet Union has, during the last decade, emerged as India's principal military supplier (a role which the United States might have fulfilled had she not been inhibited by her ties to Pakistan at the time of the Chinese attack on India in 1962), India has developed a modern defense industry which manufactures weapons and equipment ranging from self-loading rifles to tanks, frigates, and Mach 2 military aircraft (not counting MiG 21 fighters and SA-series helicopters manufactured under license). Total investment in India's defense industries in the last 10 years is over 2.5 billion rupees ($1.00 equals 7.3 rupees).

With Pakistan no longer posing a credible threat to Indian security, the only hostile power on India's border is China. But Indian planners are reasonably confident that her air force (650 combat aircraft) and army (which includes 10 fully equipped mountain divisions) can cope with China in a conventional war over the border. Part of this confidence also stems from the assumption (proven during the Bangla Desh war, when the Chinese did not move even one soldier across the Ladakh or Nefa borders in support of its Pakistani ally) that the Indo-Soviet Treaty of August 1971 is an effective deterrent to China. India also probably assumes that the broad pledges

given by Presidents Johnson and Nixon to act against any country resorting to nuclear blackmail still hold good, despite the improvement in relations between the United States and China.

With the overland threat to her security thus under control, India's thoughts appear to be turning toward the Indian Ocean, which washes her 3,000-mile coastline and acts as her lifeline to the outside world. Until now the Indian Navy has not received the same attention her army and air force have, but there is reason to believe that Indian policy planners now intend to give priority to establishing a more balanced force, capable of being deployed independently both on the Arabian Sea and on the Bay of Bengal.

A phased replacement program for her larger surface vessels, which are vintage British ships (one lone 16,000-ton aircraft carrier and two 8,000–10,000-ton cruisers), is contemplated. It is realized that, even though the existing units were able to completely blockade both Chittagong in East Pakistan and Karachi in West Pakistan in 1971, it would not be a sufficient force against a future Chinese Navy attempting to establish a bridgehead from the sea on the Andaman-Nicobar Islands in the Bay.

Indian policy is also aimed at preventing the Indian Ocean from becoming a staging area for rival naval powers, but since she is powerless to enforce this principle by herself she has sought to do so through diplomatic means. As for India becoming a party to the Soviet Union establishing a permanent presence in the Indian Ocean by leasing bases to her, no less an authority than Admiral Thomas Moorer, Chairman of the U.S. Joint Chiefs of Staff, told a Washington audience of reporters not long ago that this had not happened so far. Since formal military pacts have become distasteful even to such countries as Pakistan, Australia, and New Zealand, a reasonable arrangement would be for the littoral sea powers to cooperate with each other in neutralizing the area, thereby preventing it from becoming a cockpit of big-power rivalries. They may not themselves be able to fill the so-called vacuum, but they could at least try to prevent anyone else from filling it.

The Indian defense posture is supported by a transportation network of impressive dimensions. India's railway system, the world's fourth largest, is based on indigenous production of everything from tracks and freight cars to diesel and electric locomotives. India today has three million tons of shipping, which carries all her coastal trade and 40 per cent of her overseas trade. Three shipyards (in Vishakapatnam, Bombay and Calcutta) turn out ocean-going freighters as well as medium naval vessels. A fourth, in Cochin, will build, beginning in 1976, bulk carriers of 85,000 tons. Other indices of industrial progress: six steel plants producing six million tons annually; cement, 14 million tons; crude oil, eight million tons; refined petroleum, 18 million tons; fertilizers, over a million tons. Although modest by Western standards. India devotes a total of .54 per cent of her GNP to research and development, according to the government's Committee on Science and Technology.

A COMING NUCLEAR POWER

Because in many of India's 560,000 villages the peasants still use dried cow-dung cakes as fuel for cooking, it is usual in Western circles to refer to India's "cow-dung economy." It would, however, be truer to say that Indians live in both the cow-dung age and the nuclear age. Nothing demonstrates this more vividly than the picture of a bullock cart silhouetted against the huge dome of the Bhabha Atomic Research Centre near Bombay. Most Western experts agree that India is so far advanced in nuclear technology, in fact, that, within six months after making the political decision to do so, she could explode her first atomic device.

Today, besides three experimental reactors, India has two heavy-water production facilities and a chemical separation plant (although this can produce weapons-grade plutonium, it is actually being used for a new generation of power plants based on a plutonium/uranium/thorium cycle which produces more nuclear fuel than it consumes). The 380-megawatt Tarapore power plant in Gujerat state is already producing power; the 400-megawatt plant built by Indian engineers and scientists at Rana Pratap Sagar in Rajasthan state "went critical" last August. A third plant is to be located at Kalapakkam in Madras state, and the fourth, fifth and sixth will be built in the northern and western regions of India. The target for power from nuclear energy is 2,700 megawatts by the 1980s.

Preparations are also reportedly being made to detonate an atomic device underground with a view to harnessing atomic energy for peaceful purposes. India has half the world's known reserves of thorium (in Kerala and Bihar states), and a uranium mine and mill which can handle 1,000 tons of ore a day.

A POLICY OF TWO "WON'TS"

Despite the fact that a hostile China has gone nuclear, India has so far refrained from undertaking a weapons program. She has also refused to sign the Nuclear Non-Proliferation Treaty (on the ground that, while it prohibits horizontal proliferation by the have-nots, it permits vertical proliferation by the haves). This policy of two "won'ts" (won't make nuclear weapons and won't sign the treaty) permits India to keep her options open.

The most compelling circumstance in which India might be induced to exercise her option to "go nuclear" would be future aggressive behavior of China toward her. After the South Asian War of 1971, when both Sino-Indian and Indo-U.S. relations sank to a new low, Indian leaders extended the olive branch to both China and the United States. But, while the recent friendly exchanges between President Nixon and Prime Minister Gandhi promise a better climate, China has so far chosen to ignore Indian invitations to effect a reapprochement.

Because the Soviet Union alone stood by her in the crisis, there has naturally been a fund of good will in India toward the USSR. But, having been bitten before, Indian opinion is wary enough not to let present cordial relations develop into overdependence. Future policy will, of course, also depend on how the other major powers behave toward India.

The Gandhi-Bhutto Simla summit was also an Indian attempt to make up once and for all with Pakistan, but what seemed a promising start has not yet produced a detente. With her smaller neighbors—Ceylon, Bhutan, Nepal, Burma, and Bangla Desh—India has tried to project a low profile, in order not to attract the natural hostility that a Big Brother image does.

Presently non-aligned, India undoubtedly would prefer to stay that way. And will, unless one of the bigger superpowers forces her to "join the (nuclear) club" for her own protection.

ACTIONS TO EASE OIL SHORTAGES

Mr. EAGLETON. Mr. President, I am pleased that the House and Senate conferees which met yesterday to work out differences in the bill to extend the Economic Stabilization Act have agreed to report two amendments which I introduced in the Senate.

The first of these was a provision barring the administration from using the Economic Stabilization Act as authority for impounding appropriated funds. Some $3.5 billion in funds have been withheld with this act cited as one of the legal authorities. That was not the intent of Congress and my amendment would prohibit such use of the act in the future.

The second amendment adopted by the conferees would authorize the President to establish a system for the equitable allocation of scarce petroleum products. At the present time, the administration has no authority to give direct relief to the thousands of independent businesses and farm organizations in Missouri and elsewhere in the nation whose livelihood is threatened by oil and gasoline shortages. My amendment would make it possible for the Federal Government to apply some standards of fairness to the fuel allocations which are already being made by oil companies. I believe it is an essential part of the bill.

The administration is relying heavily on increased farm production this year to help bring down food prices.

Its production goals are unlikely to be met, however, unless farmers can obtain the fuel needed for plowing and harvesting existing crop land, to say nothing of the estimated 40-million additional acres scheduled to be brought into production.

Even before the plowing season reaches its peak, farm cooperatives are experiencing serious fuel shortages. I ask unanimous consent that the results of a farm-fuel survey of 12 Midwest cooperatives which was taken by the National Council of Farmer Cooperatives be printed at this point in my remarks.

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

NATIONAL COUNCIL OF FARMER COOPERATIVES, 1973 FARM FUEL SURVEY

[Survey conducted on Apr. 6, 1973, of 11 farmer-owned cooperatives that supply petroleum and petroleum products to their farmer members. Results contained herein reflect data from 12 of these cooperatives]

Cooperative	Service area	Demand	Supply	Shortage
Midland Cooperatives, Inc.	Minnesota, Wisconsin, upper Michigan, Iowa, North Dakota.	19,000 B/D	4,500 B/D	14,500 B/D.
Indiana Farm Bureau Cooperative, Inc.	Indiana	15,000 B/D	11,500 B/D	3,500 B/D.
Texas City Refining, Inc.	Kentucky to Maine, provides 2 major cooperatives with petroleum.	80,000 B/D	57,600 B/D	22,400 B/D

NATIONAL COUNCIL OF FARMER COOPERATIVES, 1973 FARM FUEL SURVEY—Continued

Cooperative	Service area	Demand	Supply	Shortage
Agway, Inc.	Northeastern United States	(Included in Texas City report.)		
Southern States Cooperative, Inc.	Southeastern United States	(Included in Texas City report.)		
Landmark, Inc.	Ohio	6,000 B/D	5,100 B/D	900 B/D.
Farmers Union Central Exchange, Inc.	Minnesota, North Dakota, South Dakota, Montana, Wyoming, Idaho, Washington, Oregon, Nebraska, Wisconsin.	30,860 B/D		50,000,000 G/A.
MFA Oil Co.	Missouri	8,000 B/D	5,000 B/D	3,000 B/D.
Farmland Industries, Inc.	North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Illinois, Tennessee, New Mexico, Colorado, Wyoming, Montana, Wisconsin, Utah.	60,000 B/D	43,500 B/D	16,000 B/D.
FS Services, Inc.	Illinois, Iowa, Wisconsin	26,400 B/D	22,030 B/D	4,370 B/D.
National Cooperative Refinery Association	Kansas, Nebraska, South Dakota, North Dakota, Minnesota, Wisconsin, Illinois, Iowa, Missouri.	50,000 B/D	46,000 B/D to 50,000 B/D	0 to 2,000 B/D.
Land O'Lakes, Inc.	Iowa, Nebraska, Southern Minnesota	83,592,000 gallons/annual	63,813,000 G/A	19,779,000 G/A.

Mr. EAGLETON. Mr. President, as this survey indicates, there is a shortage in the range of 100,000 barrels per day facing midwest farmers. The remedy of granting emergency import tickets offered by the Oil Import Appeals Board is of little value because of the unwillingness of major oil companies to trade domestic for higher-priced foreign crude.

Some relief could be given, however, through an expansion of the so-called royalty oil program. Under this arrangement, the Federal Government can take its royalties on public lands leased to oil companies in the form of crude oil rather than money. At present, only 68,000 barrels a day are being taken in this form and that is being made available to small refineries where a need exists.

If the Federal Government took full advantage of its right, it could obtain 258,890 barrels of crude oil a day with which to help meet shortages in farm areas and other sectors of the economy. This is an action which the administration could take right now under existing law and I have urged the President to do so.

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

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

U.S. SENATE,
Washington, D.C., April 17, 1973.

Hon. RICHARD M. NIXON,
President, The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I want to associate myself with many of the views expressed by members of the Midwest Democratic Conference of Senators in a letter to you on April 10, 1973, concerning the critical oil and gasoline shortages in the Midwest.

While I am a member of the Conference, I chose not to sign the letter so that I would be free to emphasize some additional actions which I think the Administration should take to help relieve the situation.

First, I want to bring to your attention the Eagleton Amendment to the Economic Stabilization Act which would authorize the Administration to establish a system for equitable allocation of scarce petroleum products in order to assure that all areas of the nation obtain a fair share of available fuel and to prevent anti-competitive practices in the petroleum industry. At the present time, no federal agency has authority to allocate fuel except with a declaration of national emergency, a step the Administration is understandably reluctant to take. My amendment would provide a less drastic basis for acting and I hope you will avail yourself of the authority should it be passed by the Congress. As you know, the amendment passed the Senate by a vote of 50–30 and was reported favorably by the House Committee. Such authority is necessary before the Administration would be in a position to carry out the allocation recommendations of the Conference.

An additional step which I want to urge upon you could be taken immediately under existing law. That would be to make use of the contract provision under which the U.S. government can claim payment in the form of crude oil instead of money as royalties on public lands, both on shore and off-shore, which are leased by private firms for oil production.

I am informed that the government could claim from all leases a total of 258,890 barrels of crude oil a day (based on July 1, 1972, production figures) if it chose to do so. At present, however, the U.S. Geological Survey, which administers the program for the Department of the Interior, is taking only 68,000 barrels a day in royalty oil. The 190,000 additional barrels per day which could be but are not claimed would give the federal government a significant reserve with which to meet some of the crude oil shortages which are affecting inland refineries. This action would not increase overall supplies of petroleum but it would give the government some means, other than the almost valueless emergency oil import tickets, of answering critical supply problems.

I hope also you will consider the possibility of diverting any surplus or stockpiled Defense Department fuels to the civilian market with first preference going to those areas of the country like the Midwest where the need is greatest. This week's order to close 274 military installations might make useful quantities of fuel available.

Finally, I want to ask the Administration's support for a possible amendment to any legislation which might be passed by Congress to permit construction of a pipeline tapping Alaskan oil fields. Whatever is decided as to the ultimate route of the pipeline, I am convinced that it should be for the benefit of American consumers first and, second, for consumers in those areas of the country where shortages are most severe.

I have been concerned by reports that part of the oil taken from the Alaskan fields will be exported to Japan and other foreign countries. Therefore, I am considering an amendment to the pipeline bill to assure that this oil remains in the U.S. and, further, that some portion of the net increase to overall U.S. supplies be directed to areas where the need is greatest, namely the Midwest and Northeast.

The support of the Administration for such an amendment would be most helpful. I would appreciate having your views on this and the other matters I discussed.

Respectfully yours,
THOMAS F. EAGLETON,
U.S. Senator.

ENERGY MESSAGE STATEMENT

Mr. STEVENS. Mr. President, for years now, we have listened to environmental histrionics and hysteria to the effect that the trans-Alaska pipeline would be the greatest environmental disaster of our era.

I refuse to accept this any longer. Further delay in the Alaskan pipeline will not mean environmental disaster, it will mean an energy disaster.

The fact is that every day we delay the pipeline, we delay for another day the potential 2 billion barrels we can get from Alaska. Worse still, every day's delay means another day of increased U.S. dependence on foreign oil.

The President's energy message calls for early and decisive action to resolve this needless haggling. I support the President's energy message initiatives, and will urge Congress to act quickly on legislation which will make it possible to bring Alaskan oil to the American marketplace.

I understand that the President's energy message to Congress has been submitted for the RECORD. I ask unanimous consent that a factsheet on the President's energy message, the President's proclamation and the President's Executive order also be printed in the RECORD.

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

THE PRESIDENT'S ENERGY MESSAGE
SUMMARY OUTLINE—FACT SHEET

BACKGROUND

The President has forwarded to the Congress his second Energy Message. This message presents a comprehensive program to provide for the Nation's current and future energy needs. The President's program provides for increased domestic production of fuels to minimize risks to the national security of supply interruptions. The program balances these national security considerations with concern for continued protection of the environment and for providing adequate supplies of energy at reasonable prices.

The energy picture has changed significantly in the past several years. Domestic production of fossil fuels—crude oil, natural gas and coal—has peaked. The United States no longer has excess shut-in crude production capacity. Environmental concerns have resulted in delays in siting of energy facilities and greatly increased the need for scarce low sulphur fuels, displacing high sulphur fuels, including coal. Unless the demand for energy is artificially restricted, significantly greater quantities of foreign crude oil must be imported in the next few years. There may also be temporary shortages of fuels under localized conditions.

In the mid-term, there will be increased domestic production of clean fuels; in the longer term, the development of new technologies for providing essentially pollution-free energy will be available.

The President has instituted a number of changes and recommended legislation to provide for increased domestic supplies in a manner compatible with the environment. The President has already forwarded several energy-related legislative proposals to the Congress this year—the Electric Facilities Siting Act and the Mined Areas Protection

Act. He has also already submitted legislative proposals to remedy the current right-of-way difficulties with the Alaska pipeline (Mineral Leasing Act amendments and Bureau of Land Management organic legislation). Today, three additional legislative proposals were forwarded to the Congress. The Natural Gas Supply Act will enable increased supplies of natural gas to be produced because of competitive pricing of new production of natural gas and new dedications of natural gas to interstate commerce. The Deepwater Port Facilities Act will enable more environmentally acceptable and more economical shipment of oil imports to this country through appropriately sited and operated deepwater ports. The third bill resubmits a proposal made to the 92nd Congress to have the Federal Government repurchase the thirty-five oil leases in the Santa Barbara channel. In addition, the President will soon forward a proposal for the creation of a Department of Energy and Natural Resources (DENR), in order to better focus and direct the Federal program. This is a modification of his previous proposal for the Department of Natural Resources (DNR), placing a greater emphasis on the need for a comprehensive organizational focus on energy.

Besides these legislative proposals, the President has also undertaken a number of executive actions, including among others, major changes to the Mandatory Oil Import Program and accelerated leasing of the Outer Continental Shelf.

The President's revised oil import program provides for increasing the incentive for future domestic production of crude oil and refining capacity through phased imposition of license fees on imports of crude oil and products above the 1973 levels. Drilling of new wells, opening of new mines and development of domestic refining capacity will require three to five years. In an effort to minimize the impact on the consumer during this period, the President has eliminated current tariffs on crude oil and products. Thus, imports at the 1973 level will enter the country duty-free; however, these duty-free import rights will be phased out over seven years, and an increasing license fee imposed.

The President's program covers virtually all energy policy areas. Specific information regarding the various components are presented in succeeding sections of this fact sheet.

BASIC U.S. ENERGY DEMAND AND SUPPLY

Over the years, U.S. gross energy consumption has increased steadily at a rate slightly less than the growth of our economy. From 1947 to the early 1960's, energy demand grew at an average annual rate of about 3%. During the period 1965–1971, our total energy demand has accelerated rapidly to an average annual rate of 4.8%. In 1972, consumption by major consuming sectors was fairly evenly divided as follows: industrial, 28.8%; electricity generation, 25.6%; transportation, 25.0%; and household and commercial, 20.6%.

Fossil fuels have historically supplied the vast majority of our energy in the United States. Until 1947, coal supplied more than half the fuels consumed. But for the last decade, petroleum and natural gas have increased to around 75% of total gross energy consumption. Although nuclear power currently supplies only 1% of current energy, it is expected to provide a very large share of future energy growth—up to 60% of electricity generation and 30% of total energy by the end of the century.

The major sources of domestic energy during 1972 were:

Petroleum (including natural gas liquids)—Million barrels, 5,960; Trillion BTU, 32,812; Percent, 46.

Natural Gas—Billion cubic feet, 22,607; Trillion BTU, 23,308; Percent, 32.

Coal (Bituminous, anthracite and lignite)—Thousand short tons, 517,053; Trillion BTU, 12,428; Percent, 17.

Hydropower—Billion kilowatt-hours, 280.2; Trillion BTU, 2,937; Percent, 4.

Nuclear Power—56.9; Trillion BTU, 606; Percent, 1.

Nuclear Power—Billion kilowatt-hours, 56.9; Trillion BTU, 606; Percent, 1.

Total Gross Energy—Trillion BTU, 72,091.

Domestic production of fossil fuels has remained relatively constant for several years and has not expanded adequately to meet rising demand.

New discoveries of natural gas have decreased during the past several years, but increased slightly in 1972 probably due in large part to efforts by the Federal Power Commission to provide higher production prices and to optimism about future changes in regulation. However, since 1966 proven reserves have decreased 21%, while consumption has increased 37%. We are now producing and consuming about twice as much natural gas each year as we are finding and adding to proved reserves.

Production of domestic crude oil and natural gas liquids peaked in November, 1970 and decreased in 1972 to an average of 11.6 million barrels per day, down approximately 5% from the peak. Continued delay of the Alaska pipeline will result in denial of additional U.S. production of up to 2.0 million barrels per day.

In 1972 total U.S. bituminous coal and lignite production is estimated at 590 million tons, down from 603 million tons in 1970. The use of coal has been greatly hampered by competition from lower cost and less polluting alternative fuels, primarily imported residual fuel oil in the mid-60's and low priced, regulated natural gas. Production is currently being restricted due to actual and anticipated constraints on the production and consumption of coal.

In 1907 imports to the United States exceeded reserve capacity, thus the U.S. was no longer self-sufficient. In 1972, the U.S. reached essentially 100% production (no reserve or shut-in capacity) and foreign petroleum imports totaled 4.7 million barrels per day, accounting for 29% of the total oil supply.

The projections are for large increases in imported crude oil and products, particularly during the next three to five years, primarily from the Middle East. In 1972, only about 1.4 million barrels per day, or about 30% of total oil imports came from the Eastern Hemisphere. This amounted to only 8% of the total oil supply. By 1985, if present trends were allowed to continue, the U.S. would have to import from 50 to 60% of its total oil supply and 30 to 40% of this may have to be from Eastern Hemisphere sources. The President's energy initiatives can greatly reduce future foreign imports.

COMPETITIVE PRICING OF NATURAL GAS

The President announced today that he will submit legislation to amend the Natural Gas Act so that prices paid by interstate pipelines to producers for new supplies of domestic natural gas will be determined by the competitive forces of the market system rather than by the Federal Power Commission. This proposal would stimulate new exploration and development of domestic gas resources while maintaining current prices on present interstate supplies and eliminating any possibility of unfair gains at the expense of the consumer. The legislation includes provisions for the Secretary of the Interior to monitor the price of new supplies of natural gas, and impose a ceiling if circumstances should demand such action.

The Natural Gas Act of 1938 was passed in order to allow the Federal Power Commission to regulate the transportation and sales for resale of natural gas by the interstate pipelines. The Act specifically precludes Federal regulation of the local distribution and production or gathering of natural gas. However, in 1954, the Supreme Court held in the *Phillips* case that the Natural Gas Act also applied to sales by producers in interstate commerce. The Congress twice passed legislation to effectively deregulate natural gas, once in 1950 and agan in 1956, which were vetoed by both President Truman and President Eisenhower.

After unsuccessful attempts to regulate producer prices on a case-by-case basis, in 1960 the Federal Power Commission decided to establish ceiling prices for natural gas on an area-wide basis. The first area rate proceeding for the Permian Basin area was begun in 1961, completed in 1965, and affirmed by the Supreme Court in 1968. This proceeding and all subsequent proceedings, was based primarily on the rate base and cost of service approach to regulation, which had been developed over the past half century for rate regulation of monopolistic, low-risk public utilities, such as gas pipelines and electrical power companies.

Consumption of natural gas in 1973 is estimated to be 37% higher than in 1966. Low regulated prices have discouraged development of a corresponding amount of new reserves, so that proven reserves have fallen by 21% since 1966. As a result, the ratio of reserves to production has fallen by 44%.

	Trillion cubic feet	Trillion cubic feet	Ratio
1966	16.9	286	16.4:1
1972	23.8	238	10.0:1
1973 [1]	[2] 23.0	[3] 227	[4] 9.2:1

[1] Estimated total potential reserves, 850–2100 Tft³.
[2] Plus 37 percent.
[3] Minus 21 percent.
[4] Minus 44 percent.

During the past year, 15 of the nation's largest interstate pipelines were forced to curtail their sales of natural gas in an amount equal to about 7% of their total sales. In many communities today, owners of new homes and apartments are deprived access to this clean burning and efficient fuel because of inadequate supplies. Moreover, an increasingly larger share of new natural gas supplies is being purchased within the intrastate market, which is not regulated by the Federal Power Commission, because interstate pipelines are unable to offer competitive prices for new supplies. Wellhead prices in the intrastate market are up to twice as high as in the FPC regulated interstate market. In many markets today, natural gas, the most desirable fossil fuel, is selling for less per comparable heating unit than do alternative and less desirable fuels. At the same time, costs have increased significantly. It costs approximately ten times as much to drill a well in Alaska and six times as much to drill a well offshore as compared to onshore historical costs.

The increased field price of natural gas will result in very modest increase at the home for the average consumer. Because the pipelines and local distributors will remain regulated and because the new supplies of natural gas will be only a small percentage of the total supplies of the interstate pipelines for several years into the future. At the current time, the price paid to the producer for gas supplies is approximately 10–20% of the ultimate price paid by the homeowner in most areas.

The President's proposed legislation provides that the FPC be granted rate jurisdiction over the direct industrial sales of pipelines. This action will allow the Federal Power Commission to assure that industrial customers, who use natural gas, are paying a fair and equtiable share of the costs of obtaining this premium fuel. However, the President's action today does not alter state and local authority over intrastate pipelines and natural gas distributors.

The President's proposed legislation will

allow the competitive forces of the market system, through arms length negotiations between producers and pipelines, to determine the price of new supplies of natural gas. It will also allow the interstate pipelines to compete with the intrastate pipelines for new gas supplies and lead to a more desirable distribution and usage of this premium fuel. On balance, the action taken by the President today is expected to provide consumers more supplies of natural gas at a lower cost than any other alternative.

OUTER CONTINENTAL SHELF (OCS)

The President announced today that he has directed the Secretary of the Interior to take steps to triple the acreage leased on the Outer Continental Shelf for drilling for oil and gas by 1979.

He also announced that leasing would begin in new frontier areas including beyond the 200 meter isobath, and beyond the Channel Islands in the Pacific if the environmental impact statements indicate it can be done safely. He directed the Council on Environmental Quality, in cooperation with the National Academy of Sciences and other government agencies, to complete studies within one year on the environmental suitability of drilling on the Atlantic OCS and the Gulf of Alaska. By 1985, this accelerated OCS leasing schedule could increase annual production by approximately 1.5 billion barrels of oil (approximately 16% of our projected requirements) above what would be expected if the current lease schedule were maintained.

The offshore areas of the United States are estimated to contain 186 billion barrels of crude oil and over 844 trillion cubic feet of natural gas resources, which are recoverable with existing technology. These amounts represent approximately 40% of the nation's total undiscovered oil and gas reserves and offer promising opportunities since most onshore areas have already been explored and developed.

The Federal Government has leased OCS lands since 1954. Currently, leases in the OCS are producing over 400 million barrels of oil and about 3 trillion cubic feet of natural gas annually.

In 1969 regulations of the Department of the Interior governing leasing and operations by lessees on the Outer Continental Shelf (OCS) were extensively revised and strengthened after the problem in the Santa Barbara Channel. Since then, improvement of these standards for safety and pollution control has been a continuing effort covering a wide range of operations including drilling procedures, well abandonments, well completion procedures, pollution and waste disposal, and procedures for the installation and operations of platforms and pipelines.

Inspection procedures have been standardized and a statistical basis for inspection strategy has been developed. The OCS field inspection staff has been tripled since 1969. Six fulltime helicopters are in use and a radio communication system has been installed. The revisions and strengthening of OCS operating standards and the increase in surveillance personnel has resulted in a marked improvement in OCS operations with regard to oil spills. There were no major oil spills in 1972. Minor oil spills in 1972 were reduced by 45 percent from 1971.

The President has resubmitted legislation which would authorize the Secretary of the Interior to buy back 35 leases in the Santa Barbara Channel where the Administration suspended drilling.

ALASKA PIPELINE

The discovery of oil in Alaska was announced in February of 1968. Current estimates are that these are 10 billion barrels of proven reserves on Alaska's North Slope. Once construction begins, 2½ to 3 years will be required before delivery of new production. Initial production will be 600,000 barrels per day, rising to 2 million barrels per day in five years.

After the initial discovery, the Interior Department established a task force to study the situation in April of 1969. A pipeline application was received by the Secretary of the Interior in June 1969. After a series of public hearings and the issuance of preliminary and final environmental statements, the Secretary of the Interior announced that he intended to issue a permit for pipeline construction in May of 1972. A series of court actions resulted in Supreme Court refusal to review an earlier Court of Appeals decision, which enjoined construction because of an outmoded legal restriction regarding rights-of-way.

The Administration has submitted two bills to Congress relating to this issue: S. 1040 which amends the mineral leasing laws and S. 1041 which provides new organic legislation for the Bureau of Land Management. Both of these bills incorporate provisions which allow the Secretary of the Interior to provide for adequate rights-of-way for all pipelines over Federal lands to ensure protection of the environment.

The alternative of a pipeline through Canada was thoroughly studied prior to the Secretary's decision to authorize construction of the Trans-Alaska Pipeline (TAPS). The TAPS can be built much more quickly, creating U.S. jobs and utilized entirely for U.S. needs. Much more needs to be done prior to construction of a Trans-Canada line; detailed engineering and environmental studies would be required, hearings would be required, and permits prepared. At least three to five years delay would be involved for a Trans-Canada route which would probably cause greater environmental damage because of increased distance and the greater number of river crossings.

SHALE OIL

President Nixon's June 4, 1971 Energy Message directed the initiation of a leasing program including preparation of an environmental impact statement. On June 29, 1971 the Secretary of the Interior issued a draft environmental impact statement for a proposed prototype oil shale leasing program which would include the offering of six leases under competitive bidding of 5,120 acres each, two each in Colorado, Utah and Wyoming.

The six leases discussed will support a combined production level of no more than 250,000 barrels per day. A final environmental impact statement on the proposed program is nearing completion. If a decision is reached to proceed with the proposed program based on the environmental analysis, lease sales can be held during the summer of 1973. Stringent environmental regulations will be incorporated into any such program, including provisions to monitor changes in the existing environment. Additional oil shale leasing will not be considered until the environmental impact of prototype development has been fully evaluated.

Oil shale is the most significant energy resource known to exist in the world, with possible resources exceeding 2 trillion barrels of hydrocarbons contained in the sedimentary formations of the Rocky Mountain States, in Colorado, Utah, and Wyoming. An estimated 600 billion barrels of oil could be commercially produced from oil shale under technological development already achieved, of which 80 billion barrels are easily accessible.

Of the 11 million acres of land containing oil shale deposits considered to be potentially of commercial value, some 8.3 million acres (about 72%) are owned by the Federal Government. These are primarily "public lands" managed for multiple-use purposes by the Department of the Interior.

Of the two options to producing oil shale, only surface and subsurface mining with retort processing are believed to have been advanced to the point where it may be possible to scale up to commercial production in this decade. *In situ* (or in place) processing is in the experimental phase and commercial application of this technique cannot be expected prior to 1980.

By the mid-1980's, oil shale could contribute approximately one million barrels of oil per day to help meet the nation's growing demands for energy. The ultimate potential has not yet been established, but could exceed several millon barrels per day.

COAL

The President discussed several factors related to national coal production and use in the Energy Message, including the Clean Air Act, mining legislation, and coal research.

In 1972, production of bituminous coal and lignite is estimated at 590 million tons, compared with 603 million tons in 1970. Of the 1972 production, about 57 million tons were exported and about 88 million tons were used for metallurgical purposes, leaving about 445 million tons for use as steam coal in domestic boilers. About four-fifths of this domestic steam coal is burned in power plants.

The President is committed to maintaining a strong industry to produce our most abundant domestic fossil fuel. At present rates of consumption, known reserves could supply the nation's energy needs for at least 300 years, and yet coal presently supplies less than 20% of our energy demands. Production has remained relatively level over the past several years despite rapidly increasing energy requirements. This stagnation has been attributed to some degree to health and safety standards, environmental restrictions on the sulphur content of coal, possible restrictions on strip mining, and until recently, price controls.

Current coal production is split roughly evenly between surface mined and deep mined coal. As of 1972, 4 million acres of land had been disturbed by surface mining, over half of which was unreclaimed. Coal mining may also result in serious damages to water, land, and property due to acid mine drainage.

The President earlier discussed his proposed Mined Area Protection Act in the Natural Resources and Environment Message on February 15, 1973. That bill would establish Federal requirements and guidelines to regulate the environmental consequences of surface and underground mining. The bill calls for stringent standards for mining and reclamation and encourages reworking and reclamation of previously mined areas. In any state that does not enact the necessary regulations or enforce them, the Federal Government would be authorized to do so.

The Clean Air Act affects coal production and utilization because of Federal and state standards on emissions of sulphur oxides. Under the Act, EPA set ambient air quality standards to limit sulphur oxides as well as other pollutants in the air. Primary standards are set to eliminate health damages from air pollution and must be met generally by mid-1975. Secondary standards are set to eliminate welfare damages to plants, materials, and property and must be met within a reasonable time.

The states in complying with the Clean Air Act set regulations on the sulphur oxide emissions from fuel combustion sources to meet air quality standards. Each state has different regulations and in about half the states, regulations vary from region to region. In many cases the state plans were designed to meet both primary and secondary air quality standards simultaneously in 1975, although the Act allows for a reasonable time to meet secondary standards. Many states set stringent sulphur oxide emission limitations in areas already meeting both primary and secondary ambient air quality standards.

If all state regulations were put into effect by 1975, roughly one-third of our present steam coal production could not be burned

without sulphur removal equipment. If all of this coal were to be displaced, about 26,000 miners would be out of work.

Utilities have several alternatives for compliance with the state regulations, the most significant of which are burning low sulphur fuels and installation of stack gas cleaning equipment. Increased low sulphur coal production can be attained from accelerated production from existing mines or by opening new mines. The regions where such low sulphur fuel would be mined include Appalachia where most current production of low sulphur coal exists, and in the states west of the Mississippi which have vast, largely untapped reserves.

Stack gas cleaning technology is being rapidly developed. Two stack gas cleaning installatons in Japan have shown high efficiency of sulphur oxide removal and very little lost operating time. These units were developed by U.S. manufacturers. Nine U.S. stack gas cleaning units have been installed in this country, and these are in various stages of solving operating problems. Nineteen additional installations are currently planned or under construction. This technology should begin to become available in relatively small quantities to help meet clean fuel needs in 1975.

The President has urged the states to adopt the policy of the EPA Administrator announced last December to delay implementation of state secondary sulfur oxide regulations beyond 1975 where stringent controls are not needed to meet primary standards. Roughly 40% of current coal consumption occurs in areas already meeting both the primary and secondary standards. This action will insure that limited supplies of clean fuels and sulphur removal technology will be utilized first in areas which need them to meet health protective standards. It should also allow continued use of existing high sulphur coal supplies to meet energy needs until sulphur removal equipment is available in greater quantities.

GEOTHERMAL ENERGY

Geothermal energy is the natural heat of the earth. Water and steam serve to transfer the heat to the earth's surface. These areas of heat concentration may be tapped and utilized as a source of energy.

The present uses of geothermal resources include power generation, space heating and industrial processing. There are a few facilities in operation worldwide which utilize geothermal steam for electric energy, particularly in Europe. In the United States, the Geysers area in California presently has a 298 megawatt (MW) electric generation facility supplying about one-third of the electric power needs of San Francisco and plans are being developed for additional facilities of 404 MW and 510 MW.

About 1.8 million acres of land in our western states have now been classified as being within Known Geothermal Resources Areas (KGRA's), according to the U.S. Geological Survey. An additional 96 million acres are listed as having prospective value for geothermal resources.

Geothermal energy could contribute significantly to our future power needs at the local level. Nationally, geothermal energy will be less significant because our resources are located only in the western states.

It is anticipated that about 4,000 MW of geothermal electrical capacity will be available by the year 1985, less than 0.1% of our total energy needs. By the year 2000, geothermal energy is expected to contribute as much as 1.5% of our total energy needs. Technological breakthroughs may increase the contribution of geothermal energy to our total power supply.

The Geothermal Steam Act of 1970 was signed by the President on December 24, 1970. This Act provides for the leasing of public lands for geothermal resource development under the management of the Department of the Interior. The Administration's program, as emphasized in the President's Energy Message of June 4, 1971, is intended to provide for the utilization of geothermal resources under environmentally safe conditions and sound resource management practices.

It is expected that the leasing of geothermal resources on public lands will stimulate development of this resource. The Department of the Interior is making progress in the preparation of the environmental statement for the geothermal leasing program and the proposed geothermal development and operating regulations. It is anticipated that the final environmental statement will be issued in the near future. If it is decided to proceed with the program, competitive leases incorporating environmentally safe operating and development practices may be offered within a few months after publication of the final environmental statement.

NUCLEAR POWER

The world's first nuclear reactor achieved initial operation in Chicago on December 2, 1942, launching a new technology. The Atomic Energy Commission, organized in 1946 to direct the nation's nuclear programs, proceeded with reactor development and in 1951 an experimental unit produced for the first time a small amount of electric power. Three years later, the AEC formally inaugurated a developmental effort looking toward commercial power reactors. In 1957 the Shippingport (Pa.) plant began operation as the first reactor producing power for commercial consumption.

In the 1950's several utilities began building reactors in the 200,000 kilowatt (KW) size range. The next scale up, to 400,000 to 500,000 KW, came in the early 1960's and by the late 1960's reactors on order had advanced to the 1,000,000 KW size as utilities took advantage of improvements in the economics of larger plants.

At present, 30 nuclear power plants are in operation, 60 are under construction, and 75 others have been ordered.

With 150 reactor years of operating experience in the United States, the safety of nuclear power has been clearly proved.

Nuclear power, now providing about 4% of the nation's electricity, will account for up to 25% by 1985, and up to 60% by the end of the century. Thus, the current nuclear capacity of about 14,700,000 KW is expected to grow to 1,200,000,000 KW by the year 2000.

The AEC has major developmental programs underway in the energy field—the fast breeder reactor, which holds the promise of making reserves of uranium fuel last for centuries, and controlled thermonuclear fusion, which if harnessed in a reactor, would use the virtually limitless supplies of deuterium in seawater as fuel.

MANDATORY OIL IMPORT PROGRAM

A voluntary oil import program was begun in 1957. The Mandatory Oil Import Program was initiated in 1959 on the basis of a national security finding to limit low priced imports, thus providing protection for development of higher cost U.S. production and refining capacity. It was clear that, without regulation, market forces would encourage U.S. integrated oil companies to exploit cheaper foreign reserves of crude oil despite the risk of disruption to supply. This, in turn, could jeopardize the viability of the U.S. domestic oil industry. In the 1960's the program did serve a useful purpose, maintaining a healthy domestic petroleum industry which could not have survived in direct competition with low cost Middle Eastern imports.

Within the industry, the independent refiners, terminal operators, jobbers and marketers have historically all received the great majority of their supplies (crude or products) from the major oil companies, not other independents. Sale of import licenses (tickets) is prohibited under the program. Exchanges of tickets, however, have been common. Exchanges of tickets were attractive to both parties, i.e., inland independent refiners used domestic crude produced by the major oil companies and the major oil companies imported and refined the foreign crude using the inland refiners' tickets.

In 1972, prorationing reached the 100% level; U.S. production capacity had peaked and began declining. Between 1969 and 1972, total oil imports rose by 52% to 4.7 million barrels per day. Imports for 1973 of both crude oil and products are projected at 6.0 million barrels per day. In early 1972, landed foreign crude prices were still lower than domestic prices and the sum of domestic production plus imports was equal to demand. The ticket still had value and could be traded, thus facilitating full operation of inland, independent refineries and providing ample products for the independent marketers.

In 1973, landed foreign crude and product prices rose significantly. This was due to increased OPEC ownership participation in production companies, devaluation of the dollar, high tanker rates, and high spot market prices for scarce low sulphur fuels. With increased ticket allocations (56% increase in 1973), there is now no shortage of tickets. These two factors have made import tickets of little or no value. Under these circumstances, some major oil companies have been less willing to trade tickets. Thus, many independent refiners and marketers have had problems obtaining supplies.

To respond to the need for increasing importation of crude oil and products, the President in 1972 raised the import quota levels twice to ensure adequate supplies. Quotas were totally lifted on heating oil in December, 1972, until April 30, 1973, and the 1973 import quota is 56% higher than in 1972. In addition, in March of this year, the President removed all limitations on the amount of import licenses which can be issued by the Oil Import Appeals Board (OIAB). The OIAB now issues these licenses to any party, usually a refiner, terminal operator, or marketer, based on hardship. These actions, coupled with the longer range actions announced today, are expected to reduce the possible near term fuel shortages.

The President has instituted the most sweeping changes since the Program was begun in 1959. The Program is being restructured to meet both the current needs for fuels at the lowest cost to the consumer by removing the current tariffs, while at the same time, providing longer term stability and additional incentives for increased domestic exploration and production and new refinery construction and expansion by providing for license fees to be imposed on imports above the 1973 levels.

Those presently holding tickets under the 1973 program will be able to trade these valuable, license fee exempt import licenses for domestic crude oil or products. This should help alleviate some of the current distribution problems affecting primarily the inland independent refiners and marketers. The license fee exempt import rights will be phased out over seven years, to minimize Federal involvement and provide for more efficient market operation. The President also announced specific provisions to stimulate the construction of domestic refineries and plans to provide for increased storage to minimize the impact of possible supply interruptions.

DEEPWATER PORTS

There are at least 60 ports or buoy facilities currently in operation worldwide which are capable of handling ships of 175,000 deadweight tons (DWT) or more. These facilities generally have water depths of at least 80 feet. There are no ports in the United States now capable of handling these large ships; consequently, the U.S. is currently not able to benefit directly from the significant economic savings and environmental benefits from the use of offshore ports and supertankers.

With a few exceptions, the United States has a shallow continental shelf and no natural deepwater harbors. Most major U.S. ports are currently dredged to depths between 35 and 45 feet. It is generally not feasible to build deepwater ports in the United States by dredging or improving existing harbors. Thus, most deepwater ports would have to be built offshore beyond state waters in international waters, sometimes at distances of twenty or thirty miles from the shoreline.

At the end of 1971, more than one-fourth of the world's total oil-carrying capacity consisted of ships in the 175,000 DWT class and over. A total of 223 such ships were in operation and 321 more were on order. New orders represent approximately 50% of existing tanker tonnage of all registries.

Total tanker arrivals for the 48 contiguous states in 1971 was 67,770, with 56,700 (84%) of these in Petroleum Administration District I (PAD I) which is the Eastern Seaboard. West Coast arrivals totaled 4,420 and Gulf Coast arrivals were 6,650. Most of the shipments were products from the Gulf Coast and the Caribbean to PAD I. The average size of the ships currently carrying imported crude is about 29,000 DWT.

By 1980, Eastern Seaboard (PAD I) imports of foreign oil by very large crude carriers (VLCC) are expected to average between 1 and 3.5 million barrels per day, virtually all of which will come from Africa or the Persian Gulf. If the U.S. does not rapidly develop deepwater port capability, foreign transshipment terminals in the Bahamas and the Canadian Maritime Provinces will probably be developed by U.S. and foreign companies. The U.S. will then be serviced by increasing numbers of small and medium sized transshipment vessels, increasing the risks of pollution from vessel casualties and operations and requiring expansion of conventional port facilities.

Significant economies can be achieved from use of larger vessels. Dollar per ton freight costs could be reduced nearly 30% by increasing tanker size from 65,000 to 250,000 DWT. Greater economies can be realized utilizing bigger ships.

The environmental advantage of offshore deepwater ports is that they reduce the risks of collision and grounding and minimize the probability that spilled oil will reach beaches or estuaries. The most valid environmental concern involves the impact of primary and secondary economic development, such as refineries and petrochemical plants, associated with the port. These risks are recognized and can be controlled through land use planning and adequate local zoning. Dispersion of facilities versus concentration with only a few ports would probably significantly reduce the environmental impact on any particular region.

The President has proposed legislation which will provide authority for the Secretary of the Interior, in consultation with other concerned Federal agencies and state governments, to issue a license in waters beyond state jurisdiction for the construction and operation of deepwater ports. The legislation is intended to simply provide a complete legal regime for licensing beyond the three mile limit, under strict environmental safeguards and with provisions for navigation and safety. The President recognizes the importance of the states in developing ports and associated onshore facilities. The legislation does not preempt state authority, but extends state laws to any deepwater port licensed by the Department of the Interior, as long as those laws are not in conflict with Federal laws.

The President's legislation makes provision for issuance of the necessary license for the rights-of-way for an associated pipeline by amending the Outer Continental Shelf Lands Act (OCSLA). Under the OCSLA, the Secretary of the Interior currently grants rights-of-way for pipelines constructed to bring oil and gas ashore from offshore drilling operations.

ENERGY CONSERVATION

Current Federal energy conservation programs are diffused in many Federal departments and agencies. The President has directed the establishment of an Office of Energy Conservation within the Department of the Interior. That Office will coordinate Federal energy conservation programs, conduct research on issues related to energy conservation, and work to educate the public on energy efficiency and costs.

Energy demand is growing more rapidly than in the past, now at levels of 4.8% annually. Some sectors, such as consumption of fuels for electricity and transportation, are growing at significantly faster rates. Besides the impact of the continually increasing U.S. standard of living and the availability of more labor saving devices to more Americans, environmental regulations have significantly increased energy consumption. This is particularly apparent with the automobile, where pollution control devices have reduced engine operating efficiencies.

The President directed the Department of Commerce, in cooperation with the Council on Environmental Quality and the Environmental Protection Agency, to develop a voluntary labeling program which would apply to major energy-consuming home appliances, automobiles and auto accessories. Automobiles and home appliances account for approximately 20% of current energy demand. Manufacturers could voluntarily display labels providing data on energy use, as well as a rating based on the product's efficiency relative to other similar projects. Standard testing procedures for appliances would be developed by the National Bureau of Standards and for autos by the Environmental Protection Agency. As a first step toward this goal, the Environmental Protection Agency will shortly release the results of its tests of automotive efficiency.

In the last two years, the President has twice directed the Department of Housing and Urban Development to strengthen FHA insulation requirements for single and multifamily housing. The President has now directed HUD to evaluate extension of insulation standards to mobile homes.

The President directed all Federal agencies to develop programs to conserve energy. These programs include building design and construction, procurement of energy conserving products and through taking into account the energy impacts of their major actions. The new Office of Energy Conservation will work closely with the Federal agencies to implement this directive.

The General Services Administration is constructing a new Federal office building in Manchester, New Hampshire, using advanced energy conservation techniques. The GSA has established a goal of reducing energy use by 20% over typical buildings of the same size. The National Bureau of Standards is now evaluating energy use in an actual full size house in its laboratories in Gaithersburg, Maryland. When this evaluation is complete, analytical techniques will be available to help predict energy use for new structures. This effort, combined with the experience gained in the construction and operation of the demonstration Federal building, will provide guidance for construction of Federal buildings and assist architects and contractors to help them conserve energy.

ENERGY RESEARCH AND DEVELOPMENT

The President indicated today that funding for energy R&D would continue to be monitored carefully and when additional funds are essential those funds would be provided.

A detailed summary of the specific programs is attached. The highlights of the President's energy R&D program follow.

Coal. The President's FY '74 budget includes a 27% increase to $120 million for coal R&D—or a 300% increase since 1970. Additional funds to be requested would further increase this level. Major programs at the Department of the Interior to expand the use of coal in a manner compatible with the environment are:

Liquefaction and precombustion removal of pollutants.

High BTU coal gasification to produce pipeline quality gas.

Low BTU coal gasification for industrial and utility use.

Nuclear Fission. The FY '74 budget provides for a $63 million increase for AEC's nuclear fission R&D programs.

Highlights are:

A $51 million increase to maintain the pace of the Liquid Metal Fast Breeder Reactor program toward the goal of commercial demonstration by 1980.

An 11% increase in R&D to further ensure the safety of the current generation of light water reactors.

Nuclear Fusion. The AEC's thermonuclear fusion program is increased 35% to $88 million in the FY '74 budget. This program includes:

A 19% increase to develop controlled thermonuclear fusion reactors through magnetic confinement.

A 59% increase to develop the capability to initiate a thermonuclear reaction using a high powered laser.

Solar Energy. The solar energy program would triple, from $4 million in FY '73 to $12 million in FY '74. The program will be administered by the National Science Foundation and emphasize the development of solar energy for:

Heating and cooling of buildings.

Producing and converting organic materials to fuels.

Generating electricity.

Additional Environmental Control R&D. In addition to the substantial efforts to develop cleaner fuel from coal, the FY '74 budget provides for a 24% increase, from $38 to $47 million, for other environmental control research with expected near-term benefits. This inclues a construction of the TVA demonstration SO_x removal plant as well as continued R&D aimed at minimizing the thermal effects of power plants.

Other R&D Programs. Other energy R&D programs include:

An accelerated effort in utilization of geothermal energy.

Development of magnetohydrodynamic (MHD) devices, in cooperation with the Soviet Union, to produce electric power more efficiently from heat.

Electric Utility Participation. The President also cited the importance of non-Federal energy R&D and noted with pleasure the formation of the Electric Power Research Institute. He indicated that this utility R&D organization, with a budget in 1974 exceeding $100 million, would provide additional capability to accelerate and influence the development of energy technology. The President also urged all State utility commissions to consider permitting increased R&D expenditures to be included in utility rate bases.

INTERNATIONAL

The President called for greater cooperation between all nations on energy matters. He specifically noted the need for consuming nations to cooperate to ensure that ample supplies are available to all nations.

Most of the world's oil producing nations have been organized into a cartel of 1960 called the Organization of Petroleum Exporting Countries (OPEC).* The member nations provide over 90% of the world's current oil trade and 75% of the free world oil reserves. Revenues to these nations in 1970 were approximately $7 billion; and are growing.

In early 1972 the exporting states won special price increases from the companies to compensate for devaluation of the U.S. dollar and will receive similar increases in 1973. Recently, the oil companies accepted the host goevrnments as partners in petroleum operations. Under the agreements worked out for the Persian Gulf states, government equity in the properties will rise in steps from an initial 25% to 51% by 1982.

The United States currently imports approximately 6.0 million barrels per day of crude oil and petroleum products. The products, approximately 2.2 million barrels per day, are mostly residual fuel oil for the Eastern Seaboard (2.3 million barrels per day). U.S. imports by source can be summarized as follows:

U.S. OIL IMPORTS (CURRENT—BY SOURCE OF ORIGIN)

	Barrels per day (million)	Percent
Canada	1.2	20
Other Western Hemisphere	2.3	38
Eastern Hemisphere	2.5	42
Total	6.0	33

[1] Percent of demand.

The nations of Western Europe and Japan are highly dependent on foreign sources of supply for fuels, particularly the Middle East.

INTERNATIONAL IMPORT SUMMARY

[Million barrels per day]

	1972	Estimate, 1973	Estimate, 1980	Current dependence on oil (percent)
United States	4.7	6.0	10–12	46
Western Europe	14.4	15.5	22–26	60
Japan	5.0	5.5	10–13	75

The United States meets regularly with these other consuming nations, including Canada and Australia, as a member of the Organization for Economic Cooperation and Development (OECD).

The entire world faces energy-related problems similar to those faced by the United States, although this nation is more fortunate than many with vast reserves of fossil fuels. The President proposed greater international cooperation in solving these problems through research and development. He cited the recent agreements with the Soviet Union to exchange information on fusion, fission, electric generation, transmission and pollution control technology and to jointly pursue research in magnetohydrodynamics (MHD).

ENERGY ORGANIZATION

In March 1971, the President proposed legislation to create a Department of Natural Resources which would have included important energy policy functions and programs. The 92nd Congress did not act on that proposal.

The President has announced a number of changes by executive action better to focus and implement Federal energy programs and coordinate energy matters which affect many agencies and involve both domestic and international considerations. In addition, he will propose shortly new organizational arrangements which require Congressional approval.

Steps taken by the President include:

Established a Special Energy Committee composed of his Assistants for Domestic Affairs, Foreign Affairs, and Economic Affairs.

Appointed a Special Consultant to the President for energy matters who heads a staff in the Office of the President to support the Special Energy Committee.

Issued, today, an Executive Order formalizing the Energy Committee and reaffirming the appointment and role of his Special Consultant for Energy.

Appointed in January 1973 the Counsellor to the President for Natural Resources who coordinates a broad range of domestic natural resources, environment and energy matters.

Directed the Secretary of the Interior to strengthen his Department's organization for energy activities. Actions accomplished to date or planned include creation of a new position with the title of Assistant Secretary for Energy and Minerals, a new Office of Energy Conservation, and increased capability for energy data and analysis. Capabilities for overseeing and coordinating energy R&D are being strengthened.

Placed authority in the Department of Treasury for direction of the Oil Policy Committee, which committee coordinates the oil import program and recommends changes in the program to the President.

These actions will help improve the ability of the Executive Branch to develop, implement and coordinate energy programs, but they are largely interim steps. More fundamental changes are needed and the President will submit legislation to the Congress establishing a Department of Energy and Natural Resources (DENR). This legislation will modify the President's 1971 proposal for DNR to provide more emphasis for energy policy and management.

*The charter members were Iran, Iraq, Kuwait, Saudi Arabia, and Venezuela. Joining later were Qatar (1961), Libya and Indonesia (1962), Abu Dhabi (1967), Algeria (1969), and Nigeria (1971).

FEDERAL ENERGY R. & D. FUNDING

	Agency[1]	Fiscal year— 1970	1971	1972	1973	1974
Coal resources development		30.4	49.0	73.5	94.5	119.9
Production and utilization R. & D., including gasification, liquefaction, and MHD	DOI-OCR	13.5	18.8	30.3	43.5	52.5
	DOI-BOM	13.2	15.4	14.7	19.8	18.1
Mining health and safety research	DOI-BOM	3.7	14.8	28.5	31.2	28.3
Interior central fund (part)	DOI					21.0
Petroleum and natural gas		8.8	11.5	12.9	12.8	9.1
Petroleum extraction technology	DOI-BOM	2.7	2.7	3.2	3.1	3.1
Nuclear gas stimulation	AEC	3.7	6.1	7.1	7.2	4.0
Oil shale	DOI-BOM	2.4	2.7	2.6	2.5	2.0
Nuclear fission		283.4	295.2	358.0	412.0	475.4
Liquid metal fast breeder reactor	AEC	144.3	167.9	236.0	269.0	320.0
	TVA			.2	3.0	3.0
Other civilian nuclear power	AEC	108.5	96.6	86.8	98.0	90.5
Nuclear materials process development	AEC	30.6	30.7	35.0	42.0	61.9
Nuclear fusion		37.5	42.2	52.8	65.5	88.5
Magnetic confinement	AEC	34.3	32.2	33.3	39.6	47.3
Laser	AEC	3.2	10.0	19.5	25.9	41.2
Solar energy	NSF			1.7	4.2	12.2
Geothermal energy		.2	.2	1.4	3.4	4.1
	NSF			0.7	0.7	1.4
	DOI-GS	0.2	0.2	.7	2.5	2.5
	DOI-BOM				.2	.2
Electrical generation, transmission and storage			1.3	2.2	4.9	4.1
	NSF		.5	1.3	2.4	.9
	DOI		.8	.9	1.0	1.0
	AEC				1.5	2.2
Control technology (stationary sources)				28.6	38.1	47.5
Air pollution control technology	EPA	19.8	17.4	24.5	29.5	21.5
SOX removal	TVA			1.1	3.0	18.0
Thermal effects	EPA	.8	.6	.7	1.0	1.0
	AEC	1.5	1.8	2.3	4.6	7.0
Miscellaneous				6.3	6.9	11.0
Systems and resource studies	NSF			4.4	5.3	5.3
Energetics research	NSF			1.9	1.6	1.7
Interior central fund (part)	DOI					4.0
Total research and development		382.4	419.2	537.4	642.3	771.8
Recap by agency:						
Atomic Energy Commission		326.1	345.3	420.0	487.8	574.1
Environmental Protection Agency		20.6	18.0	25.2	30.5	22.5
National Science Foundation			.5	10.0	14.2	21.5
Department of the Interior		35.7	55.4	80.9	103.8	132.7
Tennessee Valley Authority				1.3	6.0	21.0

[1] Agency codes: AEC—Atomic Energy Commission; DOI-BOM—Department of the Interior, Bureau of Mines; DOI-GS—Department of the Interior, Geological Survey; DOI-OCR—Department of the Interior, Office of Coal Research; NSF—National Science Foundation; and TVA—Tennessee Valley Authority.

MODIFYING PROCLAMATION 3279, RELATING TO IMPORTS OF PETROLEUM AND PETROLEUM PRODUCTS, PROVIDING FOR THE LONG-TERM CONTROL OF IMPORTS OF PETROLEUM AND PRODUCTS THROUGH A SYSTEM OF LICENSE FEES AND PROVIDING FOR GRADUAL REDUCTION OF LEVELS OF IMPORTS OF CRUDE OIL, UNFINISHED OILS AND FINISHED PRODUCTS BY THE PRESIDENT OF THE UNITED STATES OF AMERICA, A PROCLAMATION

The Chairman of the Oil Policy Committee maintains a constant surveillance of imports of petroleum and its primary derivatives in respect to the national security.

He informs me that, in the course of his surveillance, he has reviewed the status of imports under Proclamation 3279, as amended, of petroleum and its primary derivatives in their relation to the national security and that further Presidential action under section 232 of the Trade Expansion Act of 1962, as amended, is required.

He recommends, after consultation with the Oil Policy Committee, that the method of adjusting imports of petroleum and petroleum products be modified by immediately suspending tariffs on imports of petroleum and petroleum products and by shifting to a system whereby fees for licenses covering such imports shall be charged and whereby such fees may be adjusted from time to time, as required in order to discourage the importation into the United States of petroleum and petroleum products in such quantities or under such circumstances as to threaten to impair the national security; to create conditions favorable, in the long range, to domestic production needed for projected national security requirements; to increase the capacity of domestic refineries and petro-chemical plants to meet such requirements; and to encourage investment, exploration, and development necessary to assure such growth.

The Chairman informs me further, that the levels of imports heretofore fixed in calendar year 1973, with respect to Districts I–IV, District V, and Puerto Rico, reflect application of the established policy that for each such area the maximum level of imports shall be the difference between estimated supply and estimated demand, and that he finds that such levels of imports should be continue to be permitted without payment of the fees otherwise provided for in this proclamation.

I agree with the recommendations of the Chairman, and I deem it necessary and consistent with the national security objectives of the Trade Expansion Act of 1962, as amended, that provision be made for a gradual transition from the existing quota method of adjusting imports of petroleum and petroleum products to a long-term program for adjustment of imports of petroleum and petroleum products through the suspension of existing tariffs and the institution of a system of fees applicable to imports of crude oil, unfinished oils, and finished products, which fees may be adjusted from time to time.

Now, therefore, I, Richard Nixon, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and laws of the United States, including section 232 of the Trade Expansion Act of 1962, do hereby proclaim that, effective as of this date, that portion of Proclamation 3279, as amended, beginning with section 1 thereof, is hereby amended to read as follows:

"Sec. 1(a) In Districts I–IV, in District V, and in Puerto Rico, no crude oil, unfinished oils, or finished products may be entered for consumption or withdrawn from warehouse for consumption, except (1) by or for the account of a person to whom a license has been issued by the Secretary of the Interior pursuant to an allocation made to such person by the Secretary in accordance with regulations issued by the Secretary, and such entries or withdrawals may be made only in accordance with the terms of such license, or (2) as authorized by the Secretary pursuant to paragraph (b) of this section, or (3) as to finished products by or for the account of a department, establishment, or agency of the United States, which shall not be required to have such a license but which shall be subject to the provisions of paragraph (c) of this section, or (4) as provided in paragraph (c) of this section, or (5) as otherwise provided in this proclamation.

(b) The Secretary of the Interior may, in his discretion, authorize entries, without allocation or license, of small quantities of crude oil, unfinished oils, or finished products.

(c) In Districts I–IV, District V, and in Puerto Rico, no department, establishment, or agency of the United States shall without prior payment of the fees provided for in this proclamation, import finished products in excess of the respective allocations made to them by the Secretary of the Interior. Such allocations shall, except as otherwise provided in this proclamation, be within the maximum levels of imports established in section 2 of this proclamation:

(d) The Secretary may, by regulation, provide that no allocation or license shall be required in connection with the transportation to the United States by pipeline through a foreign country of crude oil, unfinished oils, or finished products produced in the customs territory of the United States or, in the event of commingling with foreign oils of like kind and qualities incidental to such transportation, of quantities equivalent to the quantities produced in and shipped from such customs territory."

"Sec. 2(a) Except as otherwise provided in this proclamation, the maximum level of imports, from sources other than Canada and Mexico which may be made without prior payment of the fees provided in this proclamation, of crude oil, unfinished oils, and finished products (other than residual fuel oil to be used as fuel) shall be:

(1) for Districts I–IV, 1,992,000 average barrels per day per calendar year: *Provided*, That, in addition to the foregoing, there may be imported into District I an average of 50,000 barrels per day of No. 2 fuel oil, manufactured in the Western Hemisphere from crude oil produced in the Western Hemisphere under allocations made by the Secretary, pursuant to regulations of the Secretary, to deepwater terminal operators currently receiving allocations and who do not have crude oil import allocations into Districts I–IV; *Provided Further*, That, whenever the Chairman of the Oil Policy Committee finds that, because of supply, price, or other considerations, the requirement that No. 2 fuel oil be manufactured in the Western Hemisphere from crude oil produced in the Western Hemisphere is unduly restricting the availability of such oil for importation into District I and is not required for the national security, he shall so advise the Secretary who shall then suspend such requirement by appropriate regulation. No such suspension shall be renewed except upon a new finding by the Chairman as required by the preceding sentence; *Provided Further*, That, the Secretary may, by regulation, provide that a holder of an allocation for the importation of No. 2 fuel oil may import crude oil produced in the Western Hemisphere in lieu of No. 2 fuel oil, barrel for barrel, and exchange such crude oil for No. 2 fuel oil.

(2) for District V, 670,000 average barrels per day per calendar year.

(3) for Puerto Rico 227,221 average barrels per day per year commencing April 1, 1973; *Provided*, That no person who manufactures in Puerto Rico No. 2 fuel oil from crude oil produced in the Western Hemisphere shall incur a reduction of an allocation or be deemed to have violated a condition of an allocation by reason of a shipment of such oil to a person who holds an allocation of imports of No. 2 fuel oil into District I and who does not have a crude oil import allocation into District I; *Provided Further*, That, this limitation shall not apply to long-term allocations of imports into Puerto Rico.

(4) for District I, 2,900,000 average barrels per day per year, commencing April 1, 1973, of residual fuel oil to be used as fuel.

(5) for Districts II–IV, 42,000 average barrels per day per calendar year of residual fuel oil to be used as fuel.

(6) for District V, 75,600 average barrels per day per calendar year of residual fuel oil to be used as fuel.

(b) Imports of asphalt, ethane, propane, and butanes shall not be subject to the level established in this proclamation nor shall any allocation or license be required for their importation.

(c) Crude oil may be imported into District I to be topped for use as burner fuel under such conditions as the Secretary may, by regulation, provide. The quantities of crude oil, unfinished oils, and finished products that may be imported into the United States under the provisions of this proclamation shall not be reduced by reason of imports of crude oil used as fuel under this paragraph.

(d) (1) Except as otherwise provided in this proclamation, the maximum levels of imports from Canada of crude oil and unfinished oils to which license fees are not applicable shall be:

(i) for Districts I–IV, 960,000 average barrels per day per calendar year; *Provided*, That, the Secretary may, within the limits established by subparagraph (1) of paragraph (a) of this section, increase the quantity of crude oil, unfinished oils, and finished products which may be imported from Canada so long as such increase is consonant with the purposes of this proclamation.

(ii) for District V, 280,000 average barrels per day per calendar year; *Provided*, That, the Secretary may, within the limits established by subparagraph (1) of paragraph (a) of this section, increase the quantity of crude oil, unfinished oils, and finished products which may be imported from Canada so long as such increase is consonant with the purposes of this proclamation.

(2) Entries for consumption of imports from Canada by pipeline may be made until midnight January 15 of the calendar year following the calendar year in which any license authorizing such imports from Canada was issued.

(e) Except as otherwise provided in this proclamation, the maximum level of imports from Mexico of crude oil produced in Mexico and unfinished oils and finished products produced in Mexico wholly from Mexican crude oil shall be 32,500 average barrels per day per calendar year.

(f) The levels established, and the total demand referred to, in this section do not include free withdrawals by persons pursuant to section 309 of the Tariff Act of 1930, as amended (19 U.S.C. 1309), or petroleum supplies for vessels or aircraft operated by the United States between points referred to in said section 309 (as to vessels or aircraft, respectively) or between any point in the United States or its possessions and any point in a foreign country.

"Sec. 3(a) Effective May 1, 1973, the Secretary shall, by regulation, establish a system of fees for licenses issued under allocations of imports of crude oil, unfinished oils, and finished products, over the above levels of imports established by section 2 of this proclamation. Such regulations shall require, among other appropriate provisions, that such fees shall be:

FEE SCHEDULE

[Cents per barrel]

	May 1, 1973	Nov. 1, 1973	May 1, 1974	Nov. 1, 1974	May 1, 1975	Nov. 1, 1975
Crude	10½	13	15½	18	21	21
Motor gasoline	52	54½	57	59½	63	63
All other: Finished products and unfinished oils (except ethane, propane, and butanes)	15	20	30	42	52	63

Provided, That, license fees paid for imports of crude oil or unfinished oils will be refunded to the extent that such crude oils or unfinished oils have been incorporated into petrochemical or finished products subsequently exported or that asphalt as defined in this proclamation was produced from the imported feedstocks.

(b) Except for allocation and licenses to which the license fee is not applicable, applications for allocations of imports of crude oil, unfinished oils, or finished products shall be accompanied by the applicant's certified check or a cashier's check payable to the order of the Treasurer of the United States in the appropriate amount chargeable pursuant to this section. Applications not accompanied by a certified or cashier's check in the amount required shall not be considered.

(c)(1) All monies received by the Secretary under the terms of paragraph (b) of this section shall be held by the Secretary of the Interior in a suspense account and may be drawn upon by the Secretary for the payment of any refunds of refundable license fees and for payments to Puerto Rico of sums collected by way of license fees for imports into Puerto Rico. Balances remaining in such suspense account not required for payment hereinabove provided shall be deposited at the end of each fiscal year in the Treasury of the United States and credited to miscellaneous receipts.

(2) Refunds pursuant to subparagraph (1) of paragraph (c) of this section shall be made without interest."

"Sec. 4(a) The Secretary of the Interior is hereby authorized to issue regulations for the purpose of implementing this proclamation.

(b)(1) With respect to the allocation of imports of crude oil and unfinished oils into Districts I–IV and into District V, such regulations shall provide for a fair and equitable distribution of allocations of imports for which license fees are not applicable among eligible persons having refinery capacity in relation to refinery inputs or in relation to storage capacities of such allocation holders. The Secretary may, by regulation, also provide for the making of allocations of imports for which license fees are not applicable, of crude oil and unfinished oils into Districts I–IV and into District V to persons having petrochemical plants in these districts in relation to the outputs of such plants or in relation to inputs to such plants. Provision may be made in the regulations for the making of such allocations on the basis of graduated scales. Notwithstanding the levels prescribed in section 2 of this proclamation, the Secretary may also by regulation make such provisions as he deems consonant with the objectives of this proclamation for the making of allocations of imports of crude oil and unfinished oils to which the license fee is not applicable into Districts I–IV and into District V to persons who manufacture from crude oil and unfinished oils and who export finished products and petrochemicals, subject to such designations as the Secretary may make. Notwithstanding the levels established in section 2 of this proclamation the Secretary may make allocations to which license fees shall not be applicable to new, expanded, or reactivated refinery capacity and petrochemical plants for a period of five years from the date such facility comes on stream. Such allocations shall not exceed 75 percent of estimated refinery inputs or the percentage of petrochemical plant inputs applicable.

(2) Such regulations shall provide for the allocations of imports with respect to which license fees are not applicable of crude oil and unfinished oils into Puerto Rico among persons having refinery capacity in Puerto Rico in the calendar year 1964 on the basis of the allocation of crude and unfinished oils received by such persons for the allocation period commencing April 1, 1973; *Provided,* That, in respect of imports for which license fees are applicable, license fees paid for imports of crude oil and unfinished oils into Puerto Rico will be refunded to the extent that such crude oil or unfinished oils have been incorporated into finished products consumed in Puerto Rico or petrochemicals or finished products exported therefrom.

(3) Except for crude oil or unfinished oils imported under license or licenses for which a fee has been charged, or pursuant to specific relief granted pursuant to section 5, such regulations shall require that imported crude oil and unfinished oils be processed in the licensee's refinery or petrochemical plant, except that exchanges for domestic crude or unfinished oils may be made, if otherwise lawful, if effected on a current basis and reported in advance to the Secretary, and if the domestic crude or unfinished oils are processed in the licensee's refinery or petrochemical plant.

(4) With respect to the allocation of imports of finished products (other than residual fuel oil to be used as fuel) in respect of which license fees are not applicable into Puerto Rico, such regulations shall provide, to the extent possible for a fair and equitable distribution of imports of such finished products among persons who were importers of such finished products into Puerto Rico during all or part of the calendar year 1958, or such higher level as the Secretary may have determined to be required to meet demand in Puerto Rico for finished products that would not otherwise have been met, during the calendar year 1973.

(5) With respect to the allocation of imports to which license fees are not applicable of residual fuel oil to be used as fuel in Puerto Rico, such regulations shall, to the extent possible, provide for a fair and equitable distribution of imports of residual fuel oil to be used as fuel among persons who were importers of that product into Puerto Rico during all or part of the calendar year 1958. In addition, the Secretary by regulation may, to the extent possible, provide for a fair and equitable distribution of imports of residual fuel oil to be used as fuel, the maximum sulphur content of which is acceptable to the Secretary (i) among persons who are in the business in the respective districts or Puerto Rico of selling residual fuel oil to be used as fuel and who had inputs of that product to deepwater terminals located in the respective districts or Puerto Rico and (ii) among persons who are in the business in the respective districts or Puerto Rico of selling residual fuel oil to be used as fuel and who have throughput agreements (warehouse agreements) with deepwater terminal operators. With respect to the allocation of imports into District I of residual fuel oil to be used as fuel, such regulations shall, to the extent possible, provide for a fair and equitable distribution of imports of residual fuel oil to be used as fuel (i) among persons who are in the business in District I of selling residual fuel oil to be used as fuel and who have had inputs of that product to deepwater terminals located in District I, and (ii) among persons who are in the business in District I of selling residual fuel oil to be used as fuel and have throughput agreements (warehouse agreements) with deepwater terminal operators. With respect to the allocation of imports of residual fuel oil to be used as fuel into District I, Districts II–IV, District V, and Puerto Rico, such regulations shall also provide, to the extent possible, for the granting of allocations of imports of residual fuel oil to be used as fuel in accordance with procedures established pursuant to section 5 of this proclamation.

(c) Such regulations may provide for the revocation or suspension by the Secretary of any allocation or license on grounds relating to the national security, or the violation of the terms of this proclamation, or of any regulation, allocation, or license issued pursuant to this proclamation.

(d) For the balance of the calendar year 1973, notwithstanding the levels established in section 2 of this proclamation and the provisions of paragraph (b) of this section, the Secretary may provide by regulation for additional allocations of imports in respect of which license fees are not applicable of crude oil and unfinished oils to persons in District I–IV, and District V who manufacture in the United States residual fuel oil to be used as fuel, the maximum sulphur content of which is acceptable to the Secretary, in consultation with the Secretary of Health, Education and Welfare. These allocations to each of such persons shall not exceed the amount of such residual fuel oil manufactured by that person."

"Sec. 5(a) The Secretary of the Interior is authorized to provide for the establishment and operation of an Appeals Board to consider petitions by persons affected by the regulations issued pursuant to this proclamation. The Appeals Board shall be comprised of a representative each from the Departments of the Interior, Justice, and Commerce to be designated respectively by the heads of such Departments.

(b) The Appeals Board may be empowered, subject to the general direction of the Chairman of the Oil Policy Committee, (1) within the limits of the maximum levels of imports established in this proclamation, to modify on the grounds of error any allocation made to any person under such regulations; (2) without regard to the limits of the maximum levels of imports established in this proclamation, (i) to modify, on the grounds of exceptional hardship, any allocation with respect to which license fees are not applicable made to any person under such regulations; (ii) to grant allocations of imports to which license fees will not be applicable of crude oil and unfinished oils in special circumstances to persons with importing histories who do not qualify for allocations under such regulations; and (iii) to grant allocations of imports, to which license fees shall not be applicable, of finished products on the grounds of exceptional hardship; and to assure that adequate supplies of crude oil, unfinished oils, and finished products are made available to independent refiners or established marketers who are experiencing exceptional hardship or in emergencies requiring, in its judgment, the grant of allocations to them, and (3) to review the revocation or suspension of any allocation or license. The Secretary may provide that the Board may take such action on petitions as it deems appropriate and that the decisions by the Appeals Board shall be final.

(c) Effective April 30, 1980, the jurisdiction of the Oil Import Appeals Board shall expire."

"Sec. 6. Persons who apply for allocations of crude oil, unfinished oils, or finished products, persons to whom such allocations have been made, and persons who hold such allocations shall furnish to the Secretary of the Interior such information and shall make such reports as he may require, by regula-

tions or otherwise, in the discharge of his responsibilities under this proclamation."

"Sec. 7. The Chairman of the Oil Policy Committee shall provide policy direction, coordination, and surveillance of the oil import control program, including approval of regulations issued pursuant to this proclamation. He shall perform * * *

"Sec. 8. The Oil Policy Committee shall consist of the Deputy Secretary of the Treasury, as Chairman, and the Secretaries of State, Defense, Interior, and Commerce, the Attorney General, and the Chairman of the Council of Economic Advisers, as members. The President may, from time to time, designate other officials to serve as members of the Committee. The Chairman may create subcommittees of the Committee to study and report to the Committee concerning specified subject matters."

"Sec. 9. The Oil Policy Committee shall consult with and advise the Chairman on oil import policy, including the operation of the control program under Proclamation 3279, as amended, and on recommendations for changes in the program by the issuance of new proclamations with respect to it, or othewise."

"Sec. 10. The Chairman of the Oil Policy Committee shall from time to time and as, in his judgment is required, review the status of imports of petroleum and its primary derivatives in respect to the national security, and, after consultation with the Oil Policy Committee, he shall inform the President of any circumstances which, in the Chairman's opinion, might indicate the need for further Presidential action under section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862), as amended. In the event prices of crude oil or its products or derivatives should be increased after the effective date of this proclamation, beyond the limits contemplated by the Cost of Living Council, such review may include a determination as to whether such increase or increases are necessary to accomplish the national security objectives of section 232 of the Trade Expansion Act of 1962, as amended, and this proclamation."

"Sec. 11 Annually, beginning May 1, 1974, the maximum levels of imports subject to allocation and license, to which license fees shall not be applicable, shall be reduced as follows:

For the year commencing May 1, 1974, the maximum levels of such imports shall be ninety percent (90%), in barrels per day, of the levels established during the calendar year 1973;

For the year commencing May 1, 1975, the maximum levels of such imports shall be eighty percent (80%), in barrels per day, of the levels established during the calendar year 1973;

For the year commencing May 1, 1976, the maximum levels of such imports shall be sixty-five percent (65%), in barrels per day, of the levels established during the calendar year 1973;

For the year commencing May 1, 1977, the maximum levels of such imports shall be fifty percent (50%), in barrels per day, of the levels established during the calendar year 1973;

For the year commencing May 1, 1978, the maximum levels of such imports shall be thirty-five percent (35%), in barrels per day, of the levels established during the calendar year 1973;

For the year commencing May 1, 1979, the maximum levels of such imports shall be twenty percent (20%), in barrels per day, of the levels established during the calendar year 1973.

Effective April 30, 1980, the system of issuing allocations and licenses not subject to license fee shall be abolished;

Provided, That, with respect to any allocation period expiring prior to May 1, 1974, such allocation period shall be extended to April 30, 1974, and the Secretary shall issue appropriate regulations to issue additional oil import licenses to reflect such extension.

"SEC. 12(a) Commitments and obligations contained in long-term allocations heretofore made of imports of crude oil into Puerto Rico shall be unimpaired by this proclamation or regulations issued thereunder.

(b) Commitments and obligations contained in that certain allocation made to Hess Oil and Chemical Corporation of imports of finished products into Districts I–IV, dated December 12, 1967, effective January 1, 1968, shall be unimpaired by this proclamation or regulations issued thereunder."

"Sec. 13 The Secretary of the Interior may delegate, and provide for sucessive redelegation of, the authority confered upon him by this proclamation. All departments and agencies of the Executive Branch of the Government shall cooperate with and assist the Secretary of the Interior in carrying out the purposes of this proclamation."

"Sec. 14 Executive Order 10761 of March 27, 1958, entitled "Government Purchases of Crude Petroleum and Petroleum Products" (23 F.R. 2067) is revoked."

"Sec. 15. As used in this proclamation:

(a) "Person" includes an individual, a corporation, firm, or other business organization or legal entity, and an agency of a state, territorial or local government, but does not include a department, establishment, or agency of the United States.

(b) "District I" means the states of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia.

(c) "Districts II–IV" means all of the states of the United States except those states within District I and District V.

(d) "Districts I–IV" means the District of Columbia and all of the states of the United States except those states within District V.

(e) "District V" means the states of Arizona, Nevada, California, Oregon, Washington, Alaska, and Hawaii.

(f) "Crude oil" means a mixture of hydrocarbons that existed in natural underground reservoirs and which is liquid at atmospheric pressure after passing through surface separating processes and does not include natural gas products. It includes the initial liquid hydrocarbons produced from tar sands, gilsonite, and oil shale.

(g) "Finished products" means any one or more of the following petroleum oils, or a mixture or combination of such oils, or any component or components of such oils which are to be used without further processing by any one or more of the processes described in subparagraphs (1) through (3) of paragraph (h) of this section, and which, as of January 1, 1973, under the Tariff Schedules of the United States, were not subject to a duty of more than one cent ($0.01) per pound of the hydrocarbons therein contained:

(1) The term "liquefied gases" means the following liquefied or liquefiable gases, namely, ethane, propane, butanes, ethylene, propylene, and butylenes which are derived by refining or other processing of natural gas, crude oil, or unfinished oils.

(2) "Gasoline" means a refined petroleum distillate, including naphtha, jet fuel or other petroleum oils (but not isoprene or cumene having a purity of 50 percent or more by weight, or benzene which meets the ASTM distillation standards for nitration grade) derived by refining or processing crude oil or unfinished oils, in whatever type of plant such refining or processing may occur, and having a boiling range at atmospheric pressure from 80°, to 400° F.

(3) "Kerosene" means any jet fuel, diesel fuel, fuel oil or other petroleum oils derived by refining or processing crude oil or unfinished oils, in whatever type of plant such refining or processing may occur, which has a boiling range at atmospheric pressure from 400° to 550° F.

(4) "Distillate fuel oil" means any fuel oil, gas oil, topped crude oil, or other petroleum oils, derived by refining or processing crude oil or unfinished oils, in whatever type of plant such refining or processing may occur, which has a boiling range at atmospheric pressure from 550° to 1200° F.

(5) "Residual fuel oil" means a petroleum oil, which is (i) any topped crude or viscous residuum of crude or unfinished oils or one or more of the petroleum oils defined in subparagraphs (2) through (4) of this paragraph (g), which has a viscosity of not less than 45 seconds Saybolt Universal at 100°F. to be used as fuel without further processing other than by mechanical blending or (ii) crude oil to be used as fuel without further processing other than by blending by mechanical means.

(6) "Asphalt" means a solid or semi-solid cementitious crude oil or derivative of crude oil, 50 percent or more of the constituents of which are bitumins, which is not to be used as fuel and which is to be used without further processing except airblowing or blending by mechanical means.

(7) "Lubricating oils" means any lubricant containing more than 50 percent by volume of refined petroleum distillates or specially treated petroleum residuum.

(8) "Natural gas products" means liquids (under atmospheric conditions), including natural gasoline, which are recovered by process of absorption, adsorption, compression, refrigeration, cycling, or a combination of such processes, from mixtures of hydrocarbons that existed in a reservoir and which, when recovered and without processing in a refinery or other plant, fall within any of the definitions of products contained in clauses (2) through (4) of this paragraph (g).

(h) "Unfinished oils" means one or more of the petroleum oils listed in clauses (1) through (4) and clause (8) of paragraph (g) of this section or a mixture or combination of such oils, or any component or components of such oils, which are to be further processed in one or more of the following ways:

(1) By distillation with a resulting yield of at least two distinct finished products or unfinished oils, two of which must be equal to not less than 10 percent of the total charge of such imported unfinished oils to a distillation unit. Different grades or specifications of finished products or unfinished oils will not constitute distinct finished products or unfinished oils for purposes of this subparagraph. Distillation of petroleum oils which have been reconstituted by blending of two or more finished products or unfinished oils does not constitute processing for the purposes of this subparagraph.

(2) By catalytic or thermal conversion in process units such as alkylation, coking, cracking, hydrofining, hydrodesulfurization, polymerization, isomerization, dehydrogenation, or refining.

(3) By physical separation established by means of solvent dewaxing, solvent deasphalting, solvent extraction, or extractive distillation.

(i) As used in paragraphs (g) and (h) of this section, the term "petroleum oil" includes only hydrocarbons derived from crude oil or natural gas.

(j) The term "imports from Canada" as used in this proclamation, means entries for consumption or withdrawals from warehouse for consumption of the following items which have been transported into the United States from Canada, by overland means (pipeline, rail, or other means of overland transportation) or over waterways other than ocean waterways, to-wit: crude oil produced in Canada, unfinished oils which have been derived from crude oil or natural gas produced in Canada, and finished products which have

been produced in Canada from crude oil produced in Canada.

(k) The expression "long-term allocation" means:

(1) That certain allocation made to Commonwealth Oil Refining Company, Inc., of imports of crude and unfinished oils into Puerto Rico dated May 10, 1968—effective January 1, 1968 (as amended).

(2) That certain allocation made to Phillips Petroleum Company of imports of unfinished oils into Puerto Rico—dated December 23, 1965—effective January 1, 1966 (as amended).

(3) That certain allocation made to Sun Oil Company of imports of crude oil into Puerto Rico—effective April 18, 1968 (as amended).

(4) That certain allocation made to Union Carbide Corporation of imports of crude oil and unfinished oils into Puerto Rico—dated April 19, 1968—effective April 19, 1968.

(5) That certain allocation made to Hess Oil and Chemical Corporation of imports of finished products into Districts I–IV—dated December 12, 1967—effective January 1, 1968 (Hess Oil and Chemical Corporation now Amerada-Hess).

(l) The term "imports" includes both entry for consumption and withdrawal from warehouse of consumption.

"SEC. 16. Effective as of May 1, 1973, tariffs upon imports of petroleum and petroleum products listed in Schedule 4, Part 10—"Petroleum, natural gas, and products derived therefrom" of the Tariff Schedules of the United States shall be and are suspended."

In witness whereof, I have hereunto set my hand this 18th day of April, in the year of our Lord nineteen hundred seventy-three and of the Independence of the United States of America the one hundred ninety-seventh.

RICHARD NIXON.

EXECUTIVE ORDER—SPECIAL COMMITTEE ON ENERGY AND NATIONAL ENERGY OFFICE

This Administration is determined to continue to develop a more comprehensive, integrated national energy policy to meet the emerging energy challenge. Many steps have been taken toward that end, including measures to increase domestic production of all forms of energy without violating our natural environment, to conserve the energy we produce, to better utilize our current resources, and to use our vast scientific and technological capacities to develop new sources and new forms of energy. I have now determined that in order to protect and promote the interests of the people of the United States as energy users, and to coordinate the policies of the executive branch in this area, it is necessary to establish a Special Committee on Energy and a National Energy Office.

Now, therefore, by virtue of the authority vested in me as President of the United States by the Constitution and statutes of the United States, it is hereby ordered as follows:

SPECIAL COMMITTEE ON ENERGY

SECTION 1. Three Assistants to the President, John D. Ehrlichman, Henry A. Kissinger, and George P. Shultz, shall constitute a Special Committee on Energy. The Director of the National Energy Office shall perform his functions under this order in accordance with policies and guidance provided him by the Special Committee.

ESTABLISHMENT OF THE OFFICE

SEC. 2. There is hereby established in the Executive Office of the President a National Energy Office. The Office shall be under the immediate supervision and direction of a Director who shall be designated by the President. The Director shall report to the President through the Special Committee on Energy.

FUNCTIONS OF THE DIRECTOR

SEC. 3. (a) The Director shall advise the President, through the Special Committee on Energy, with respect to all Federal energy programs, activities, and related matters.

(b) The Director shall recommend policies and guidelines pertaining to energy matters for all energy related programs within the Executive Branch. To the maximum extent permitted by law, Federal officers and Federal departments and agencies shall cooperate with the Director in carrying out his functions under this Order.

(c) In addition, the Director shall—

(1) assure the development of comprehensive plans and programs to insure the availability of adequate and dependable supplies of energy;

(2) assure that Federal energy policy is properly coordinated;

(3) evaluate all such programs;

(4) advise the heads of departments and agencies of his findings and recommendations, when appropriate;

(5) make recommendations to the Director of the Office of Management and Budget concerning proposed funding of energy programs and activities;

(6) constitute a clearinghouse for the prompt consideration of energy problems brought to his attention by Federal departments and agencies and by other public and private entities, organizations, agencies, or individuals; and

(7) report, through the Special Committee on Energy, from time to time, to the President concerning the foregoing.

RICHARD NIXON.

The White House, *April 18, 1973.*

PRESIDENT NIXON'S 1973 ENERGY MESSAGE IS LONG ON RHETORIC AND SHORT ON FEDERAL COMMITMENT

Mr. RANDOLPH. Mr. President, today, President Nixon has transmitted to the Congress his much-delayed energy message.

After many months of consideration, the Chief Executive states in the close of the message:

The need for action is urgent. I hope the Congress will act with dispatch on the proposals I am submitting. But in the final analysis, the ultimate responsibility does not rest merely with the Congress or with this Administration. It rests with all of us—with government, with industry and with the individual citizen.

To date, however, the Congress has been waiting on the President. Everyone—the consumer, the Congress, and now the President—recognizes that the United States is faced with an energy crisis.

I consider the President's message on energy to be a deficient document in a number of particulars—and I will delineate the deficiencies, now as I see them, and as time goes on in our work in the fuels and energy study.

It is my view that not more than a third of the programs will effectively work toward solving the energy crisis.

Another third of the White House proposals constitute burdens on the American consumers which will not bring compensatory energy benefits and will not materially enhance our country's energy status.

The other third of the over-all energy problem is simply overlooked.

It will be for the Congress to correct the mistakes in the White House energy document—and the Congress must fill in the voids and provide statutory bases for many of the proposals.

I am gratified and encouraged by the fact that we have an experiencd Senate fuels and energy policy study group built around our Committee on Interior and Insular Affairs. It operates under a resolution passed by the Senate 2 years ago with the joint sponsorship of the chairman of the Interior Committee, Senator HENRY JACKSON of Washington, and this Senator, chairman of the Public Works Committee.

I speak of this study group as being "experienced"—and it is experienced in membership and staff because it has been working on fuels and energy and related environmental problems for considerably longer than the life of this Senate Resolution 45—92d Congress—authorized group.

In fact, what we have are the Interior, Commerce, and Public Works committee chairmen and ranking minority members working together on the fuels and energy problems under the capable chairmanship of Senator JACKSON.

Perhaps we have kept our light hidden too much under the proverbial bushel for too long while awaiting the long-promised energy message of the President of the United States.

We and our staffs have not been inactive.

Far from that. We have made good preparation for this day when we face the reality of having the administration position paper before us in this highest of priority subject area.

I have confidence in the leadership that Senator JACKSON has been providing and in the leadership I know he will provide in the critical months ahead. I have confidence in the Interior-Commerce-Public Works joint leadership, along with that provided by the Senate membership of the Joint Committee on Atomic Energy.

There is no doubt in my mind that we will get the job done in the Senate—and in the whole Congress.

We are grateful for having the Nixon administration's program proposals as set forth in the President's energy message.

I have said that I view this program as being considerably deficient, but it is a base for action. I have confidence that Congress will make necessary correction and will build the administration proposals into a more effective national fuels and energy policy for our country than that which is portrayed in the President's message today.

The President's message provides recognition of emerging short falls in supplies of basic energy resources and their conversion products, such as electricity, gasoline, distillate fuel oils, and synthetic gas and oil. However, the program outlined is long on rhetoric and overall short on Federal commitment. The principal thrust of the message is abolition of the mandatory oil import quota program, which is to be replaced by an import permit program. This has all the signs of a revenue measure rather than the means to manage oil imports controls. And, the President proposes to create this program by Executive order—not by statute—without an input or review by the Congress. And, this action is being taken at a time when it appears

that the greatest threat to our way of life is not from external sources, but from the lack of an adequate national response to many of the domestic challenges within our own society.

Many of the President's proposals are valid; however, there is very little that is new. And, as has been customary in recent years, the administration has shifted the burden for new technology development, particularly concerning environmentally acceptable means for the use of coal, to the private sector.

I am not encouraged by the President's message to expect the administration to really go to bat for the actual development of new technology needed to make coal the factor it could be and should be for the over-all improvement of domestic energy supplies. The President has taken a very bland approach to the necessary rejuvenation of coal.

In my January 16 energy statement to the Senate proposing 26 actions to cope with our country's emerging energy crisis, I said:

In the last ten years, the United States has passed from the status of a net exporter of energy resources to a position with all the earmarks of a long-term heavy dependence on foreign supplies of oil and gas and the Federal government has been derelict in permitting this to happen.

A number of clearly identifiable factors have contributed to gaps between energy resource demands and available domestic supplies—

Unrealistic Federal price controls on natural gas have both served as a disincentive for exploration for new domestic gas supplies and encouraged excessive demands for natural gas;

The overall growth in energy demand has exceeded the growth in domestic discovery of replacement energy resources;

Replacement short-term supplies for domestic oil and gas are, principally, from the Mid-East and Africa;

There continues to be delays in the access of Alaskan North Slope oil and gas to markets in the lower 48 States.

There is a coal shortage which is the product of decreased productivity, labor difficulties, unauthorized strikes, a critical shortage of coal-carrying railroad cars, new and more stringent mine safety regulations, and new environmental requirements which affect coal mine operations and create market place demands for cleaner fuels;

Research policies have neglected the long-term role of coal in our energy economy; and

The future is one of indecision and uncertainty which is the consequence of *ad hoc*, piecemeal Federal policies which are held together very fragilely.

It reveals our country, and numerous others, embarked on a gigantic gamble that reliable and abundant production of crude oil, natural gas, and coal from all sources—domestic and foreign—will ensue. Failing this, the assumption is that, hopefully, some immense substitute source or sources of energy will be found in time.

The President's energy message provides little encouragement that these substitutes will be found. I had hoped that after more than 2 years' work, that the White House would be in a position to offer some positive new proposals toward the formulation of a long-term, coherent, rational, and comprehensive national fuels and energy policy. We remember that 2 years ago the President placed within the Domestic Council the mission I had intended, in 1970, for a proposed Commission on Fuels and Energy in legislation I offered that year. As a result, I looked forward with special attention to the President's message. Unfortunately, it is more "words without performance", which the country has been receiving all too long. The effect of the message is to shift the burden to the Congress.

Personally, I believe that a comprehensive national fuels and energy policy must reflect—

An assessment of future energy needs and their relationship to the general economy;

The availability of domestic fuel supplies, including the time period required to make aditional supplies available, the technological needs, their environmental characteristics, and the probable costs;

The availability of foreign energy resources, including the competitive demand for these fuels from other nations; and

The interrelationship between foreign sources and the attendant risks to national security, both military and economic.

After many years of concern, on January 16, 1973, in Senate remarks, I enunciated 26 proposals for consideration in the development of a National Fuels and Energy Policy. The actions I proposed were not new—as the proposals of President Nixon are not new. What was new was the attempt I made to provide a framework for evaluation of their relative merits as essential elements of national policy.

My proposals were as follows:

To Coordinate and Administer Federal Energy Programs More Effectively—We should:

Establish a policy formulating and coordinating body, such as a Council on Energy Policy, within the Executive Offices of the President.

Congressionally restructure the Department of the Interior, or approve a Department of Natural Resources (and Energy), or develop some other suitable department or agency, the principal functions of which would be administration of domestic energy and mineral resources developments in a manner consistent with overall economic, environmental, and societal policies.

Separate the traditional roles of the Office of Emergency Preparedness for energy resources contingency planning and the ongoing administration of a mandatory oil and gas import program and place the latter solely in the newly constituted Department or agency resulting from the above action.

Initiate a joint Congressional-Executive Branch review looking toward consolidation of Federal regulation of energy activities, such as the Federal Power Commission and the Atomic Energy Commission, within a single agency.

Establish a joint Government-Industry corporation to spear-head the demonstration of new and advanced energy technologies.

To Foster Energy Conservation Practices Nationally—We should:

Upgrade the 1971 FHA home insulation standard.

Establish Federal guidelines for the incorporation of energy conservation practices in new buildings (mandatory for new Federal and Federally insured buildings and homes). (The Senate Public Works Subcommittee on Buildings and Grounds will study this aspect in detail this year.)

Establish a national program of consumer education to foster more efficient use of energy in our daily lives.

Develop and publish Federal guidelines for the labeling of electrical equipment to reflect efficiency of energy utilization.

Initiate comprehensive national review of the potential for energy conservation within the transportation sector of our economy, hopefully, to lead to the adoption of Federal policies for fostering energy conservation in this end use.

To Assure Realistic Consideration of Expanded Environmental and Societal Concerns in National Coal Policies—We should:

Insure that the prices previously allowed for energy supplies by the recently abolished Price Commission are increased, with the concurrence of the Cost of Living Council, to reflect decreased production, the increased costs incurred in meeting rising wages, in developing new coal sources, and in responding to new environmental and occupational policies governing both the production and end-use of coal.

Implement the Clean Air Amendments of 1970 so as to reflect the statutory distinction between the 1975 primary (health) air quality standard and achievement of the secondary (welfare) standards at a reasonable time thereafter.

Implement State plans of implementation approved by the Environmental Protection Agency, so as to appropriately reflect the availability and non-availability of sulfur oxides control technologies and low-sulfur fuel supplies. (These two recommendations will be reviewed by the Senate Public Works Committee's Subcommittee on Air and Water Pollution, later this year.)

Initiate the earlier Congressionally mandated Federal expanded program for the demonstration of sulfur oxides control technologies—an element of the President's June, 1971, energy program that did not materialize.

Undertake a significantly expanded Federal research program which reflects the fact that the vital role of coal in our energy economy rests in its conversion into environmentally clean gaseous and liquid fuels.

We must have:

Immediate enactment of surface mining legislation which—

Covers coal and other mineral resource developments on public lands;

Provides the States with Federal guidelines and minimum standards as the basis for strict State control of surface mining operations and reclamation;

Places in the States the primary responsibility for development and administration of programs for the control of surface mining;

Provides Federal fall-back authority where Federal guidelines or minimum standards are not being met; and

Provides that each applicant for a surface mining permit should file a detailed plan for the mining operation and the reclamation that is to be performed during, and after, commencement of mining operations.

To Promote the Development of Domestic Energy Supplies—We should:

Initiate a comprehensive analysis of present trends on oil and gas imports with an assessment of the desirability of arresting current trends toward and increased dependence on Eastern Hemisphere sources of oil and gas.

Establish realistic pricing systems for domestic oil and gas supplies.

Use the Federal Power Commission's existing authority to channel natural gas supplies on Outer Continental Shelf into interstate markets.

Develop energy resources on Federal lands on reasonable terms and time schedules to mitigate dependence on foreign supplies.

Provide for limited Federal decontrol of producer prices for new natural gas supplies under two comprehensive and complementary Federal initiatives—

As the *quid pro quo* for eliminating wellhead price regulation as a determining factor in Federal Power Commission regulatory actions, extend all other jurisdictional in-

dices, or criteria, other than price into intrastate natural gas producer sales; and

Promulgate national guidelines for the curtailment of natural gas customers during periods of shortage, with authority for the Federal Power Commission to impose the established end-use priorities with regard to both direct and indirect sales.

Initiate immediately a joint Congressional-Executive Branch review of the adequacy of domestic refinery capabilities. This review must consider anticipated short-term and long-term requirements and serve as the basis for legislation to stimulate the development of an expanded domestic refinery capacity consistent with economic, environmental, and societal needs.

Initiate a comprehensive analysis of the adequacy of uranium refinery capabilities to meet the fuel requirements of projected nuclear electric power plants over their operational life. Federal policies must assure that *ad hoc* fuels policies do not commit this country to nuclear power development at a level that cannot be maintained with anticipated uranium supplies.

We Must Also Undertake—

A comprehensive and objective analysis, and action, on the National Petroleum Council's recommendations to improve the economic and political climate to encourage energy development and competition among domestic energy suppliers.

A review of the 15 major areas suggested by the National Petroleum Council for policy guidance initiatives by the Federal government in order to foster the development of increased United States energy supplies.

The necessary steps to establish a national deep-water port policy which requires that any deep-water port development recognize the need for long term reliance on domestic energy supplies. (The Senate Public Works Committee's Subcommittee on Flood Control, Rivers, and Harbors will review this matter in detail.)

Mr. President, my statement reflected that there are no simple, elementary solutions; to the contrary, the contributing factors are very complex and the solutions will be all the more so because they must be arrived at by men—with all their human weakness and all their wisdom—working in a spirit of compromise and concession.

The overriding consideration and effort must be to make our country vastly more energy self-sufficient. Failing to do this, we can expect to experience an overwhelming energy crisis; in relying on imports, we also may be creating a disasterous security problem for the United States of America.

The President states that:

Now we must build on our increased knowledge, and on the accomplishments of the past twenty-two months, to develop a more comprehensive, integrated national energy policy. To carry out this policy we must:

Increase domestic production of all forms of energy;

Act to conserve energy more effectively;

Strive to meet our energy needs at the lowest cost consistent with the protection of both our national security and our national environment;

Reduce excessive regulatory and administrative impediments which have delayed or prevented construction of energy-producing facilities;

Act in concert with other nations to conduct research in the energy field and to find ways to prevent serious shortages; and

Apply our vast scientific and technological capacities—both public and private—so we can utilize our current energy resources more wisely and develop new sources and new forms of energy.

The actions I am announcing today and the proposals I am submitting to the Congress are designed to achieve these objectives.

Let us review several of the administrations' proposals.

NATURAL GAS

I agree that—

For more than a decade the prices of natural gas supplied to pipelines under this extended regulation have been kept artificially low. As a result, demand has been artificially stimulated, but the exploration and development required to provide new supplies to satisfy this increasing demand have been allowed to wither.

Consequently, I support deregulation of the wellhead price of new gas, with appropriate Federal controls of other factors. The President proposes "that gas from new wells, gas newly dedicated to interstate markets, and the continuing production of natural gas from expired contracts should no longer be subject to price regulation at the wellhead."

Although this is intended to stimulate new exploration and development, there is no requirement that increased revenues actually be used for this purpose.

Without appropriate Federal controls by the Federal Power Commission, not the Secretary of the Interior, the proposed action may not have the effect of increasing supplies but, rather, it may simply provide windfall profits.

I fail to understand, however, the logic behind the suggestion "that the Secretary of the Interior be given authority to impose a ceiling on the price of new natural gas when circumstances warrant." On its surface, this would appear to simply transfer price regulation from the Federal Power Commission to the Department of the Interior.

As recognized by the President, the increased prices on new unregulated gas would be averaged in with the prices for gas that is still regulated. Thus the consumer should be protected against precipitous cost increases. However, this would be true for both existing and new customers. While the practice of "rolled-in pricing" would appear desirable in the case of existing customers, attention must be given to whether this practice is in the national interest in the case of new customer demands.

ALLOCATION OF GAS

As we are all aware, there currently are shortages of natural gas which are being manifested as regional curtailment of supplies. Recognition is not given to this situation, even though a system of national priorities on the end use of natural gas appears desirable. Consequently, I intend to introduce legislation that would provide for limited Federal decontrol of producer prices for new natural gas supplies under two comprehensive and complementary Federal initiatives—

As the quid pro quo for eliminating wellhead price regulation as a determining factor in Federal Power Commission regulatory actions, extend all other jurisdictional indexes, or criteria, other than price into intrastate natural gas producer sales; and

Promulgate national guidelines for the curtailment of natural gas customers during periods of shortage, with authority for the Federal Power Commission to impose the established end-use priorities with regard to both direct and indirect sales.

OUTER CONTINENTAL SHELF

I am encouraged by the President's proposal to triple the annual acreage leased on the Outer Continental Shelf by 1979. This, however, must be undertaken on reasonable terms and time schedules to mitigate dependence on foreign supplies. Since it takes 3 to 5 years to bring these supplies into production, it remains to be determined whether this proposal will substantially reduce our dependence on oil imports.

I am encouraged, however, by the directive that the Secretary of the Interior has received "to develop a long term leasing program for all energy resources on public lands, based on a thorough analysis of the Nation's energy, environmental, and economic objectives."

ALASKAN OIL

I also oppose any further delay in the Alaskan pipeline in order to restudy the advisability of building the pipeline through Canada. However, it is readily apparent to all that gas pipelines, and possibly future oil pipelines, must go through Canada. Yet, this is not recognized in the President's message. There is a vital need to initiate govenment-to-government negotiations between Canada and the United States on a treaty, as Senator JACKSON has suggested, to provide long term assurance of the means to bring Alaska's energy resources to markets in the lower 48 States.

COAL RESEARCH

I am deeply disturbed by the lack of recognition that is given to Federal support for coal research even though the President states:

Coal is our most abundant and least costly domestic source of energy. Nevertheless, at a time when energy shortages loom on the horizon, coal provides less than 20 percent of our energy demands, and there is serious danger that its use will be reduced even further. If this reduction occurs, we would have to increase our oil imports rapidly, with all the trade and security problems this would entail.

* * * * *

I urge that highest national priority be given to expanded development and utilization of our coal resources.

But, no increased funding is suggested for fiscal year 1974. Instead, the burden for development of environmentally acceptable means for the utilization of coal is transferred to the private sector.

The administration's proposed 1974 budget for energy research and development remains a token $61.6 million for coal technologies needed for the 1980's and 1990's, and a flagrant $107 million increase to a gigantic $506 million for nuclear technologies for the 21st century.

With coal generally recognized as the only domestic alternative to oil imports, it is obvious that action, not rhetoric, is needed now to insure the future and essential role that domestic resources, principally coal, must serve in our energy economy.

For 20-plus years, the American people have subsidized nuclear power developed on the premise of abundant electric energy, and the President's message rightly continues this precedent.

I had hoped that the President's mes-

sage would extend this practice to coal to assure abundant supplies of domestic, not foreign, fossil-fuel energy resources, compatible with environmental requirements. It is unrealistic to continue to expect that increased exploration for domestic oil and gas can alone carry the burden for success, even at higher prices.

Instead, the lack of commitment to Federal-supported research and development is defended by the statement that:

It is foolish and self-defeating to allocate funds more rapidly than they can be effectively spent. At the same time, we must carefully monitor our progress and our needs to ensure that our funding is adequate. When additional funds are found to be essential, I shall do everything I can to see that they are provided.

The President also reiterates the statement made in his June 1971 energy message that—

I am also stepping up our spending for research and development in coal, with special emphasis on technology for sulphur removal and the development of low-cost, clean-burning forms of coal.

I emphasize that this same statement was made 2 years ago, but the support was never forthcoming. As a consequence, it is now necessary for the President to propose modification of the State plans of implementation of the Clean Air Act to distinguish between requirements to achieve the primary or health standards by 1975 and the secondary or welfare standards "at a reasonable time thereafter."

While I support this action in principle, it is being undertaken by administrative fiat. The Clean Air Act does not provide the EPA Administrator with authority to require the States to undertake the President's proposed extension of State deadlines.

When both the 1967, and 1970, Clean Air Act amendments were under consideration in the Senate Public Works Committee, and in the Senate, I warned that the current situation might develop. I predicted potentially damaging consequences, not only for energy, but, also, for the success of environmental policies. Repeatedly, I offered amendments to increase both authorizations and appropriations for research and development. Most of my amendments were accepted, and are now in the law, but the executive branch consistently has done too little toward the financing of research on energy-related environmental control technologies.

Even when increased funds were fought through the administration's budget councils and the Congress, EPA often declined to obligate them. Admittedly, the Office of Management and Budget, as usual, resisted budget increases; however, in this case, appropriated funds were not even committed to the effort. This was due to the failure of EPA's program managers to focus adequately on this problem and the statutory program to deal with it. The consequence is a badly out-of-balance condition of such proportions that our domestic coal industry—and the people involved in and depending on it—are in a tenuous position, which necessitates the President's action.

Even more disturbing, however, is continuance of the 1974 budget cut for EPA research on sulfur oxide control technology. As stated earlier, the agency's justification for this is that EPA, to date, has devoted more than $86 million to development and demonstration of first-generation technology for reducing and controlling air emissions from stationary and mobile sources. The plan is to move into a second phase where the private sector is expected to further refine and improve this technology.

The administration's position on these budget cuts reflects a policy that the development of sulfur oxide control technology is the responsibility of the private sector, not government; yet, this position does not reflect the congressionally enunciated policy contained in the Clean Air Act, section 104. Is the executive branch under the law or does it consider itself above the law?

I request unanimous consent to insert in the record at this point excerpts from my April 8, 1973, address to the Air Pollution Control Association's first government affairs seminar.

This budget cut is even inconsistent with recent recommendations of the Interagency Sulfur Oxide Control Technology Assessment Panel (SOCTAP), which states:

In particular, Federal R & D efforts should be expanded to accelerate the development of improved scrubber solid waste management processes. It also is strongly recommended that the Federal government continue support of ongoing government sponsored program (SIC) to develop SO_x processes.

At this point, I wish to emphasize excerpts from an October 13, 1972, letter from EPA Deputy Administrator Fri to the Office of Management and Budget—fourth months before the budget was submitted to the Congress:

(The proposed reductions for stationary source air pollution control technology) will . . . eliminate the funding of the sixth (sulfur oxide) flue gas control technology demonstration and prevent EPA funding of the completion of the fifth. *This abandons the Presidential commitment to fund six of these demonstrations.* (Emphasis added) Eliminating these demonstrations does increase the risk that we will ultimately not be able to sustain the large scale steam generation SO_x new source standard, but we think this risk is not unacceptable in view of the current legal situation and the progress that has been made in the first four demonstrations, in the private sector since the standard was set, and in foreign countries.

These cuts also affect the nitrogen oxide control technology program, which has direct public health implications. Yet, according to Administrator Fri, the proposed 1974 EPA budget represents—

"A risky course as the control technology for NO_x is very primitive. If NO_x does prove to be a major problem our reduction in this program will delay the setting of meaningful source standards and the achievement of the ambient standards."

To me, these statements represent a total lack of commitment by the current Administration to a Congressionally mandated joint government-industry program. This effort was to be geared at implementing Federal environmental policies in a realistic manner through available control technologies. Instead, while the Federal government reverses its position on its commitment to statutory policies, industry is expected, nevertheless, to meet enforcement deadlines.

The irony of this situation is characterized in Administrator Fri's own words:

(EPA is) capable of achieving the most pollution abatement in those areas where we have the best legislative mandate. The Clean Air Act is our best legislative mandate. It also has congressional mandates which would be very embarrassing to do a poor job on.

Yet, while proposing budget cuts for research, EPA proposes to increase the FY 1974 budget by $5.2 million for enforcement of air standards and State implementation plans, and enforcement in auto certification and regulation. I cannot help but ask, "Where is the realism?"

I am reminded of the words of President Nixon in his February 1970 environmental message to the Congress.

The task of cleaning up our environment calls for a total mobilization by all of us. It involves government at every level; it requires the help of every citizen. It cannot be a matter of sitting back and blaming someone else.

This statement was made by the President in response to a new awareness in America that environmental degradation threatens the public health and the quality of our lives. Today, however, these goals are jeopardized. There has been too much talk and too little action by government and industry, alike. Government actions, short on perspective, have actually threatened the long-term success of Federal environmental policies. I speak principally of energy supply problems, which I have mentioned, which arise out of implementation of the Clean Air Act Amendments of 1970 by EPA and the States of the Union.

Without question, there is a need for realism in our country's implementation of environmental policies. We have not done well in finding a suitable, or equitable, balance between energy and the environment, and I emphasize, "energy and environment." Rather, it seems that we have adopted a national posture of environment versus energy, to the very substantial disadvantage of domestic energy supplies. The consequence has been an exacerbation of an already difficult energy supply problem.

POLLUTION CONTROL EQUIPMENT COSTS

I was encouraged by the President's support of incentives for the use of new environmental control technology, wherein he urges that "all State utility commissions to ensure that utilities receive a rapid and fair return on pollution control equipment, including stack gas cleaning devices and coal gasification processes."

In this regard, I was encouraged by the recent action by the Illinois Commerce Commission toward the achievement of workable solutions to environmental-energy problems.

At the request of Commonwealth Edison Co., that Commission approved a fuel adjustment clause for the utility which, among other things, allows for the recouping of the costs attributable to cleaning up fuels, through such methods as sulfur-oxide devices and precombustion techniques. This represents a significant step forward during a period of constant debate over whether the technology is even available and I intend to introduce a joint resolution providing congressional support of similar actions by other State public utility Commissions.

NUCLEAR ENERGY

As many of my colleagues are aware, the current energy crisis, in part, is the side-effect of the failure of the nuclear electric generation to meet its projected role as a source of energy. Consequently, I am deeply disturbed by the President's statement that although the Atomic Energy Commission is presently taking steps to provide greater amounts of enriched uranium fuel for the Nation's nuclear powerplants, this expansion will not fully meet our needs in the 1980's. The Government now must look to private industry to provide the additional capacity that will be required.

This startling disclosure reinforces my January 16, 1973, proposal to initiate a comprehensive analysis of the adequacy of uranium refinery capabilities to meet the fuel requirements of projected nuclear electric powerplants over their operational life. Federal policies must assure that ad hoc fuels policies do not commit this country to nuclear power development at a level that cannot be maintained with anticipated uranium supplies.

EXPLORATION AND DEVELOPMENT

The President is correct in pointing out that:

Our tax system now provides needed incentives for mineral exploration in the form of percentage depletion allowances and deductions for certain drilling expenses. These provisions do not, however, distinguish between exploration for new reserves and development of existing reserves.

What is not pointed out is that under current policies, it is not mandatory that depletion allowances be invested in exploration in the United States rather than overseas. Serious attention must be given to whether depletion allowances also should apply overseas, anymore. This may be inconsistent with any policy which advocates long-term self-sufficiency.

In order to stimulate exploratory activities for new oil and gas, it is proposed:

To extend the investment credit provisions of our present tax law so that a credit will be provided for all exploratory drilling for new oil and gas fields. Under this proposal, a somewhat higher credit would apply for successful exploratory wells than for unsuccessful ones, in order to put an additional premium on results.

Admittedly, this has proved to be a powerful stimulus to development of oil and gas, in the past. However, looking to the future, serious attention should be given to extending such investment credits to the development of other domestic energy supplies, if our national policy is to advocate long-term self-sufficiency.

OIL IMPORTS

It is generally recognized, as the President points out, that:

In order to avert a short-term fuel shortage and to keep fuel costs as low as possible, it will be necessary for us to increase fuel imports. At the same time, in order to reduce our long-term reliance on imports, we must encourage the exploration and development of our domestic oil and the construction of refineries to process it.

The present quota system for oil imports—the Mandatory Oil Import Program—was established at a time when we were a net exporter of energy resources. Today, we are a net importer of petroleum supplies.

While it is necessary to increase oil imports over the short-term, it must be emphasized that Russia, by policy objective, is the only industrialized nation that is self-sufficient in energy supplies. Meanwhile, the United States is embarked on a misdirected road toward cut-throat competition with Europe and Japan over limited supplies.

I fear that an additional consequence will be severely strained relations with many of our former allies—and this is an added cost we cannot well afford.

It is universally recognized that the consumption of energy is closely tied to a country's standard of living. As quality of life rises, so does the demand for energy. In the United States, for example, we consume more energy than the combined usage by Russia, Germany, Japan, and Great Britain. They all aspire to our standard of living as do the producing countries themselves. Meanwhile, because they have no other choice, England is urging the Common Market countries to shape a unified energy policy in order to assure their fair share of limited oil supplies from Africa and the Middle East.

In the face of this situation, the administration's proposal abolishes the mandatory oil import quota program, thus placing us in direct competition with our allies over limited international supplies of both basic and refined energy resources. Instead, the President is instituting a license-fee quota system, with all the signs of a revenue measure. The proposed fees are one-half cent per gallon—70 cents per barrel—for crude oil and one and one-half cents per gallon on refined products. Anyone would expect it is intended to balance the budget by this single action, alone. How much will this really help the energy situation?

According to the President's message:

Under the new system, present holders of import licenses may import petroleum exempt from fees up to the level of their 1973 quota allocations. For imports in excess of the 1973 level, a fee must be paid by the importer.

This system should achieve several objectives.

First, it should help to meet our immediate energy needs by encouraging importation of foreign oil at the lowest cost to consumers, while also providing incentives for exploration and development of our domestic resources to meet our long-term needs. There will be little paid in fees this year, although all exemptions from fees will be phased out over several years. By gradually increasing fees over the next two and one-half years to a maximum level of one-half cent per gallon for crude oil and one and one-half cents per gallon for all refined products, we should continue to meet our energy needs while encouraging industry to increase its domestic production.

Second, this system should encourage refinery construction in the United States, because the fees are higher for refined products than for crude oil. As an added incentive, crude oil in amounts up to three-fourths of new refining capacity may be imported without being subject to any fees. This special allowance will be available to an oil company during the first five years after it builds or expands its refining capacity.

Third, this system should provide the flexibility we must have to meet short and long-term needs efficiently. We will review the fee level periodically to ensure that we are imposing the lowest fees consistent with our intention to increase domestic production while keeping costs to the consumer at the lowest possible level. We will also make full use of the Oil Import Appeals Board to ensure that the needs of all elements of the petroleum industry are met, particularly those of independent operators who help to maintain market competition.

Fourth, the new system should contribute to our national security. Increased domestic production will leave us less dependent on foreign supplies. At the same time, we will adjust the fees in a manner designed to encourage, to the extent possible, the security of our foreign supplies.

REFINED PRODUCTS

In recent months, shortfalls in energy supplies have extended beyond natural gas to refinery products, as witnessed in recent shortages of distillate heating oil and transportation fuels.

As we are all aware, petroleum not only serves as a resource supply that can be used directly as source of energy but it also can serve as the feedstock for our refineries and our petrochmical industries. Together, they produce a wide range of conversion products such as heating oil, low-sulfur residual oil, automobile gasoline, and a wide range of other transportation fuels—essential to commerce.

It is obvious to me that among the many factors contributing to this situation, the single most significant influencing shortages in available supplies of petroleum conversion products is the apparent reality that we are fast approaching the limit of our domestic refinery industry's capacity. It also is reported that international refinery capacities also are approaching the limit of their ability to meet demands.

The President's energy message proposes economic incentives to encourage the construction of domestic refineries. It remains to be seen whether this approach will be effective. This, however, must not be left to chance, as I stated on January 16, 1973, I have asked Senator HENRY M. JACKSON, as chairman of the Senate's National Fuels and Energy Policy Study, to undertake immediately a joint congressional-Executive branch review of the adequacy of domestic refinery capabilities. This review must consider anticipated short-term and long-term requirements and serve as the basis for legislation to stimulate the development of an expanded domestic refinery capacity consistent with economic, environmental, and societal needs.

In formulating a long-term national energy policy for domestic refineries, emphasis must be given to reversing the current trend toward export of refinery capacity and the import of high-cost petroleum conversion products. To provide a climate for the expansion of domestic refinery industry's capacity there is need for——

Establishment of a national policy for the siting of domestic refineries and, possibly, other energy facilities consistent with economic, environmental, and societal needs; and

Establishment of Federal economic incentive, such as accelerated depreciation, which will serve to stimulate the con-

struction of domestic refineries in preference to foreign based operations.

Any objective analysis of the current situation must support the conclusion that we must reverse the current trend toward building refineries abroad and importing refined products.

I recognize that there are environmental implications associated with building of additional refinery capacity in the United States and from the standpoint of short-term environmental concerns it might be desirable to import all this country's fuel requirements. However, in the case of refined products these advantages may not be as great as some people think. Besides, this development can be undertaken consistent with environmental, economic, and societal needs and policies.

In building refineries overseas we mortgage this country's security and freedom in the pursuit of imported refined products as well as imported crude oil. I believe this price is more than most Americans are willing to pay.

STRATEGIC RESERVES

On Monday of this week, I joined with Senators JACKSON and MAGNUSON in introducing legislation to create a 90-day reserve of petroleum to protect our economy from unanticipated interruption of imported petroleum. It is unfortunate that the President does not consider this possibility of sufficient importance to offer a specific proposal. Instead, a study is being undertaken by the Oil Policy Committee to examine incentives aimed at increasing our domestic storage capacity or shut-in production. In this way we will provide buffer stocks to insulate ourselves against a temporary loss of foreign supplies.

This is the old, slow way that placed this country in its energy shortage position. We must do better.

DEEP WATER PORTS

Obviously, for the foreseeable future, our country will have to import petroleum supplies in large quantities. I have long been in favor of a Federal policy which recognizes the long-term dependence of our Nation's economy on the development of a deep water port capability. Of necessity, I question any Federal policy which provides a Federal subsidy for deep water port construction. This would have the effect of providing an incentive toward imports and could enable imports to enter our markets and undercut the prices for domestic supplies of coal and oil.

Recognizing that the development of ports has usually been a responsibility of State and local governments and the private sector, the President proposes to transmit to the Congress—

Legislation to permit the Department of the Interior to issue such licenses. Licensing would be contingent upon full and proper evaluation of environmental impact, and would provide for strict navigation and safety, as well as proper land use requirements. The proposed legislation specifically provides for Federal cooperation with State and local authorities.

As I stated during hearings before the Senate's energy policy study on October 30, 1972: Before we, as a Nation, commit ourselves to the implementation of any recommendations from these studies, the Congress must fully understand:

The short- and long-term economic implications for domestic energy supplies of a Federal policy which subsidizes the construction of deep water ports;

The anticipated roles for the Corps of Engineers in the dredging of harbors and the construction of pipeline and terminal facilities on the outer continental shelf as well as the potential long-term environmental consequences of these activities;

The projected attendant development of refineries, and other economic interests, which will affect the environmental quality and land-use concerns of the regions involved;

The potential for oil spills and the existence of adequate oil spill contingency planning by both government and industry; and

The adequacy of existing liability limits covering oil spill clean-up which are the same for all super-tankers greater than 100,000 dead-weight tons.

Therefore, the Senate Committee on Public Works and Interior and Insular Affairs, and others, will review the President's proposed legislation and undertake the necessary steps to establish a national deepwater port policy which requires that any deepwater port development recognize the need for long-term reliance on domestic energy supplies.

ENERGY CONSERVATION

I am disappointed with the thrust of the President's proposals for energy conservation. The areas covered are the same as those mentioned in this June 1971, energy message. Ignored are such issues as the foolish use of natural gas as a boiler fuel.

For the most part, the transportation uses of energy are ignored. Rather than deal with the most inefficient use of energy—the automobile—it is again proposed—that we allow local officials to use money from highway trust fund for mass transit purposes. Greater reliance on mass transit can do a great deal to help us conserve gasoline.

Mass transit system construction of sufficient amount to really influence the environment adequately is years and years away. Why not do more to clean up auto engines now?

Great savings are possible in transportation uses of energy. In the last 30 years of our supposed technological development, the gas mileage of all motor vehicles has actually declined from 13.8 miles per gallon in 1940 to 12.2 miles per gallon in 1969. For passenger cars alone it has declined from 15.3 miles per gallon in 1940 to 13.8 miles per gallon in 1969. Doubling in the gas mileage through more efficient operation of passenger vehicles by 1985, would produce a daily savings of 3.5 million barrels of oil. This action alone could produce a 38-percent decrease in anticipated gasoline requirements. This represents about one-sixth of projected national petroleum and refinery requirements. Within just 10 years, this could result in a 15 to 25 percent savings in the national energy budget for this end-use without affecting services transportation patterns.

This saving could be accomplished voluntarily by the auto industry through the development and introduction of more efficient and economical engine systems; however, as for air pollution control requirements industry action may very well require the imposition of engine size and weight as well as efficiency limits before any action is undertaken. As dramatic as this proposal may seem, this transition to less energy, wasteful passenger vehicles would not, in any way, eliminate growth in the petroleum industry; it would, however, have the effect of slowing down the pace of growth.

Another possibility for energy economy is in the area of electrical equipment.

For example, some air-conditioners consume 50 percent more energy than others, but few buyers are made aware of the difference. The customers' choice usually depends upon appearance or convenience features. Here, too, there is a potential for significant saving in the Nation's fuel bills. Where existing Federal procurement standards for window air-conditioners extended nationwide, by 1980. The energy demand for air-conditioning uses would be cut by 20 percent.

As I stated on January 16, we must undertake aggressive Federal initiatives in energy conservation. We must:

Upgrade the 1971 FHA home insulation standard.

Establish Federal guidelines for the incorporation of energy conservation practices in new buildings (mandatory for new Federal and federally insured buildings and homes).

Establish a national program of consumer education to foster more efficient use of energy in our daily lives.

Develop and publish Federal guidelines for the labeling of electrical equipment to reflect efficiency of energy utilization.

Initiate comprehensive national review of the potential for energy conservation within the transportation sector of our economy, hopefully, to lead to the adoption of Federal policies for fostering energy conservation in this end use.

The President's program to upgrade insulation standards on single and multi-family dwellings is still in a demonstration phase. It is unclear when he will direct the Federal Housing Administration to update its insulation standards.

ENERGY RESEARCH

It is generally agreed that a "crash" program is now needed to achieve self-sufficiency, and at the top of the list are coal based technologies, such as the gasification of coal to supplement dwindling natural gas supplies, the development of low-b.t.u. synthetic gas from coal for cleaner generation of electricity, the development of MHD processes for making power, the development of stack gas cleaning technologies for sulphur oxides, and the development of oil from coal.

With coal and oil shale generally recognized as the principal domestic alternatives to petroleum imports, it is obvious that action, not rhetoric, is needed now to insure the future and essential role that these domestic resources can serve in our energy economy.

The President's message, however, does little to build upon existing programs which are constrained by inadequate funding. The thrust is to continue the Federal Government's previous bias toward nuclear energy research. The cornerstone of the administration proposals, other than nuclear, is:

Creation of a new central energy fund in the Interior Department to provide addi-

tional money for non-nuclear research and development, with the greatest part designated for coal research. This central fund is designed to give us the flexibility we need for rapid exploitation of new, especially promising energy technologies with near-term payoffs.

Yet, examination of the 1974 budget reveals only $21 million proposed for the Interior "central energy fund."

Perusal of the energy message convinces me that the Federal Energy Research Management project proposed by Senators JACKSON and MAGNUSON and myself, on March 19, 1973, is an absolute necessity. Our proposed legislation would, in effect, provide $20 billion over the next 10 years to commercially demonstrate technologies for coal gasification, coal liquifaction, shale oil, and geothermal and advanced power cycles for the generation of electricity, to meet U.S. future energy requirements with domestic, not foreign, energy resources.

For 20 plus years, the American people have subsidized nuclear power developed on the premise of abundant electric energy. Let us now apply this same concept and assure abundant supplies of domestic, not foreign, energy resources, compatible with environmental requirements.

It is unrealistic to continue to expect that increased exploration for domestic oil and gas can alone carry the burden for success, even at higher prices.

As I pointed out during hearings before the national fuels and energy policy study on Federal energy research programs and priorities, "our Nation's long-term energy posture depends on the successful development of solar energy, the nuclear breeder reactor, controlled fusion, and other unconventional energy resources. First, however, we must successfully meet the requirements of the 1970's and 1980's when there will be need for the development of sulfur oxide control technology, coal liquifaction, both high- and low-Btu coal gasification, and geothermal energy sources"

Such a crash program would, of course, require massive cooperation from the private sector where the greatest expertise now exists. Yet, the very companies who possess the expertise on such technologies as synthetic fuels from coal are wary of joint government-industry projects for fear of losing title to their proprietary knowledge. The result is unacceptable delays or even failures. This inequitable and unrealistic situation must be corrected.

The National Energy Research and Development Policy Act of 1973, is a step in this direction and was introduced to stimulate discussion of this matter. We agree that there are several points which require clarification in any final legislation. However, these will be discussed in subsequent hearings after which I may offer amendments.

INTERNATIONAL COOPERATION

I support the President's conclusion that:

The energy challenge provides an important opportunity for nations to pursue vital objectives through peaceful cooperation. No chance should be lost to strengthen the structure of peace we are seeking to build in the world, and few issues provide us with as good an opportunity to demonstrate that there is more to be gained in pursuing our national interests through mutual cooperation than through destructive competition or dangerous confrontation.

My view on the need to review our country's foreign policy in light of projected oil imports is best presented in my March 19, 1973, address to National Energy Forum 2. I request that appropriate excerpts be included in the RECORD at this point:

PRIORITIES OF OIL-PRODUCING COUNTRIES

When speaking of national priorities for energy, however, we must also concern ourselves with the national aspirations of the oil producing countries. Their economic future rests predominantly on their development of non-renewable energy resources.

Yes, American society stands as a symbol of success to virtually every other nation. Our ability as a people, and as a Nation, to provide and sustain material prosperity is a goal actively sought by the world's developing nations. Our unparalleled prosperity was achieved, notwithstanding an unprecedented dependence on energy. Somehow, we managed to keep supplies adequate to meet energy demands. But this, unfortunately, is changing.

The Middle East oil-producing countries aspire to achieve our standard for their people. Their principal asset for realization of this objective is oil. Yet, as Saudi Arabia's Oil Minister, Shaykh Yomini, has pointed out, the producing countries are about to enter an era when their income revenues are in excess of what they can spend inside their own countries. Consequently, from the standpoint of their nationalism, they are being forced to reconsider the value of holding cash revenues, and realizing only interest on them, as compared with the future escalated value of oil left in the ground. With the periodic devaluation of the dollar that has taken place, this reassessment by the oil-producing countries is inevitable. It can be expected to lead to their adoption of production programs which insure that revenues are collected consistent with their national aspirations.

We need but look to Canada, our neighbor to the north, to understand the real importance of this situation. On February 16, 1973, Canada announced that it is curbing petroleum exports to the United States to protect its domestic supplies. This action is consistent with Canada's previous policy of exporting only excess crude oil supplies to the United States. Recent U.S. demands threaten their domestic energy supplies, particularly the use of crude oil for the production of gasoline and heating oil. In other words, although the United States is prepared to pay the going price, Canada does not find it in their national interest to increase our supplies.

A similar situation would exist in the Middle East should oil be worth more in the ground than dollars in the bank.

As the era of scarce energy dawns, the oil exporting countries will hold the trump cards. The producing countries can be expected to develop their non-renewable energy resources to reflect their long-term national priorities, rather than the priorities of the consuming countries. Such policies will harm the interest of the consuming countries, and of the oil companies, unless alternative domestic supplies are developed.

Yet, as the Vietnam conflict draws to a close, the remaining outstanding area of turmoil is the Middle East, where stability would assure a reliable flow of essential oil to the American economy. But that is an unstable area and I believe it is incumbent on the United States to accelerate efforts toward peace in the Middle East from whence we plan to import more and more petroleum products.

Some of the Nation's academic economists have suggested that a cut-off of middle eastern oil to the United States will not happen despite specific Arab threats to the contrary. They also have argued that Middle East oil is and will be cheaper than domestic oil. But last week it was higher priced, for the first time. And, our energy conservationists have argued that we should not "drain America dry". Many of them assert that we should buy as much foreign oil as we can.

As usual, realism is needed. The OPEC countries have a 75 percent monopoly on the known "Free World's" oil reserves and they have billions of dollars of excess capital. It also is estimated that by 1983 the OPEC countries will have acquired a 51 percent equity ownership of the operations of international oil companies in their territories.

While United States oil companies need United States Government support in their dealings with these oil producing countries, the greatest need is for a coherent energy resource strategy for our country for the next decade. The United States must undertake diplomatic approaches on our Nation's behalf, not just on behalf of the oil companies. Our government must insure stable supplies to meet our future energy requirements.

At home, we must develop alternative supplies to increase our flexibility in dealing with the oil exporting countries. This will involve costly, and unpopular, domestic decisions and the possibility of curbing domestic consumption. But, in recognizing the national interest of foreign suppliers, we will also help to guarantee that the United States has access to these important energy resources, especially from the Persian Gulf.

Our greatest challenge, however, may very well be our willingness to come to grips with the fact that never before, in the history of mankind, have so many wealthy, industrialized, and militarily powerful countries been at the potential mercy of the small, independent, and potentially unstable states. Yet, for the foreseeable future, these countries will provide the bulk of the fuel for Western Man.

Few of our traditional policies can accommodate this difficult situation in an era of intense nationalism. Never before has the need for new and imaginative foreign policies been more keen, and never before has the interdependence of the rich and poor, the small and large, and the weak and powerful states been so great. Consequently, we must take all possible steps to minimize our future dependence on these energy resources by the development of alternatives—at home.

CONCLUSION

The challenge is there—the question is our national acceptance and a solid commitment to meet our national energy commitments consistent with environmental policies.

The President's program leaves much to be desired. The Congress, as provided for in our Constitution, must formulate our country's energy priorities and programs. The executive branch, in turn, must then implement and administer the resultant statutory policies or recommend their modification.

ORDER FOR RECOGNITION OF SENATOR HUMPHREY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Minnesota (Mr. HUMPHREY) may be recognized for 10 minutes, instead of 5 minutes, in the pe-

riod for the transaction of routine morning business.

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

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

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, at the conclusion of routine morning business today, the distinguished Senator from Wyoming (Mr. McGEE) may be again recognized for resumption of the unfinished business.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Minnesota (Mr. HUMPHREY) be recognized, when he does seek recognition later today, for not to exceed 20 minutes rather than 10 minutes.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered, and the distinguished Senator from Minnesota is recognized for 20 minutes.

THE BUDGET

Mr. HUMPHREY. Mr. President, first, I invite the attention of the Senate to some informative testimony delivered this morning before the Joint Economic Committee, the Subcommittee on Consumer Economics, the testimony being given by the distinguished Comptroller General of the United States, Elmer B. Staats, relating to the President's budget and the Joint Economic Committee's staff analysis of that budget.

I ask unanimous consent that my opening statement and Mr. Staat's testimony at this morning's hearing of the Consumer Economics Subcommittee be printed in the RECORD.

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

OPENING REMARKS OF SENATOR HUBERT H. HUMPHREY—APRIL 18, 1973

The Budget of the United States may be the Nation's most important public document. The budget sketches out the Government's present and future economic activities, the level and composition of Federal revenues, the overall level of Federal spending, and the details about how much money will be spent for particular government programs. The execution of the budget plan has an enormous effect on the economy and on individual consumers. For this reason, it is clear that Congress and the public need a budget document that is honest and complete.

Yet look at the situation we face today.

First, the current budget document misrepresents the current economic situation, what factors have created that situation, and what actions the Executive has taken to control Federal spending. We are told that Congress is entirely to blame for the current spending increases, that the Administration has a spending reform program that will save the taxpayers a great deal, and that the Administration is also busy weeding out wasteful and ineffective programs. None of these assertions are true, as has been made clear by the Joint Economic Committee staff study analyzing the Administration's spending reform proposals, which I released last Friday.

Second, Mr. Roy Ash, Director of the Office of Management and Budget, has refused to testify before this Subcommittee on the substantive reasons why particular budget cuts were made. Mr. Ash says he won't come because he is only responsible for the overall fiscal outlook, not the details about why certain budget cuts are made. This puts Mr. Ash in the incomprehensible position of being in charge of managing the Budget in general but not in particular. This represents, to me at least, an abdication of Mr. Ash's responsibilities as Director of the Office of Management and Budget.

Third, instead of building their case for the particular budget cuts with hard analysis, and presenting such analysis in open testimony to the Congress, the White House apparently has mobilized the Government's public relations machinery to distort the spending issue. As most of you know, the Administration has distributed a 145 page public relations kit called "The Battle of the Budget 1973." I have looked at that kit and found it goes far beyond the bounds of partisan debate in its contempt for Congress. An entire page is devoted to demeaning statements that speechmakers can make about the Congress, including:

"Just because the Congress passes the buck doesn't mean the President has to spend it."

"When the Congress can't add, . . . the President must subtract, otherwise the budget will keep on multiplying and the taxpayers dollars will keep on dividing."

"When one man helps himself to another man's bank account, it's called embezzlement. But when a big spending Congressman helps himself to the taxpayer's income with higher prices and taxes, then it's called compassion."

"Does the Congress really want programs of compassion for the poor, or does it just want to indulge its passion for poor programs?"

"This may look like a Santa Claus Congress—but it's got a bag full of bad news for the taxpayers."

"All this talk about a constitutional crisis is just a smoke screen—a frantic attempt to divert attention to the crisis of confidence and the ability of Congress to protect the American taxpayer."

"Some people on Capitol Hill seem to have the power of the people mixed up with the power to declare war on the American taxpayer."

"When the report card on the budget comes in, if the Congress flunks arithmetic, the taxpayer is the one who will get a licking."

As one can see, these are demeaning statements that Congress is on a drunken spending spree and only the President is interested in economizing. The Joint Economic Committee staff study I released last Friday has laid that myth to rest by showing that Presidential spending initiatives were responsible for more than half of the spending excesses over the President's original fiscal 1973 Budget proposals.

We in Congress cannot and will not allow such wholesale distortion of the budget and spending issues. We must put a spotlight on what is happening to budget priorities behind the public relations haze, and we must halt the use of Government funds and resources for propaganda purposes. I have therefore written to the Comptroller General and asked him to investigate the Administration's public relations activities in the budget area, particularly the use of the 145 page public relations kit called "The Battle of the Budget 1973."

We can also put the spotlight on these matters by inviting expert witnesses to analyze the Administration's budget spending reform proposals. Today we are fortunate to have the Comptroller General of the United States, who brings considerable expertise to the question of program evaluation. Following Mr. Staats, we will hear from Wilbur Cohen, Former Secretary of the Department of Health, Education and Welfare, and Dr. Lester Thurow, Professor of Economics at the Massachusetts Institute of Technology. Both Dean Cohen and Dr. Thurow have practiced and written extensively in the field of government finance and program evaluation.

STATEMENT OF ELMER B. STAATS

The Committee has furnished us with certain materials supplied by the Office of Management and Budget in response to your requests for justification of the items listed in the fiscal 1974 budget as "Outlay savings from program reductions and terminations, 1973–1975." In your letter of April 12, the Committee requested our analysis of these justifications "in terms of their general professional competence, to what extent they provide an analytical explanation of *why* the budget cuts were made, if adequate consideration was given to the impact the cuts would have on sectors of the economy, and to what extent the Administration's budget cuts represent real savings in budget outlays for fiscal 1974." The Committee further wished to have our judgment as to whether we believe that the material provided the Committee "is an adequate basis for Congress to make decisions about the benefits and costs of the programs being terminated or reduced."

Our response to the Committee's request must necessarily be limited for several reasons. First, we have had an extremely short time to review the material. As you recognize, the material supplied by the Office of Management and Budget is extremely brief. The discussion in the budget documents itself is even less complete. Secondly, we have not obtained backup information from the Office of Management and Budget, and moreover, agency budget justifications prepared for the appropriations committees are not available to us. Normally, the subcommittees of the appropriations committees or the legislative committees, where applicable, would examine through agency hearings the detailed basis for the types of reductions and program modifications outlined in the material supplied to the Committee.

With this overall qualification, we are happy to provide such comments as we can in our presentation today.

First of all, there is nothing new about the idea of having a section in the budget dealing with savings from program modifications and terminations. This has been common practice of different Presidents over many years. Undoubtedly, the reductions listed in the 1974 budget include possibly more items and are probably more controversial than any which I can recall, and there may well be items which are improperly included in a list described as pro-

gram reductions and terminations. In some instances, for example, it would appear that a reduction below the agency's request is included as an outlay savings. I note, for example, on page 52 an item, entitled "reduce procurement of Safeguard, aircraft, missiles, and ships," involving savings of $650 million in 1974 and $1.3 billion in 1975. I assume that the decision not to proceed with an ABM site in the Washington area accounts for this in part but the portion relating to aircraft, missiles, and ships would appear to be simply a reduction below the Defense Department's request. A cursory review of the list would indicate that this is true with a number of other items.

We all recognize that agency requests almost without exception exceed the amounts which the President finds possible to include within the total which he is prepared to support. If the logic of including these items were to be pursued, the list would have included all reductions below agency requests. It is difficult to understand how these can be accurately considered as "outlay savings."

The second type of question relates to the appropriateness of including as an "outlay savings" the increased return of lease sales on the outer continental shelf to increase domestic oil production which is taken in the budget as an offset to expenditures. The item involves more than $1.5 billion in the two years 1974 and 1975. A similar question relates to the return to the United States of advances to the Organization for European Cooperation and Development resulting from termination of the European Monetary Agreement on December 31, 1972. Under this agreement, the OECD agreed to return the original U.S. contribution and a portion of the funds earnings. $241.5 million, representing 118 million in cash and a 123.5 million in claims against the Treasury, were taken as a receipt in the Budget offsetting 1973 foreign economic assistance outlays. In my opinion, both these items should have been properly considered as receipts rather than savings. If they had been considered as receipts, they would have, of course, entered into the totals of the budget deficit and surplus but not in a list of outlay savings.

Still another question is illustrated by the termination of categorical community development programs in favor of urban special revenue sharing. The termination of model cities, urban renewal and other community development programs is shown as a savings of approximately $750 million. These are more than offset by a legislative proposal of $2.3 billion for special revenue sharing elsewhere in the budget document. Nevertheless, the item is carried as an outlay saving. A similar question arises with respect to the savings which are listed under income security on page 53 where it would appear that the budget takes credit for the lower statutory ceiling enacted by the Congress on social services grants. This action had been taken prior to the preparation of the budget and it is, therefore, difficult to understand the rationale of its inclusion in the list of projected outlay savings. With the legislative change, the amount could not have increased and, therefore, no savings would have taken place.

A different type of question arises with respect to the item on page 57 where savings of $390 million are attributed to a change in the allocation of retirement costs from the Civil Service Retirement Fund to the Postal Service. These costs will be incurred and must be paid for out of one fund or the other, that is, they must be paid for either out of general revenues or postal revenues, or from transitional Postal Service appropriations. Incidentally, the Postal Service disagrees that the change in the funding to the Postal Service can be accomplished without legislation.

These questions are not intended to be critical of the need for the budget formulation process to examine all possibilities for savings whether they be through management improvements, program reductions and terminations or whether they be through recasting programs to achieve the benefits at lower costs or more effectively at the same cost. This is a legitimate and important function of the budgetary process. At the same time, under the Budget and Accounting Act, Congress must examine each such recommendation or proposed action by the President to determine the desirability of the proposed action, including the validity of the claimed savings associated with the proposed action. In other words, are the claimed savings "real" savings or do they appear somewhere else in the budget under a different heading and are the savings realistic appraisals as to desirability of reducing or terminating a program and substituting in its place a different approach? Accordingly, regardless of the existence of or the adequacy of studies in support of proposed budgetary proposals, value judgments will always play an important part in the overall budget formulation and review process.

My general point is that the questions which the Committee is addressing are difficult to separate from the review of the entire budget submitted by the President to the Congress. Unquestionably, the committees which will be reviewing individual agency budget requests and considering legislative proposals of the executive branch will examine them in detail. It is important, however, to recognize at the same time that many questions can legitimately be raised with respect to the validity of the figures which have been included in the total list of outlay savings as well as the propriety of including certain proposed actions on the list. In other cases, the Committee may wish to address itself to analytical studies in greater depth bearing upon the substance of the proposed actions.

ADEQUATELY OF "ANALYTICAL JUSTIFICATION"

With regard to whether adequate consideration was given by the administration to the impact the cuts would have on sectors of the economy, our conclusion is that the material standing alone does not reveal this. We can assume that the administration considered many factors in arriving at decisions as to what and how much to cut. The adequacy of such consideration, however, would be extremely difficult to assess in the time available even if information and data much more in depth than the OMB material were readily available. Some of the kinds of questions which could be addressed in analytical studies and on which information would be necessary or desirable before congressional action can be illustrated by selected examples drawn from those actions requiring substantive legislation listed on page 50 of the Budget.

The first action listed proposes to eliminate a present option for a lump-sum payment with reduction of subsequent monthly benefits for certain beneficaries of the Old Age, Survivors, and Disability Insurance Program, with estimated budget outlay savings of $310 million in each of 1974 and 1975. The OMB material does not discuss the original purpose in granting an option to the beneficiaries and the extent to which this purpose might be compromised by the proposed legislation change. Also, the material does not disclose the basis for the estimates or whether they considered the offsetting effect of higher monthly benefits against the savings from elimination of the lump-sum payments.

The third action listed proposes to legislatively reform cost-sharing under the Medicare program as well as to implement effective utilization reviews in that program. The OMB material does not provide information on how the estimated 1974 and 1975 budget outlays savings of $616 million and $1.3 billion were arrived at, or how much of these amounts are attributable to the proposed legislative and administrative actions, respectively. Also, the material does not indicate whether the estimates considered the extent to which the increased Medicare deductible and copayment amounts and resultant reductions in budget outlays would be offset by increased financing of such deductible and copayment amounts by the Federal and State governments under the Medicaid program.

The fifth action listed would eliminate duplicate burial benefits through legislation requiring that burial benefits for veterans of $250 each be reduced by the amount of burial benefits available under the Social Security Act and other law. The OMB material does not include whether, in estimating reducing budget outlays of $54 million annually, consideration was given to the increased costs of administration which would be required to determine in each individual case the entitlement amount for burial benefits.

The sixth listed action would legislatively require the income of spouses to be considered in determining amounts of veterans' pensions contributing to an estimated savings of budget outlays of $223 million in 1974 and $227 million in 1975. The OMB material does not provide information on how the income of a spouse will be considered in computing pension benefit amounts and does not indicate whether consideration was given in the estimates to the possible disincentive the spouse might have to work to supplement the family income.

These examples suggest only a few of the types of information which should be available to the Congress prior to action on the contemplated legislative proposals.

VALIDITY OF THE AMOUNT OF CLAIMED SAVINGS IN BUDGET OUTLAYS

As pointed out in the Subcommittee staff study released last Friday, the question of whether claimed savings in budget outlays are real presents some problem of definition. In general, we would not disagree with the statements on page 6 of the staff study that an outlay savings could result from either a reduction in the level of program outlays from one year to the next or an action that leads to a reduction in the rate of increase in outlays, as authorized or contemplated by existing law, from one year to the next. In other words, funds which in the absence of the specific action would have been expended, will not be expended.

Although it appears that many of the "savings" shown in the budget listing of program reductions and terminations follow this definition, not all of the "savings" can be considered permanent since many of the actions are in the nature of deferrals of outlays to later periods rather than permanent reductions. Also, although certain of the "savings" appear to be permanent in the context of the particular program being reduced or terminated, they seem to be at least partially offset or eliminated by increases or contemplated increases in other parts of the Budget or by reductions in receipts.

We have prepared a series of schedules which are attached to my statement which classify the different "savings" items for fiscal year 1974 in accordance with the characteristics I have discussed and certain other characteristics. These classifications were prepared by my staff rather quickly and generally using only information contained in the budget and the OMB material. Accordingly, we are sure that with more time and information the classifications could be improved upon and refined.

I believe it would be useful here to illustrate the different kinds of savings with a few examples.

With regard to deferred expenditures or outlays, the first item on page 50 again illustrates a point. Although the legislative elimi-

nation of optional lump-sum payments under the OASDI program is estimated to reduce outlays in each 1974 and 1975 by $310 million, the savings will be generally offset by increased monthly benefit payments in future years.

The fiscal year 1974 savings of $471 million for the Corps of Engineers and $123 million for the Bureau of Reclamation (items 30 and 55 in the OMB material) also appear to represent largely deferrals of outlays through deferring or slowing down construction projects.

As previously mentioned, the termination of several community development programs illustrate savings in budget outlays in one part of the budget which will be offset by contemplated increases in other parts of the budget. As another example of possible offset, item 16 of the OMB material indicates that some part of a $94 million 1974 savings will be due to shifting some forest road construction from direct Federal funding to financing by timber purchasers with corresponding allowances against the purchase price. Accordingly, it would appear that much of the outlay savings would be offset by reduced receipts.

In addition to the characteristics I've mentioned and illustrated, many of the savings in budget outlays are dependent upon either substantive legislative action or upon the successful implementation of administrative improvements and reforms. As we all know, many legislative proposals require careful and time-consuming congressional consideration and debate. Accordingly, some of the estimated savings may not be achieved or achieved when expected due to delays in the legislative process.

Also, as much as administrative improvement and reform may be desired and justified, it is often difficult to bring about. For example, item 49 in the OMB material relates to eliminating overpayments and payments to ineligible recipients of public assistance with savings of $592 million in each 1974 and 1975. We all know that this area has been difficult to administer for many years and it is quite likely that, as desirable as improvements may be, all improper payments will not be eliminated.

As mentioned, our testimony today is intended to be responsive to your basic questions rather than to represent a complete or intensive review of the program reductions and terminations proposed in the Budget. We will be happy to lend our assistance to the Subcommittee in the future analysis of selected termination and reduction items in the future.

This concludes my prepared statement. We will be happy to respond to any questions that you or members of the Subcommittee may have.

Mr. HUMPHREY. Mr. President, I also ask unanimous consent that an editorial from the Washington Post, dated April 18, 1973, entitled "The Whos and Whys of Budget Cuts," be printed in the RECORD.

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

THE WHOS AND WHYS OF BUDGET CUTS

For months now, the administration's vast public relations campaign on behalf of the President's budget has featured two themes. One is that, thanks to congressional extravagance, federal spending had been threatening to soar out of sight until President Nixon boldly intervened to save the taxpayers from ruinous inflation, heavy tax increases or both. The complementary theme has been that the program slashes and terminations decreed by the President were based on the most exhaustive systematic review of federal operations ever made. As long ago as November 28, for instance, White House Press Secretary Ronald Ziegler told reporters at Camp David that Mr. Nixon "intends for the Office of Management and Budget to assume a new and expanded role . . . [and] undertake a comprehensive examination of all government programs now in existence to determine whether they are actually meeting the purpose for which they were designated."

Now, however, in a Joint Economic Committee staff study, just released by Senator Humphrey, comes word that those estimates of extravagant spending—and the claims of enormous cuts—are partly fiction and fluff. The real increases which produce legitimate concern, the study points out, are attributable as much to presidential initiatives as to congressional moves. From supposedly authoritative documents submitted to the committee by OMB emerges the impression that the administration's real cuts were not based on any comprehensive assessment of federal programs, but that the weeding was done instead mainly by slashing about in all directions. Finally, from OMB Director Roy Ash himself, comes a refusal to testify on these matters on grounds that OMB in general and Mr. Ash in particular should not be held accountable for the details of those painful cuts.

It is easy to see why the President's top budget officer was not too anxious to be interrogated about the 179 pages of "statements" which his agency submitted to Senator Humphrey to justify all those programs cuts. The material cannot be dignified with the label of serious analysis, much less the exhaustive review, based on consistent standards, which administration rhetoric might lead one to expect. Most of the programs are written off in several lines of generalities. In some policy areas such as housing which are ripe for reform, the OMB papers do not even incorporate the detailed studies which have actually been made. In many other cases, the reason for cutting or ending a program boils down to the autocratic assertion that the government shouldn't be doing that, or shouldn't be doing it that way.

All in all, this material—and Mr. Ash's refusal to discuss it publicly—hardly promote either the President's professed goal of serious reform, or the image of OMB as an agency rich in management capability and analytic skill. The picture which emerges is that of a highly partisan wrecking crew, taking the occasion of a legitimate budget squeeze to demolish every domestic program which anyone thought was shaky in performance or suspect in principle. Senator Humphrey and his staff have performed a real service in debunking the "battle of the budget." Their work will be most valuable if it prods Congress to undertake on its own the serious reassessment which is needed, but which OMB apparently has not done.

Mr. HUMPHREY. Mr. President, in my opening remarks, I noted that I had addressed a letter to the Comptroller General and have asked him to investigate the administration's public relations activities in the budget area, particularly the use of a 145 page public relations kit called, "The Battle of the Budget, 1973."

I ask unanimous consent that the text of my letter to Mr. Staats be printed in the RECORD.

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

APRIL 18, 1973.

HON. ELMER B. STAATS,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

DEAR ELMER: It has been reported, as you know, that the Administration has mobilized a major public relations effort to convince the public that Congress is an irresponsible spender and that the President is a prudent economizer. I have criticized the substance of this position in my statement releasing the Joint Economic Committee's staff study of the Administration's spending reform proposals. But I believe a further investigation of the Administration's public relations effort in the budget is merited.

I would first like the General Accounting Office to obtain a complete copy of the Administration's 145 page public relations kit, "The Battle of the Budget 1973." I would then ask you to determine who supervises the preparation of this document, what Executive offices assist in its preparation, and how many copies have been produced. I would also like to know who has received copies and what instructions were given on how to use the material. Finally, I would like to know the total costs for producing the material and the government funding sources.

I would also like you to determine if the Budget and Accounting Act, or any Federal statutes or guidelines lay out standards for honesty in the preparation of the Budget.

I would be interested in any suggestions you might have about the relevant questions to raise in reviewing these public relations activities with respect to the Budget. I hope that we can move promptly on this and have at least a preliminary answer in 10 days.

If you have any questions concerning this matter, please contact Mr. Douglas Lee of the Joint Economic Committee staff.

Sincerely,

HUBERT H. HUMPHREY,
Chairman, Subcommittee on Consumer Economics.

Mr. HUMPHREY. Mr. President, I also ask unanimous consent that the testimony of Wilbur J. Cohen, former Secretary of Health, Education, and Welfare and now dean of the school of Education of the University of Michigan, be printed in the RECORD.

There being no objection, the testimony of Mr. Cohen was ordered to be printed in the RECORD, as follows:

MAJOR PROGRAM REDUCTIONS AND TERMINATIONS PROPOSED BY THE NIXON 1974 BUDGET IN THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

(Comments by Wilbur J. Cohen, Dean, School of Education, The University of Michigan, formerly, Secretary of Health, Education, and Welfare, before the Joint Committee on the Economic Report, Subcommittee on Consumer Economics, April 18, 1973)

I first appeared before the House Appropriations Committee on a budget request in 1935 for the Social Security Board. We didn't get the appropriation because Senator Huey Long filibustered and the Congress adjourned before enacting the appropriation.

Mr. Chairman, I have concluded that some new and better method is needed to prevent the President's Budget for 1974 being enacted as proposed. I hope these and similar hearings will produce the necessary information to achieve this result.

Real versus imaginary budget savings

I have reviewd the 24 proposed program reductions and terminations for the Department of H.E.W. listed on pages 51–53 of *The Budget for Fiscal Year 1974* and the formal justifications for each one which were submitted to this Committee. The total of these 24 proposals is about $6 billion for 1974 and $9 billion for 1975.

I completely agree with the observation in the staff study that the information provided to the Committee as formal justification for the Budget cuts is inadequate and that Congress cannot rely on it in determining program changes or setting national priorities.

I believe the legislative and appropriation Committees which have jurisdiction over the individual items would need substantial additional information before making a final conclusion on any of the proposals.

Even when the proposed change has considerable merit, the justification fails to present any hard data or any evaluation of the impact of the proposed change.

In all my 38 years of Budget-watching I have never seen such a poor set of Budget Justifications sent to the Congress. I can only guess that any fuller justifications were lost on the way to the Watergate.

I cannot conceive of the present Congress adopting the increased deductibles and coinsurance in Medicare. This would reduce the above totals by $516 million in 1974 and $1,200 million in 1975.[1]

The alleged savings of $2.7 billion in 1974 and $4.7 billion in 1975 by virtue of the Congressional passage of the statutory ceiling on social services last year is taking credit for past legislative action and should not properly be included in any Budget totals.

Excluding these two large items, the total savings of all 22 other items are $3.7 billion for 1974 and $3 billion for 1975.

Two of these amendments [2] (in part) would result in some increases in the costs of hospital services under Medicare. Hence, there would be no real net savings from these actions but a shift from general revenue financing to payroll tax financing. Since the estimated savings for these two proposals are embodied in other proposals, it was not possible for me to make a precise estimate of their impact, but they probably would involve about $250 million in 1974 and $500 million in 1975.

Another proposal [3] is simply a short-time reduction in social security disbursements which would be offset by future increases, and, moreover, would not be reflected in any general revenue savings.

In effect, therefore, part of the alleged savings are cosmetic, and part are misleading insofar as general revenues are concerned.

In addition, it is highly probable that the estimate of $592 million savings for eliminating overpayments and ineligible recipients from welfare is overstated. Only a very careful study of the recently issued revised regulations would throw light on this. I suggest an intensive study by the GAO to produce an evaluation of this policy and its probable cost effects.

Overall, therefore, the maximum possible savings for 1974 if all the remaining proposals were adopted would probably be in the neighborhood of about $3 billion for 1974, and about $2.5 billion for 1975.

Comments and individual proposals

A number of the proposed Budget terminations would adversely affect the aged and the poor. The proposed cut-backs in Medicare have been widely discussed and I sense a broad-based opposition to their adoption.

I wholeheartedly concur in the opposition to the Medicare proposals.

There are, however, other proposals which should be vigorously opposed.

FEDERAL FINANCING TO ELIMINATE DENTAL CARE TO ADULTS IN MEDICAID

I find it difficult to restrain my comments regarding the proposal to eliminate federal financing of dental care to adults under Medicaid ($75 million in 1974 and $100 million in 1975).

The statement submitted to the Committee states that lack of dental care "is seldom life threatening." This statement overlooks the pain and suffering which dental problems cause. On the basis of this argument much of Medicaid and Medicare could be terminated.

It is a callous and heartless approach to utilize the criterion that the service must be life threatening before the federal government will help finance aid to its citizens in need. It should be kept in mind that the Medicaid program only deals with persons determined by the states to be needy.

SOME PROPOSALS WILL ADVERSELY AFFECT MIDDLE-INCOME FAMILIES

Many of the changes proposed by the Nixon Administration have been correctly criticized as adversely affecting the poor, the aged, and minority groups. But the proposed changes also would adversely affect middle-income families which live in the cities, suburbs and rural areas.

Let me utilize as one example of this the proposed reductions by the Nixon Administration in "public libraries and school library resources" estimated at $49 million in 1974 and $135 million in 1975. These cuts could impair our future scientific, technological, and intellectual competence.

LIBRARY FUNDS

All federal support for the nation's libraries would be abruptly terminated on July 1, 1973, according to the 1974 budget which recommends zero-funding for the library programs authorized under the Library Services and Construction Act (LSCA), Title II of the Elementary and Secondary Education Act, and Title II of the Higher Education Act (HEA).

Public libraries—LSCA

Federal support for public libraries began in 1957 with a $2,000,000 appropriation under the Library Services Act. Over the years, this federal support has been modest, only a few cents per capita per year. Its primary role has been to stimulate increased state and local support for library services to all Americans. It has enabled public libraries to develop new patterns of service to meet the special needs of disadvantaged Americans, and it has enabled libraries to pool their resources in various cooperative ways to make their services available to more people. It has also enabled many communities to build libraries where none before existed.

The availability of general revenue-sharing funds, according to the Administration, eliminates the necessity of continuing the Library Services and Construction Act (although it is authorized through FY 1976). States and localities, this line of reasoning holds, will be able to continue the most promising projects and programs formerly supported by federal categorical assistance. Data are not available to support this conclusion.

The outreach library services—those more expensive than traditional library services, to such groups as the homebound, the handicapped, the institutionalized, the aging, would suffer the most serious curtailment if the federal matching funds under LSCA are withdrawn. Interlibrary cooperation, too, would suffer a setback for general revenue-sharing forces each local library to fight for local funds, for local projects. LSCA, on the contrary, urges interlibrary cooperation and coordinative use of all types of libraries within each state and sometimes even across state lines.

School libraries—ESEA title II

Federal support for school libraries has enabled thousands of schools to have a centralized school library for the first time; but still, today, over 30 percent of the nation's elementary schools do not have libraries.

Today many new materials are coming on the market and many new subject areas are being studied in schools; no longer are the nation's school children forced to do their learning from a single textbook. Career education, vocational education, environmental and ecological education are becoming commonplace in school curricula. To cut off federal support for school library resources just as these materials are becoming available would cause many school libraries, both elementary and secondary, both public and private, to cut back or eliminate altogether their acquisition of new resources. Our school children would be the losers if such cutbacks were allowed to become a reality.

The U.S. Office of Education, itself, in a study entitled *An Evaluative Survey Report on ESEA Title II* recommended that funding of ESEA Title II be increased to the level of authorization. Title II has contributed about eight percent of the annual cost of instructional materials and this should be increased to at least 16 percent, and, if possible, to 25 percent. So stated the USOE report. Those most familiar with the program state that substantially increased appropriations are needed in light of rising costs on the one hand, and of growing demands on the part of pupils and teachers alike for a wide range of library resources to meet each individual learner's special needs. The school library plays a central role in the educational process and its services are essential to the national effort to provide equal educational opportunities to all the nation's school children.

College and university libraries, and training in librarianship—HEA title II

Title I, Part A of this Act has served since its passage to help junior college, four-year college and university libraries meet the overwhelming need for books and journals that has been a consequence of the sharply increased student enrollment of the 1960's. It has been a godsend especially to the new junior and community colleges that have been faced with the necessity of starting libraries from scratch. Furthermore, it has been most helpful even to the large university libraries whose own resources have been insufficient to let them keep up with the increased rate of research publication in almost every subject field. Title II of the Act was so worded as to provide small basic grants to libraries, supplemental sums based on size of enrollment (provided evidence was adduced to indicate that lack of adequate library resources was hindering library development), and special grants to institutions which were intent on meeting special national or regional library needs or which had programs to stimulate the joint use of library facilities. As a consequence of the latter provision a great many progressive cooperative enterprises were begun in which libraries shared resources and jointly offered new or improved library services.

The elimination of funds authorized by this Act will come at a time when the inflationary spiral in the price of books and journals, much greater than the price increase in other consumer goods, has robbed libraries of 25 to 40 percent of their purchasing power in the past three or four years and when the financial plight of almost all colleges and universities is such that there are no local resources for the implementation of cooperative library network arrangements. After enjoying a brief period of assistance in their effort to meet overwhelming needs for library materials and to develop modern systems to make library resources and services more widely available, the academic libraries of this country will find themselves facing greater difficulties than they have encountered for decades.

Part B of Title II of this Act authorized funds for grants for training in librarianship and for research and demonstrations relating to libraries and the training of library personnel. Since the passage of the Act, training grants authorized have supported many persons who have gone on to become teachers of library and information science and alleviate a critical shortage of such personnel. More recently the training grants have been used increasingly to train as professional librarians highly qualified students who would have no opportunity to enter the profession without such assistance.

Footnotes at end of article.

This has been an especially helpful program in recruiting people from the minority and underprivileged groups for a profession which is very poorly endowed for such financial aid to students.

The funds available under this Act for research and demonstration continue to be extremely necessary since librarianship/information science is a discipline which has not benefited hitherto from extensive research undertakings as have the natural or applied or social sciences. Librarianship is at the heart of our efforts to understand ourselves and the world we live in. The basic task of librarianship/information science is to organize information for use. Without librarianship there would be no access to accumulated knowledge, no means of retrieving information, developed in the past, on which to build for the future. Funds for library research and demonstration authorized by this Act should not be eliminated if we are to extract maximum benefit from all research undertakings in all fields of knowledge.

FOREIGN LANGUAGE AND AREA TRAINING CENTERS

Several of the proposals submitted by the Administration are clearly inconsistent with their own objectives.

The termination of the foreign language and area training centers ($13 million in 1974 and $14 million in 1975) is clearly contradictory with the efforts of the President to improve relations with China, Russia, and other countries.

At the very moment when we need more persons who can speak the languages of these countries and understand their culture and political systems, the budget proposes to eliminate this excellent and necessary program.

Our government, the Departments of State, the foreign service, the Defense Department and the Department of Commerce initially depends for an effective conduct of our foreign relations and foreign trade on well-trained area and language specialists. These specialists are trained by our universities with the financial assistance of the National Defense Education Act.

Title VI of this Act has in recent years provided federal funding for language and area training in such critical areas as China, Japan, Southeast Asia, the Near East and the Soviet Union. This $15 million supports 1200 student fellowships and provides general support for language and area centers. About half of all fellowship support for foreign area and language training in the country comes from the source. In most cases, whether an area center can exist or not depends on the NDEA support which then has very large multiplier effects in mobilizing other sources of finance.

In this age of financial stringency for all universities there is no way in which they can fill the gap left by the withdrawal of federal funding. Moreover, the development of these skills for government service is a national, federal and not state or private responsibility.

The disastrous effect of NDEA withdrawal is compounded if funds are going to be totally eliminated suddenly. As late as January 1973, that is when more than half of the current academic year was over, every indication was that for most programs, center and fellowship support would continue and that fellowship support would be available to all programs. Universities and students made their plans accordingly and in good faith. The sudden and unforeseen cutoff in funding will leave a large number of students stranded in midstream. Students who have started their training will not be able to continue so that a large government investment in their training heretofore will have been wasted. It would almost seem as if the government intended to deliberately harm the programs it had such a major role in fostering.

This program was enacted in 1958 to help remedy the serious national shortage of specialists in the non-Western world required to serve the growing needs of education, government, and business. It is the Administration's unsupported contention now that the institutions can support such foreign language centers on their own. However, the financial pressures facing all colleges and universities today would not indicate such to be the case. And as international interdependence becomes increasingly necessary in the last years of the twentieth century, it seems inconceivable to even imagine that America's urgent need for highly trained specialists in foreign language and area studies has largely been met. We have, on the contrary, hardly begun. The United States must keep abreast of developments throughout the world.

GRANTS TO STATE DEPARTMENTS OF EDUCATION

The Nixon Administration urges that greater responsibility be given to the states in various areas. Yet the Budget proposes to eliminate the funds which have been appropriated in recent years to strengthen State Departments of Education to handle their increased load. ($36 million in 1974 and $13 million in 1975.)

The recent U. S. Supreme Court decision which places responsibility on the States to remedy the inequities in the financing of elementary and secondary education would indicate a need to further strengthen the capacities of State Departments of Education.

While the form of such federal aid may be in need of some revision, I cannot see how a good case can be made for a reduction of aid at this time. In fact, the evidence is all in the other direction. In this case, it would appear to be desirable for the Congress to postpone action on this item until it is examined in relation to the total education legislation.

GRANTS TO SCHOOLS OF PUBLIC HEALTH

I feel particularly strongly about the proposal to stop funding students and faculty in the Schools of Public Health. The Nixon Administration on the one hand supports a proposal for national health insurance expansion and at the same time cuts out the financing of staff to make such a policy effective. Without competent trained public health personnel, the efforts to improve the health delivery system will be more difficult.

These grants in 1972 totalled about $16.5 million, and about $15 million in 1973. I strongly urge retention of this successful and essential program. A detailed statement by the Deans of the Schools of Public Health to the House Committee on Interstate and Foreign Commerce amply justifies retention of this program.

FEDERAL FINANCING FOR LOCAL MENTAL HEALTH PROGRAMS

The Nixon Administration proposes to not extend the authorization for new grants for community mental health centers ($63 million in 1974 and $75 million in 1975).

In part, this is based upon their expectation that "Essential mental health benefits will be included in the Administration's national health insurance proposal."

The Administration's national health insurance proposal has not yet been submitted to the Congress. In any case, it will be several years before any new health insurance legislation becomes fully effective. The legislation should be continued until the Congress has a full opportunity to examine the inter-relations between both pieces of legislation.

HILL-BURTON MEDICAL FACILITIES PROGRAM

The proposal to terminate the Hill-Burton program is a case of failure to make the treatment correspond with a proper diagnosis. While it is true that in many areas there is now sufficient hospital beds, it is also true that the need for modernization of facilities is very great in some communities. Moreover, outpatient facilities should be encouraged and supported. Skilled nursing homes should be linked up with hospitals.

Moreover, the Hill-Burton planning functions should be retained and supported as part of assuring the most effective use of capital resources for facilities and equipment in a national health insurance program.

This whole area requires substantial reexamination and careful study by the appropriate legislative Committees.

REEXAMINATION OF GENERAL REVENUE SHARING

I also urge a reconsideration of the revenue sharing law passed last year. The President has used this legislation as an excuse to curtail existing programs which it was not intended to do. In my opinion much of the $30 billion to be distributed under the revenue sharing law during its 5-year life will be utilized for relatively low-priority projects. I believe that at least $10 billion of this program over the next four years should be reallocated to high priority programs by specific Congressional action. In any case, I recommend a comprehensive review by the legislation by the Joint Economic Committee, with the aid of the General Accounting Office, of the law and its benefit-cost effectiveness with a view to assuring that the available appropriations are utilized effectively.

I am particularly disturbed that the revenue sharing legislation acts as a disincentive for localities to reduce property taxes. I believe some way should be found to give localities an incentive to reduce property taxes. I urge the Joint Economic Committee to give this issue high priority in its future studies.

IMPACT ON STATES

The total impact of all of the Nixon Administration's Budget proposals on the states needs careful consideration. This issue transcends the consideration given by the various appropriation subcommittees which cannot see the total impact. I strongly recommend that the necessary staff be assigned to this endeavor.

An important development which has not yet been fully realized is that the Social Security amendments enacted last year which established the Supplemental Security Income program and amended Medicaid will place an increased financial cost on many states. These important amendments become effective January 1, 1974. The combined effect of these amendments and the Nixon Budget proposals may have a very adverse effect on many states. Since the Senate Committee on Finance has jurisdiction over both the revenue sharing and the social security legislation, I believe it is imperative that immediate consideration be given to some changes in the Supplemental Security Income provisions before January 1, 1974; otherwise, the states will be placed in a very difficult financial situation.

Finally, the President's proposals relating to terminations and reductions in Medicare and Medicaid should be postponed until the Senate Finance Committee has considered the various medical care proposals which members of the Senate have introduced or have indicated they will introduce in the near future.

FOOTNOTES

[1] An additional point worth considering (which is not included in the justification submitted) is that the additional amount to be paid by the aged and their families would increase in future years. The total would be $1,516 million in 1976, $1,655 million in 1977, and $1,797 million in 1978. In effect, some of these savings should show up in reduced future payroll taxes, but the Administration's statement does not even recognize this fact.

[2] These are: Eliminate Unnecessary Advance Payments for Hospitals ($277 million and $431 million) and Rely on Federal Health Financing Mechanisms to Pay Depreciation Charges ($189 million and $206 million).

[3] Eliminate certain optional payment procedures under OASDI ($310 million in 1974 and $310 million in 1975).

Mr. HUMPHREY. Mr. President, let it be noted in my remarks that I have alluded to and referred to an administration public relations kit called "The Battle of the Budget, 1973."

I should like to inform the Senate that I now have been able to obtain a copy of that 145-page document. It is much more extensive and elaborate in its rhetoric and verbiage than the program evaluation material that was requested from the Office of Management and Budget by the Joint Economic Committee.

The Director of the Office of Management and Budget, Mr. Ash, was asked to present the evaluations and studies made of programs that were considered in the budget, many of those programs being either reduced in amount or terminated.

The Director of the Office of Management and Budget had said that each program had been carefully evaluated. In fact, the former Director of the Office of Management and Budget, Caspar Weinberger, had stated that the President had initiated the most comprehensive and exhaustive study of programs ever undertaken by the Government. We find, however, that when the documentation presented to justify budget cuts and program terminations, was as best meager and at worst was feeble.

This matter has been commented on by none other than Mr. Staats, a man whose objectivity and professional competence is highly regarded and respected by all Members of Congress.

I would urge my colleagues to read very carefully what Mr. Staats had to say about the budget and about the Joint Economic Committee's study on the budget which I placed in the RECORD this week.

Now, Mr. President, let me also make note of the propaganda kit to which I have referred. First of all, it was difficult to get a copy of it. I have merely a Xerox copy.

This kit of propaganda prepared within the executive department of the Government, is available to a selected number of administration appointees to carry the message of the administration to the public as the administration wishes it to be carried.

In fact, I invite the attention of the Senate to the New York Times story entitled, "White House Pushes Budget Publicity." I ask unanimous consent to have the news article printed at this point in the RECORD.

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

WHITE HOUSE PUSHES BUDGET PUBLICITY

WASHINGTON.—The White House has mobilized the Government's extensive public relations machinery to rally support for the Administration's budget cuts.

The themes and tactics of the publicity campaign were outlined in "The Battle of the Budget 1973," a 145-page kit that was sent 10 days ago to every Presidential appointee in the Cabinet departments by the White House's deputy communications director, Ken W. Clawson.

Each kit contains background information on President Nixon's positions. "One-liners" and ancedotes that can be used in speeches are included, along with a list of "horror stories" describing the programs that Mr. Nixon would like to end.

The major theme of the campaign, according to the kit, is that President Nixon's budget has moved the United States toward a goal it has not achieved "in nearly 20 years: prosperity without war and without inflation."

The key to the budget, according to the material, is "its tight lid on spending." If the "big spenders in Congress" ignore it, the kit says, "the increase in our tax bills could be as much as 15 per cent." Taxpayers are thus urged to write their Congressmen to tell them "where you stand."

A "basic spending speech" is included in the kit, as well as such anti-Congress "one-liners" as, "They may look like a Santa Claus Congress—but it's got a bagful of bad news for the taxpayer."

Under the heading "Defense Spending: At the Razor's Edge," the kit preparers suggest responses to the charge that the Administration's budget cuts have crippled human welfare programs while the military budget is full of waste.

"The fashionable charge that the defense budget is bloated at the expense of spending for human needs is a pernicious myth which has no foundation in fact," the Federal officials are told. For documentation, there are figures that show that in the fiscal year 1974, defense spending will consume only 29.2 per cent of the budget, compared with 43.9 per cent in 1968.

And in response to the charge that more money would be available if tax loopholes were closed, a countercharge is suggested: "It could be argued that the biggest loophole of all in the national economy is excessive Federal Government spending."

"FAILURES" ARE NOTED

The kit cities Community Action, urban renewal and Model Cities as "program failures." The Concentrated Employment Program in New York City is cited as an "example of horror stories might be used."

"In East Harlem, the program established the commendable goal of 1,400 enrollees," the kit states. "Only 616 persons were actually enrolled while 170 of them dropped out. Instead of the hoped-for-job placements of 920, the magic figure for the number of persons placed in jobs was—6."

The kit says that such an example shows that it is often the poor "who are most hurt by the inflated expectations that these programs have a habit of creating."

"But worse yet," the publicists say, "is to see money which might help the poor go to the wealthy." The example given involves Mrs. Katherine Graham, the publisher of The Washington Post, who according to newspaper reports has received nearly $1,000 for use on country property from the Rural Environmental Assistance Program, which Mr. Nixon proposes to abolish.

The moral of this "horror story," according to the kit:

"Less the pity that cutbacks in such adjectly bankrupt programs affect most the Sunday English saddle-set. They shall have to make do without."

RESULTS BEGIN TO SHOW

Mr. Clawson said last week that no one in a Federal department was specifically ordered to defend the Administration's budget along these lines. "We simply said, 'Where appropriate, talk about the budget.'" he said.

At least one office took Mr. Clawson's advice very seriously, and that was in the Labor Department. Each assistant secretary, according to reliable sources, was told by Frank Johnson, the department's director of public information, to make at least one statement on the budget every week.

As a result, every day this past week, the department's audio news service, which provides recorded statements to out-of-town radio stations, featured a Labor Department official discussing President Nixon's budget, often using the same phrases suggested in the "Battle of the Budget, 1973."

Mr. HUMPHREY. This article merely states that the White House has ordered an extensive public relations campaign to rally support for the administration's budget cuts. I read from the article:

The themes and tactics of the publicity campaign were outlined in "The Battle of the Budget 1973," a 145-page kit that was sent 10 days ago to every Presidential appointee in the Cabinet departments by the White House's deputy communications director, Ken W. Clawson.

Each kit contains background information on President Nixon's positions. "One-liners" and anecdotes that can be used in speeches are included, along with a list of "horror stories" describing the programs that Mr. Nixon would like to end.

Mr. President, some of those horror stories, as they are referred to in the article, relate to comments by the executive branch in this kit on Congress. For example, my colleagues will be interested to note that an entire page is devoted to demeaning statements that Nixon administration speechmakers can make about Congress, including suggestions such as these:

Just because Congress passes the buck does not mean the President has to spend it.

The next one:

When Congress cannot add, the President must subtract. Otherwise, the budget will keep on multiplying and the taxpayers' dollars will keep on dividing.

That is a very cute arithmetical equation.

Here is one:

When one man helps himself to another man's bank account, it is called embezzlement. But when a big-spending Congressman helps himself to the taxpayer's income with higher prices and taxes, that is called compassion.

There are a number of others which I have noted in my opening statement before the Consumer Economic Subcommittee that I have asked to have printed in the RECORD.

Mr. President, the Cabinet officers are surely entitled to make political speeches and to engage in political rhetoric, to engage in half-truths—in which they are experts—to engage in speeches that tend to distract and deceive. They do that. We recognize that this happens in the political arena. But the executive branch is also responsible to Congress and to the public, and there is a law that prohibits this kind of propaganda being printed at public expense. If the White House wishes to say that it was printed by the surplus funds left over from the Watergate and from the Committee To Reelect the President, well and good. We have had no such information.

In fact, I have asked the Comptroller General to investigate the entire situation, and that is what the letter to the Comptroller General says.

But I direct the attention of the Senate to section 608(a) of the Treasury, Post Office, and General Government appropriations for fiscal year 1973. Here is the law:

No part of any appropriations contained in this or any other Act, or of funds available for expenditure by any corporation or agency shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before the Congress.

Mr. President, this book is filled with specific attacks upon legislation pending in this Congress, attacks that mention specific bills and specific Senators. This 145-page propaganda kit is a direct assault upon Congress itself, upon the individual Members, listed by name, and upon proposed legislation before this Congress now and legislation that has been made public law by Congress. I charge on this floor that this kit being circulated by the White House Communications Office is in violation of public statute.

I further charge that it is an assault not only upon individuals in Congress but also upon the institution of Congress itself.

I have written the distinguished Comptroller General as follows:

I would first like the General Accounting Office to obtain a complete copy of the Administration's 145 page public relations kit, "The Battle of the Budget 1973." I would then ask you to determine who supervises the preparation of this document, that Executive offices assist in its preparation, and how many copies have been produced. I would also like to know who has received copies and what instructions were given on how to use the material. Finally, I would like to know the total costs for producing the material and the government funding sources.

Mr. President, this is not just an ordinary political matter. There is a question of law and a question of adherence to law.

I am of the opinion that the propaganda kit, the publicity kit, to give it the benefit of the doubt, stands in violation of both respect for the separation of powers and for the law I have just stated, section 608(a) of the Treasury, Post Office, and General Government appropriations of 1973.

(The remarks Senator HUMPHREY made at this point on the introduction of Senate Joint Resolution 98, dealing with the fuel shortage emergency, are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

THIRTY-MINUTE RECESS

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess for 30 minutes, and I ask unanimous consent that I be recognized on the reconvening of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the motion is agreed to.

Thereupon, at 4:25 p.m., the Senate took a recess for 30 minutes.

The Senate reassembled at 4:55 p.m. when called to order by the Presiding Officer (Mr. HELMS).

TEN-MINUTE RECESS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate stand in recess for another 10 minutes, without the Senator from West Virginia losing his right to the floor.

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

At 4:56 p.m. the Senate took a recess until 5:06 p.m., when called to order by the Presiding Officer (Mr. CLARK).

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

Mr. ROBERT C. BYRD. 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. 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.

REACTION TO THE PRESIDENT'S ENERGY MESSAGE

Mr. ROBERT C. BYRD. Mr. President, the energy message that the President sent to Congress today recognizes the realities of our current energy crisis. I am disappointed, however, that the message did not spell out in more detail the administration's plans for coal.

The President proposes to remove the oil import limits, which is a step that this country is apparently forced to take under the present circumstances. According to the Department of Interior, crude oil production in the United States is at a peak, but it is still at least 3 million barrels a day short of what is needed to meet our present requirements. Obviously, a removal of the import limits is called for, under such conditions.

But this step should be viewed only as a short-range solution to the energy problem, and we should be ever mindful of the threat to our national security if lifting the oil import limits makes the United States even more dependent on foreign fuels for our domestic needs, especially if such imports are to come from nations that use U.S. dollars to promote anti-U.S. policy.

The only long-range solution to the energy crisis is to fully develop our most plentiful resource—coal. It currently comprises 88 percent of our recoverable reserves of all fuels. Unless we move quickly to utilize coal, unless we greatly expand our research to solve the environmental problems inherent in the use of coal, we would, in effect, place beyond reach this great national asset as an answer to the energy crisis.

I commend the President for his proposal to delay implementation of air standards for 3 or 4 years past the 1975 deadline, thereby allowing industry and powerplants to continue burning coal. I urge that, during that interim period, the Federal Government make the kind of national commitment to coal that this valuable fuel deserves—that the Federal Government initiate a crash program of expanded coal research aimed at lowering the sulfur emissions, and that the gap between the amount of research funds spent on coal and the amount spent on nuclear energy research be closed.

The figures contained in the President's message are particularly troublesome. According to the message, fiscal year 1974 will see $475.4 million poured into nuclear power research—an increase of $63.4 million over the amount expended in fiscal year 1973. For coal research, the message lists only $119.9 million, compared with the fiscal year 1973 expenditures of $94.5 million. I am troubled by this disparity, considering the proven value of coal and the still unproven potential of nuclear power.

It is my hope that the President's proposed Department of Energy and Natural Resources will come to grips with the question of coal and will place a greater emphasis on this fuel—because the utilization of coal is the best long-range answer to the energy crisis.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The legislative clerk proceeded to read sundry nominations in the National Oceanic and Atmospheric Administration.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

The legislative clerk proceeded to read sundry nominations in the Uniformed Services University of the Health Sciences.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

U.S. AIR FORCE

The legislative clerk read the nomination of Lt. Gen. George J. Eade, U.S. Air Force, to be general.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Mr. ROBERT C. BYRD. Mr. President, there is a nomination at the desk which

inadvertently was left off the calendar, I understand—the nomination of David Luke Norman to be an associate judge of the Superior Court of the District of Columbia. I ask unanimous consent that the Senate proceed to the consideration of this nomination.

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

The legislative clerk read the nomination of David Luke Norman, of the District of Columbia, to be an associate judge, Superior Court of the District of Columbia.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the President be notified of the confirmation of the nominations.

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

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

AUTHORIZATION FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE HOUSE OF REPRESENTATIVES DURING THE ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the adjournment over until 12 o'clock noon on April 30, 1973, the Secretary of the Senate be authorized to receive messages from the House of Representatives.

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

AUTHORIZATION FOR DULY ENROLLED BILLS AND JOINT RESOLUTIONS TO BE SIGNED DURING ADJOURNMENT OF THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the adjournment of the Senate over until 12 o'clock meridian on Monday, April 30, 1973, the Vice President, the President pro tempore, and the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions.

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

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may have until midnight tonight to make reports and, again, that committees may be authorized to file reports on Friday, April 27, during the hours of 10 a.m. until 3 p.m.

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

THE SENATE'S PROGRESS AT EASTER RECESS

Mr. MANSFIELD. Mr. President, before we adjourn for a few days in celebration of Easter and Passover, I would like to review our accomplishments so far this year.

The 93d Congress convened on January 3 this year and after internal organization, and with an unusual degree of unity, the Senate began work in committee and on the floor promptly.

Senate Democratic Senators met in conference and agreed upon the legislation to which priority would be given. This priority legislation consisted of the 12 measures the President pocket vetoed after the adjournment of Congress last year and other major legislation which went to House-Senate conference or which passed only one of the legislative bodies.

I am happy to note that of the 12 measures pocket vetoed by the President, the following six measures have been passed this year by the Senate: veterans medical care, national cemeteries, older Americans, airport development, flood control, and vocational rehabilitation.

Of the four major items which went to House-Senate conference but which, for a variety of reasons, did not receive final action, two have now been passed by the Senate: Antiaircraft Hijacking and the Federal-Aid Highway Act.

The Senate has also acted promptly with regard to the urgently needed Omnibus Vicitms of Crime Act which was debated and passed last fall, but which did not pass the House.

With almost a third of the year behind us, the Senate has met 55 days and passed a total of 149 measures. Nineteen of these have become public law. We have acted on 5 treaties and 15,696 nominations. There have been 103 rollcall votes, and I foresee many more.

All in all, the the record to date is substantial, and I wish to thank each of you for helping make these accomplishments. Looking ahead, I would point out that legislative action is still needed in such areas as pension reform, housing, health insurance, and tax reform. To each of you I extend my wishes for a few days of effective recharging so that we may return with renewed determination to work on behalf of the American people.

A summary of the legislation which has passed the Senate this year has been prepared by the staff of the Senate Democratic Policy Committee. I ask unanimous consent that this summary along with an index to Senate Legislative Activity be inserted at this point in the RECORD.

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

INDEX TO SENATE LEGISLATIVE ACTIVITY, 93D CONGRESS, FIRST SESSION—BY SENATE DEMOCRATIC POLICY COMMITTEE

Agriculture:
Emergency Loan Program for Disaster Areas (H.R. 1975).
Feed Grain Set-Aside Program (S. 1572).
Meat and Poultry Inspection Amendments (S. 1021).
Rabbit Meat Inspection (S. 43).
Rice Allotment Transfer (H.R. 6883).
Rural Electric and Telephone Direct Loan Programs (S. 394).
Rural Environmental Assistance and Water Bank Programs (H.R. 2107).
Rural Water and Waste Dispsoal Grant Program (H.R. 3298) (Vetoed April 5, 1973. Veto sustained by House April 10, 1973).
Appropriations, 1973:
Further Continuing Appropriations(H.J. Res. 345).
Urgent Supplemental Appropriations (H.J. Res. 496).
Congress:
Budget Message, Economic Report, and Impounded Funds (H.J. Res. 1).
Committee Meetings—Rule XXV (S. Res. 69).
Joint Economic Report—Extension (H.J. Res. 299).
Rules of Evidence—Congressional Consideration (S. 583).
Secret Government Documents (S. Res. 13).
Select Committee on Presidential Election Campaign Activities (S. Res. 60).
Senate Confirmation of Nominations:
Cost of Living Council (S. 421).
Office of Budget and Management (S. 518).
Crime-Judiciary:
Civil Remedies for Victims of Racketeering and Theft (S. 13).
Public Safety Officers' Benefits Act of 1973 (S. 15).
Public Safety Officers' Group Life Insurance Act of 1973 (S. 33).
Victims of Crime Act of 1973 (S. 300).
Victims of Crime Act of 1973 (Omnibus) (S. 800).
Defense: Promotions of Military Personnel in a Missing Status (S. 1493).
District of Columbia: International Center Complex (S. 1235).
Economy-Finance:
Economic Stabilization Act Amendments of 1973 (S. 398).
Interest Equilization Tax Extension Act of 1973 (H.R. 3577).
Par Value Modification (S. 929).
Education: National Commission on the Financing of Post Secondary Education (H.J. Res. 393).
General government:
American Revolution Bicentennial Commission (H.R. 3694).
Commission on Highway Beautification—Extension (S.J. Res. 42).
Commission on Productivity—Extension (S.J. Res. 93).
Flood Insurance (S.J. Res. 26).
*Older Americans Comprehensive Services Amendments of 1973 (S. 50).
Uniform Relocation Assistance and Real Property Acquisition Policies Act Amendments (S. 261).
Government employees: Central Intelligence Agency Retirement Act Amendment (S. 1494).
Health:
Child Nutrition Programs (H.R. 4278).
Little Cigar Act of 1973 (S. 1165).
Public Health Service Act Extension of 1973 (S. 1136).
Indians:
Indian Claims Commission (S. 721).
Joint Committee on Navajo-Hopi Administration—Abolishment (S. 267).
International:
Atlantic Union Delegation (S.J. Res. 21).
People's Republic of China—Diplomatic Privileges (S. 1315).
Treaties:
Consular Convention with Hungary (Ex. W, 92d-2d).
Consular Convention with Poland (Ex. U, 92d-2d).

Footnote at end of article.

Consular Convention with Romania (Ex. V, 92d–2d).

Convention with Japan for the Protection of Birds and their Environment (Ex. R, 92d–2d).

Exchange of Notes with Ethiopia Concerning the Administration of Justice (Ex. B, 93d–1st).

Labor:

Penn Central Rail Dispute (S.J. Res. 59).

*Rehabilitation Act of 1972 (S. 7) (Vetoed March 27, 1973. Veto sustained by Senate April 3, 1973).

Memorials, tributes, and medals:

Cable Car Medals (S. 776).

Law Day (S.J. Res. 11).

Lyndon B. Johnson (S. Res. 24), (H. Con. Res. 90), and (S. Res. 34).

Lyndon B. Johnson Space Center (S.J. Res. 37).

Monument to 1st Infantry Division (S.J. Res. 66).

Vietnam War Memorial (S.J. Res. 45).

Natural Resources—Environment:

Clean Air Act Extension (S. 498) and (H.R. 5445).

*Flood Control Act of 1973 (S. 606).

Solid Waste Disposal Act Extension (S. 498) and (H.R. 5446).

Nominations (Action by Roll Call Vote):

Nomination of Peter J. Brennan, of New York, to be Secretary of Labor (81–3).

Nomination of William P. Clements, Jr., of Texas, to be a Deputy Secretary of Defense (74–11).

Nomination of Elliot L. Richardson, of Massachusetts, to be Secretary of Defense (81–1).

Nomination of James R. Schlesinger, of Virginia, to be Director of Central Intelligence (85–0).

Nomination of Caspar W. Weinberger, of California, to be Secretary of Health, Education, and Welfare (61–10).

Proclamations:

International Clergy Week in the United States (H.J. Res. 163).

Jim Thorpe Day (S.J. Res. 73).

National Arthritis Month (H.J. Res. 275).

National Clean Water Week (H.J. Res. 437).

National Employ the Older Worker Week (H.J. Res. 334).

National Historic Preservation Week (S.J. Res. 51).

National Hunting and Fishing Day (H.J. Res. 210).

National Moment and Day of Prayer and Thanksgiving (H.J. Res. 246).

Nicolaus Copernicus Week (H.J. Res. 5).

Warsaw Ghetto Uprising (H.J. Res. 303).

Transportation and communications:

Aircraft Hijacking (S. 39).

*Airport Development Acceleration Act of 1973 (S. 38).

Federal Aid Highway Act of 1973 (S. 502).

Highway Safety Act of 1973 (S. 893).

Interstate Apportionment (S. Con. Res. 6).

Rail Freight Car Shortage (S. Res. 59).

Veterans:

Drug and Alcohol Treatment and Rehabilitation Act (S. 284).

*Health Care Expansion Act (S. 59).

*National Cemeteries Act (S. 49).

Vetoes 1973:

Rehabilitation Act of 1972 (S. 7) Vetoed March 27, 1973. Senate sustained veto April 3, 1973.

Rural Water and Waste Disposal Grant Program (H.R. 3298). Vetoed April 5, 1973. House sustained veto April 10, 1973.

Days in session	253:15
Hours in session	253:15
Total measures passed	149
Public laws	19
Treaties	5
Confirmations	15,696
Record votes	103

*Pocket Vetoed 1972.

Symbols: P/H—Passed House; P/S—Passed Senate; *Vetoed 1973.

Following is a brief summary of major Senate activity:

AGRICULTURE

Emergency loan program for disaster areas: Amends the Farmers Home Administration emergency loan program under the Consolidated Farm and Rural Development Act, which was curtailed by the Department of Agriculture by action announced on December 27, 1972, to provide a source of funds for farmers and ranchers in areas determined to be disaster areas by either the Secretary of Agriculture or the President; eliminates certain features, including the loan forgiveness feature and low interest rates, which became a part of the emergency loan program as a result of the Disaster Relief Act of 1970, Public Law 91–606, and the "Agnes-Rapid City" Act, Public Law 92–385 requires the Secretary to make, insure or guarantee loans to eligible applicants sets the maximum interest rate on loans at 5 percent; requires that applicants be unable to obtain credit elsewhere at reasonable rates; makes it mandatory that the Secretary designate areas eligible for emergency loans where the criteria for such designation exists; repeals section 232 of the Disaster Relief Act of 1970, which, effective July 1, 1973, requires the Secretary of Agriculture to cancel a part or all of the principal amount of certain loans and charge interest at a rate to be determined by the Secretary of the Treasury; applies the same interest rate to and eliminates the forgiveness feature for Small Business Administration disaster loans made under the Small Business Act in connection with any disaster occurring on or after the date of enactment of this act; and contains other provisions. H.R. 1975. Public Law 93– , approved 1973.

Feed grain set-aside program: Increases the payment rate for option B participants in the 1973 feed grain program to the amount by which 70 percent of parity exceeds the average price received by farmers for the first five months of the marketing year. S. 1572. P/S April 18, 1973.

Meat and poultry inspection amendments: Amends the Federal Meat Inspection Act and the Poultry Products Inspection Act to increase (beginning fiscal year 1974) the maximum Federal contribution to the cost of any State meat or poultry inspection system from 50 to 80 percent, and provides that the total cost of any cooperative arrangement for meat or poultry inspection purposes to be contributed under the Talmadge-Aiken Act (Public Law 87–718) shall be equal to the highest percentage contributed to any State under either of these acts. S. 1021. P/S April 2, 1973.

Rabbit meat inspection: Makes rabbit meat inspection mandatory, at Federal cost, by extending the provisions of the Poultry Products Inspection Act to rabbits and rabbit products, and sets the effective date of the provisions of the bill at July 1, 1973. S. 43. P/S February 21, 1973.

Rice allotment transfer: Permits rice growers who are unable to plant part or all of their farm acreage allotments in 1978 because of flood or other natural disaster to transfer their allotments to other farms in the same or adjoining county. H.R. 6883. Public Law 93– . approved 1973.

Rural electric and telephone direct loan programs: Reactivates the program of direct loans to rural electric and telephone borrowers of the Rural Electrification Administration of the Department of Agriculture, which was terminated by the Department of Agriculture on December 29, 1972; requires the use of funds appropriated for each fiscal year, including the $740 million appropriated for fiscal year 1973 under the Consumer Protection Appropriation Act, 1972 (P.L. 92–399), approved August 22, 1972; and contains other provisions. S. 394. P/S February 21, 1973; P/H amended April 4, 1973; In conference.

Rural environmental assistance (REAP) and water bank programs: Requires the Secretary of Agriculture (1) to make payments under the rural environmental assistance program (REAP) in the full amount appropriated therefor, and (2) to enter into agreements under the water bank program to the full extent permitted by available appropriations therefor. H.R. 2107. P/H February 7, 1973; P/S amended March 1, 1973; In Conference.

**Rural water and waste disposal grant program:* Requires the Secretary of Agriculture to make grants in the full amounts appropriated for the Farmers Home Administration water and waste disposal grant program which was terminated by the Department of Agriculture effective January 1, 1973. H.R. 3298. Vetoed April 5, 1973. House sustained veto April 10, 1973.

APPROPRIATIONS

1973

Furthering continuing appropriations, 1973: Extends the existing continuing resolution (Public Law 92–334) from February 28, 1973, to June 30, 1973, at the annual funding level, to provide further continuing appropriations for the activities covered by the Foreign Assistance and Related Programs Appropriation Act, the Departments of Labor and Health, Education, and Welfare, and Related Agencies Appropriation Act, neither of which have yet been enacted, and authorizes $6,224,000 for the American Revolution Bicentennial Commission; requires the President to submit periodic reports on impoundments to Congress; and contains other provisions. H.J. Res. 345. Public Law 93–9, approved March 8, 1973.

Urgent supplemental appropriations 1973: Appropriates $1,368,600,000 for supplemental appropriations for fiscal year 1973 for the Civil Aeronautics Board, the Veterans Administration, the Department of Health, Education, and Welfare, and the General Services Administration, of which $122.1 million is for the basic educational opportunity grant program, $210.3 million for the supplemental educational opportunity grant program, $270.2 million for the college work-study program, and $269.4 for the direct student loan program under the Department of Health, Education, and Welfare. H.J. Res. 496. P/H April 12, 1973; P/S amended April 17, 1973; Senate agreed to conference report April 18, 1973.

CONGRESS

Budget message, economic report, and impounded funds: Extends to January 29, 1973, the time for the President to submit to Congress the budget for fiscal year 1974; extends to January 31, 1973, the time for transmittal of the economic report; extends the time for the Joint Economic Committee to file its report on the President's economic report not later than March 10, 1973; and requires the President to transmit to Congress by February 10, 1973, a report with respect to all funds impounded from October 27, 1972, and before January 29, 1973, and from July 1, 1972, and before October 27, 1972. H.J. Res. 1. Public Law 93–1, approved January 19, 1973.

Committee meetings—rule XXV: Amends Senate rule XXV to provide that meetings for the transaction of business of each standing committee of the Senate shall be open to the public, except during closed sessions for making up bills, for voting, or when the committee by majority vote orders a closed session: Provided that any such closed session may be open to the public, if the committee by rule or majority vote so determines. S. Res. 69. Senate adopted March 6, 1973.

Joint economic report—extension: Extends from March 10, 1973, to April 1, 1973, the time for the Joint Economic Committee to submit its report on the President's Economic Report. H.J. Res. 299. Public Law 93–7, approved February 16, 1973.

Rules of evidence—Congressional consideration: Provides that notwithstanding any other provisions of law, that the proposed Rules of Evidence for United States Courts and Magistrates, the Amendments to the Federal Rules for Civil Procedure, and the Amendments to the Federal Rules for Criminal Procedure which are contained in the orders entered by the Supreme Court on November 20, 1972, and December 18, 1972, and transmitted to Congress by the Chief Justice on February 5, 1973, shall have no force and effect except to the extent, and with such amendments, as they may be expressly approved by Act of Congress. S. 583. Public Law 93–12, approved March 30, 1973.

Secret Government documents: Establishes an ad hoc committee of the Senate to conduct a study and submit to the Senate by June 30, 1973, a report and recommendations on all questions relating to the secrecy, confidentiality, and classification of government documents committed to the Senate or any member thereof. S. Res. 13. Senate adopted January 9, 1973.

Select Committee on Presidential Election campaign activities: Establishes a Select Committee on Presidential Campaign Activities, consisting of 7 members of the Senate, to conduct an investigation and study of the extent to which illegal, improper, or unethical activities were engaged in by persons acting either individually or in combination with others in the presidential election campaign of 1972, and to determine whether, in its judgment, there is a necessity to enact new legislation to safeguard the electoral process by which the President of the United States is elected; provides for the appointment, by the President of the Senate, of the 7 member panel to consist of 4 members of the majority party and 3 members of the minority party, upon the recommendation of their respective leaders; empowers the committee to make a complete investigation and study of matters relating to the breaking, entering, and bugging of the Democratic National Committee in the Watergate Building in Washington, D.C., and sets the time for the committee to file a report of its findings at not later than February 28, 1974; authorizes an amount not to exceed $500,000 for committee expenses to be paid from the contingent fund of the Senate; and contains other provisions. S. Res. 60. P/S February 7, 1973.

Senate confirmation of nominations:

Cost of Living Council: Requires that appointments to the Office of Director of the Cost of Living Council shall be made by the President by and with the advice and consent of the Senate. S. 421. P/S January 23, 1973.

Office of Management and Budget: Requires that appointments by the President to fill the offices of Director and Deputy Director of the Office of Management and Budget be subject to the advice and consent of the Senate, and contains other provisions. S. 518. P/S February 5, 1973.

CRIME-JUDICIARY

Civil remedies for victims of racketeering activity and theft: Amends title 18 of the United States Code to strengthen civil remedies for victims of racketeering activity and provide a civil action for damages resulting from violations of section 659 title 18 of the United States Code, which relates to crime involving property in interstate or foreign commerce. S. 13. P/S March 29, 1973.

Public Safety Officers' Benefits Act of 1973: Amends the Omnibus Crime Control and Safe Streets Act of 1968 to provide a gratuity of $50,000 to the dependents of public safety officers killed in the line of duty where the crime or death occurs on or after October 17, 1972, and authorizes the Law Enforcement Assistance Administration to make an interim payment, not to exceed $3,000, to an entitled dependent when it is determined such person is eligible to receive the gratuity under the provisions of this act. S. 15. P/S March 29 1973.

Public Safety Officers' Group Life Insurance Act of 1973: Amends the Omnibus Crime Control and Safe Streets Act of 1968 to establish a means of meeting the financial needs of public safety officers or their surviving dependents through group life, accidental death, and dismemberment insurance (the amount of coverage to be based on individual salary with a minimum coverage of $10,000 and a maximum coverage of $32,000) and to assist State and local governments to provide such insurance. S. 33. P/S March 29, 1973.

Victims of Crime Act of 1973: Amends the Omnibus Crime Control and Safe Streets Act of 1968 to establish a direct Federal crime compensation program for territorial areas of direct Federal concern to provide a means of meeting the financial needs of the innocent victims of violent crime, intervenors acting to prevent the commission of a crime or assisting in the apprehension of suspected criminals, or their surviving dependents; establishes an independent board to administer the program; defines the acts or omissions considered to be crimes for purposes of the program; sets the amount of $100 as the minimum amount for which a claim may be filed and the amount of $50,000 as the maximum amount of a claim; creates a Criminal Victim Indemnity Fund in the Treasury to consist of moneys from (1) criminal fines paid in the various courts of the United States, (2) additional appropriated funds, and (3) contributed funds; authorizes the appropriation of $5 million for fiscal year 1973 and, until specific appropriations are made, authorizes the use of funds appropriated for the Department of Justice or the Law Enforcement Assistance Administration; authorizes the use, through the established mechanisms of the Law Enforcement Assistance Administration, of LEAA grant funds on the usual 75–25 percent basis to assist substantially comparable State programs. S. 300. P/S March 29, 1973.

Victims of Crime of 1973 (omnibus): Establishes a Federal crime compensation program for territorial areas of direct Federal concern for innocent victims of violent crime, intervenors, or their surviving dependents, and provides for Federal assistance to substantially comparable State programs; provides group life insurance coverage for public safety officers or their surviving dependents, and assistance to States and local governments to provide such insurance; provides gratuities for dependents of public safety officers killed in the line of duty; strengthens civil remedies for victims of racketeering activity; provides for additional sentences for persons convicted in a United States court of a felony threatening life or property when a firearm is used or carried during the commission of the felony; provides for additional sentencing of persons as a public menace who are convicted of the manufacture, distribution, or dispensing of one-tenth or more of pure heroin or morphine, who are not addicts at the time of the offense; and contains other provisions. S. 800. P/S April 3, 1973.

DEFENSE

Promotions of military personnel in a missing status: Amends section 552(a) of title 37, United States Code, to insure that promotions of personnel carried as missing are valid for all purposes, including Federal benefits to survivors, even when the date of death of the missing member is later determined to have occurred prior to the promotion date. S. 1493. Public Law 93– , approved 1973.

DISTRICT OF COLUMBIA

International center complex: Authorizes an additional appropriation of $2.2 million for improvements to the land (streets, sidewalks, water mains, etc.) which was transferred to the Department of State under the authority of Public Law 90–553, for use as sites for foreign chanceries. S. 1235. P/S April 2, 1973.

ECONOMY-FINANCE

Economic Stabilization Act Amendments of 1973: Extends for 1 year, to April 30, 1974, the Economic Stabilization Act of 1970 which authorized the President to issue such orders and regulations as he may deem appropriate to stabilize prices, rents, wages, and salaries; places statutory controls on rents, other than on luxury residences, in low vacancy areas (those where the vacancy rate is lower than 5.5 percent among low and moderately priced units); provides that no person may charge a monthly rent under a lease or implied contract for occupancy entered into during a low-vacancy period which exceeds the highest monthly rent previously charged for the same residence plus (1) a 2.5 percent increase for each 12 month period beginning at the end of the preceding period of occupancy, and (2) the actual amount of any increase in State or local tax, fee, or service charges, any necessary capital improvement, and any reasonable increased costs of services and materials; provides that rents under leases on property not previously rented within a 48 month period shall not exceed the market rental value of the residence; requires the credit or refund of any rent collected pursuant to a lease or implied contract for occupancy entered into after January 11, 1973, that exceeds the maximum amount permitted in a low vacancy period; gives the President authority to establish, after public hearings, priorities of use and an allocation system of supplies of petroleum products, including crude oil, in order to meet essential needs in various sections of the country and to prevent anti-competitive effects which could develop from shortages of petroleum products; states as a sense of the Congress that the President and the Congress should pursue appropriate policies for bringing unemployment down to an overall level of 4 percent by April 30, 1974; exempts workers earning less than $3.50 an hour from wage controls; states as the intent of Congress that nothing in this act be construed to authorize or require the President to impound or withhold funds appropriated, authorized, or authorized to be obligated by the Congress; requires business enterprises required to make price reports to the Cost of Living Council (firms with annual sales or revenues of $250 million or more) to make public disclosure of reports, except for proprietary information, which cover periods during which the firm charges a price for a substantial product that is 1.5 percent over the price lawfully in effect for such product on January 10, 1973, or on the date 12 months preceding the end of such period, whichever is later; requires the President to submit quarterly reports to Congress describing changes in food prices and in health insurance rates, any actions he has taken, and any recommendations for congressional action to stabilize these prices; and contains other provisions. S. 398. P/S March 20, 1973. P/H amended April 16, 1973. Reported from conference April 17, 1973.

Interest Equalization Tax Extension Act of 1973: Extends the application of the interest equalization tax for 15 months, to June 30, 1974; provides, with certain exceptions, that the interest equalization tax exclusion for stock or debt obligations issued by a less developed country corporation shall not apply to stock or debt obligations issued by a less-developed country shipping corporation after

January 29, 1973; provides for an exclusion from the interest equalization tax for: original or new issues of stock or debt obligations; stock acquired by conversion of a debt obligation if no additional consideration is paid and the debt obligation itself qualifies for the exclusion; or for a debt obligation issued to refund or refinance an original or new issue which qualified for the exclusion, to finance direct investment in the United States except for the acquisition and exploitation of natural resources, subject to the foreign issuer or obligor agreeing to meet certain conditions with respect to that investment for a period of ten years; provides that a qualified lending or financing corporation, or a U.S. Corporation engaged in a lending or financing business through offices located outside the United States, may use domestic source funds to lend for qualified export credit transactions or to buy goods made in the United States for leasing or sale outside of the United States; requires the Secretary of the Treasury to study the effect on international monetary stability of the Canadian exemption from the interest equalization tax and make a report to the Congress not later than September 30, 1973; and contains other provisions. H.R. 3577. Public Law 93–17, approved April 10, 1973.

Par value modification: Directs the Secretary of the Treasury to take the necessary steps to establish a new par value of the dollar of $1 equals 0.828949 Special Drawing Right (SDR) or the equivalent in terms of gold of $1 equal 0.023684 of a fine troy ounce of gold, thus devaluating the U.S. dollar by 10 percent and changing the official price of gold from $38 to $42.22 per ounce; requires the President, whenever any funds are impounded by an officer or employee of the United States, to transmit within 10 days to both houses of Congress a special message identifying the amount, date, department or agency affected, period of time, reasons for, and the fiscal, economic and budgetary effect as far as is practicable, regarding the impoundment; requires the cessation of the impoundment within 60 days of continuous session after the message is received by the Congress unless the Congress acts by ratifying the specific impoundment by concurrent resolution, or if the Congress disapproves the impoundment in whole or in part by concurrent resolution, and provides that the effect of failure to ratify or of disapproval shall not only make the obligation of the budget authority mandatory but also preclude the reimpoundment of that specific budget authority; sets a ceiling of $268 billion on expenditures for fiscal year 1974, and provides a mechanism by which the Executive Branch can reduce expenditures by proportional cuts by budget category in order to stay within the ceiling if appropriations exceed it; provides that, after submission of the Budget and upon recommendation of the President, the Congress shall prescribe a ceiling on expenditures every fiscal year; directs the Secretary of the Treasury to prescribe regulations requiring the submission of reports on foreign currency transactions; repeals, effective December 31, 1973, sections 3 and 4 of the Gold Reserve Act of 1934 and provides that no provision of law shall be construed to prohibit any person from purchasing, holding, selling, or dealing in gold; provides that no funds may be obligated or expended to provide assistance of any kind, directly or indirectly, to or on behalf of North Vietnam, unless specifically authorized hereafter by the Congress, and contains other provisions. S. 929. P/S April 5, 1973.

GENERAL GOVERNMENT

American Revolution Bicentennial Commission: Authorizes an appropriation of $2,868,000 between February 16, 1973, and June 30, 1973, for expenses of the American Revolution Bicentennial Commission, of which not to exceed $1,200,000 would be for grants-in-aid to the States. H.R. 3694. Public Law 93–11, approved March 15, 1973.

Commission on Highway Beautification—extension: Extends to December 31, 1973, the date for the Commission on Highway Beautification to submit to the President and the Congress its final report concerning implementation of the Highway Beautification Act of 1965 and authorizes therefor an additional appropriation of $250,000. S.J. Res. 42. Public Law 93–6, approved February 16, 1973.

Commission Productivity—extension: Extends for an additional 2 months, to June 30, 1973, the President's Commission on Productivity. S.J. Res. 93. P/S April 17, 1973.

Flood insurance: Amends the Housing and Urban Development Act of 1968 to increase from $2.5 billion to $4 billion the limitation on the face amount of flood insurance coverage authorized to be outstanding. S.J. Res. 26. Public Law 93–4, approved February 2, 1973.

Older Americans Comprehensive Services Amendments of 1973: Extends and amends the Older Americans Act of 1965 to enlarge the scope of the services provided therein; improves the organizational structure at the Federal, State, and local level of the agencies having responsibilitiy for the delivery of such services; creates a Federal Council on the Aging to act as an advocate for the elderly with respect to Federal government policies and programs relating to their particular needs and problems; places the Administration on Aging in the Office of the Secretary of Health, Education, and Welfare and assigns primary responsibility for carrying out the act to the Commissioner on Aging; expands the existing program of formula grants to the States by providing funding for a range of social services in accordance with approved State plans; authorizes funds for direct grants to model projects with priority to projects in the areas of housing, employment, transportation and special services for the physically and mentally handicapped elderly; authorizes grants for centers of gerontology and for research and development in the field of aging; authorizes grants for facilities for multipurpose senior centers; expands educational program opportunities for the elderly; establishes an Older American Community Service Employment program and a Middle-Aged and Older Workers Training and Mid-Career Services program in the Department of Labor; and contains other provisions. *Note:* (H.R. 15657 [92d–2d], a measure containing similar provisions, was pocket vetoed by President Nixon on October 30, 1973.) S. 50. P/S February 20, 1973; P/H amended March 13, 1973: P/S amended April 18, 1973.

Uniform Relocation Assistance and Real Property Acquisition Policies Act Amendments: Amends the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 to provide, until July 1, 1976, for full Federal funding of the first $25,000 for any single relocation payment for persons displaced by federally assisted programs and projects; expands coverage of the act to persons displaced by eight specified Federal programs; authorizes, through June 30, 1973, the head of a Federal agency to pay a State not in compliance with the act such funds as are necessary, in excess of the first $25,000 of cost, to make all payments and provide all benefits required by the act; and contains other provisions. S. 261. P/S February 2, 1973.

EDUCATION

National Commission on the Financing of Postsecondary Education: Extends the authorization of the National Commission on the Financing of Postsecondary Education and the period with which it must make its final report; provides that if fiscal year 1973 appropriations are $385 million or less for the basic educational opportunity grant program that the basic grant shall be available to full time freshman students. H.J. Res. 393. P/H March 5, 1973; P/S amended April 18, 1973.

GOVERNMENT EMPLOYEES

Central Intelligence Agency Retirement Act Amendment: Amends section 236 of the Central Intelligence Agency Retirement Act of 1964 for certain employees to (1) increase the quota on retirements from 800 to 2,100 for the period July 1, 1969, to June 30, 1974, and (2) establish a quota of 1,500 for retirement between July 1, 1974, and June 30, 1979. S. 1494. P/S April 10, 1973.

HEALTH

Child nutrition programs: Amends section 6 of the National School Lunch Act which authorizes expenditures for commodities to provide a means to enable the Department of Agriculture to meet school lunch and breakfast program needs for this fiscal year; requires the Secretary of Agriculture, for this fiscal year only, to make an estimate as of March 15 of the amount of commodities which the Department will deliver to schools; requires the Secretary (if this estimate is less than 90 percent of the value of the amount the Department originally planned to deliver to schools) to pay the States, no later than April 15, a cash amount equal to the difference between the initial estimate and the amount to be delivered this fiscal year as determined by the March 15 estimate, and to distribute the money to the States according to their ratio of meals served under the school lunch and breakfast program; directs the Secretary to use 32 funds and funds from section 416 of the Agricultural Act of 1949 for the purposes of this act and to request, if necessary, a supplemental appropriation; waives the matching requirements for the funds distributed under this bill; and contains other provisions. H.R. 4278. Public Law 93–13, approved March 30, 1973.

Little Cigar Act of 1973: Amends the Federal Cigarette Labeling and Advertising Act (15 USC 1331–1340) as amended by the Public Health Cigarette Smoking Act of 1969 by expanding the prohibition on advertising media to include "little cigars"; defines the term "little cigar" to mean any roll of tobacco wrapped in leaf tobacco or any substance containing tobacco (other than cigarettes) and weighing not more than 3 pounds per 1,000 units; and provides that it shall be unlawful to advertise little cigars on any medium of electronic communication subject to the jurisdiction of the Federal Communications Commission. S. 1165. P/S April 10, 1973.

Public Health Service Act Extension of 1973: Extends the expiring authorities in the Public Health Service Act and the Community Mental Health Centers Act for 1 year, to June 30, 1974, including Federal programs regarding: public health services research and development and statistics, public health training, domestic agricultural migrant health, comprehensive health planning and services, medical library construction and development, the Hill-Burton hospital construction program, allied health professions personnel training and other programs, the establishment and operation of regional and medical programs, family planning and population research training and services, community mental health centers' construction and staffing, alcoholism and drug addiction prevention and treatment and children's mental health programs, and facilities and services for persons with developmental disabilities; declares it to be the policy of the Federal government in the administration of Federal programs that religious beliefs or moral convictions regarding the performance of abortions or sterilization procedures shall be respected; provides that requirements shall not be imposed in connection with the administration of any program financed wholly or in part

by the Federal government that would cause or obligate any physician or other health care personnel, hospital or institution, to provide facilities for or to perform or to assist in an abortion or a sterilization procedure if contrary to the religious beliefs or moral convictions of the physician, other health care personnel, or those administering the hospital or institution; prohibits discrimination by a hospital or other health care institution in the employment, staffing privileges, or termination of employment of physicians and other health care personnel because of their religious or moral convictions in this regard. S. 1136. P/S March 27, 1973.

INDIANS

Indian Claims Commission: Authorizes appropriations not to exceed $1.2 million for the expenses of the Indian Claims Commission for fiscal year 1974. S. 721. P/S March 6, 1973.

Joint Committee on Navajo-Hopi Administration—abolishment: Abolishes the Joint Committee on Navajo-Hopi Indian Administration created during the 81st Congress to consider the problems peculiar to the Navajo and Hopi Tribes and oversee the expenditure of funds appropriated for the development of their reservations, construction of facilities, and other needed improvements, work which was principally completed in 1964. S. 267. P/S February 5, 1973.

INTERNATIONAL

Atlantic Union delegation: Authorizes the creation of a delegation of 18 eminent citizens (6 each to be appointed by the House of Representatives, the Senate, and the President) to meet with similar unofficial delegations "from such North Atlantic Treaty parliamentary democracies as desire to join in the enterprise" in order to explore the possibility of agreement on a "declaration that the goal of their peoples is to transform their present relationship into a more effective unity based on Federal principles," and empowers the convention to invite other parliamentary democracies to participate in the process, which would also explore the possibilities for a timetable and a commission to move toward the goal by stages. S.J. Res. 21. P/S March 26, 1973.

People's Republic of China—diplomatic privileges: Authorizes the President to extend to the Liaison Office of the People's Republic of China in Washington and to the members thereof the same privileges and immunities subject to corresponding conditions and obligations as are enjoyed by diplomatic missions accredited to the United States and by members thereof. S. 1315. Public Law 93–, approved 1973.

Treaties:

Consular convention with Hungary: Establishes consular relations between the United States and the People's Republic of Hungary which will afford American citizens in Hungary a greater degree of consular protection and guarantee quick and unhindered communication between a citizen and his consul and prompt notification to the consul of any detention or other limitation, and provides for the establishment of consulates and the exchange of consular appointments according each country the facilities, privileges, and immunities afforded under similar bilateral consular conventions in force with a number of other countries. Ex. W, 92d–2d. Resolution of Ratification agreed to March 27, 1973.

Consular convention with Poland: Establishes consular relations between the United States and the Polish People's Republic; guarantees early notification of detention of a country's nationals and access thereto; describes consular functions and responsibilities in such fields as the issuance of visas and passports and the performance of notorial services; provides for the inviolability of consular personnel with regard to legal proceedings in the host country; and contains other provisions afforded under similar bilateral consular conventions in force with a number of other countries. Ex. U, 92d-2d. Resolution of Ratification agreed to March 27, 1973.

Consular convention with Romania: Replaces the convention currently in existence between the United States and the Socialist Republic of Romania; improves consular services in both countries to include the issuance of passports and visas, performance of notorial services, and representation of the interests of nationals in estate matters; assures that consuls whose nationals are detained or whose personal freedom is limited will be notified promptly and will have the right to visit and communicate with such nationals; and contains other provisions afforded under similar bilateral consular conventions in force with a number of other countries. Ex. V, 92d-2d. Resolution of Ratification agreed to March 27, 1973.

Convention with Japan for the protection of birds and their environment: Provides for the protection of species of birds which are common to the United States and Japan or which migrate between them, and provides that each country will develop programs to preserve and enhance the environment of the birds protected by this agreement. Ex. R, 92d-2d. Resolution of Ratification agreed to March 27, 1973.

Exchange of notes with Ethiopia concerning the administration of justice: Terminates the notes exchanged on September 7, 1951, concerning the administration of justice and constituting an integral part of the Treaty of Amity and Economic Relations Between the United States and Ethiopia. Termination of the notes, which set forth special commitments on the part of the Ethiopian Government regarding the trial of cases involving American citizens, would be in conformity with the U.S. policy of basing international agreements, in general, on the principles of equality and reciprocity. Ex. B, 92d-2d. Resolution of Ratification agreed to March 27, 1973.

LABOR

Penn Central rail dispute: Provides for Federal intervention to bring about a temporary halt in the strike of certain employees of the United Transportation Union against the Penn Central Transportation Company arising out of the Penn Central's plan to eliminate approximately 5,700 train crew positions by applying the final paragraph of section 10 of the Railway Labor Act (45 USC 160) and extends the 30-day period provided for in section 10, to 12:01 A.M., May 9, 1973, in order to secure additional time for an agreement to be reached; requires the Secretary of Transportation, not later than 45 days following enactment, to file a report to the Congress providing a full and comprehensive plan for the preservation of essential rail transportation services in the northeast section of the Nation; requires the Secretary of Labor, not later than 30 days following enactment, to submit to Congress a report detailing the progress, if any, of all negotiations, and any recommendations for a proposed solution; and contains other provisions. S.J. Res. 59. Public Law 93-5, approved February 9, 1973.

**Rehabilitation Act of 1972:* Amends the Vocational Rehabilitation Act to provide for more services to handicapped individuals; places greater emphasis on research and training of rehabilitation personnel and the development of innovative rehabilitation techniques, equipment, and devices which would make employment more feasible for a handicapped individual; establishes an Office for the Handicapped within the Department of Health, Education, and Welfare; creates a Federal Interagency Committee on Employment of the Handicapped, a National Commission on Transportation and Housing, and an Architectural and Transportation Barriers Compliance Board to continue and expand services to the handicapped and provide for an order of priority to serve those individuals with the most severe handicaps; and contains other provisions. *NOTE:* (A similar measure, H.R. 8395 [92d–2d], was pocket vetoed by President Nixon on October 27, 1972.) S. 7. Vetoed March 27, 1973. Senate sustained veto April 3, 1973.

MEMORIALS, TRIBUTES, AND MEDALS

Cable Car Medals: Authorizes the Secretary of the Treasury to strike and furnish to the San Francisco Cable Car Centennial Committee not more than 150,000 medals commemorating the 100th anniversary of the invention of the cable car, and contains other provisions. S. 776. P/S March 14, 1973.

Law Day: Pays tribute to the law enforcement officers of the United States on Law Day, May 1, 1973. S.J. Res. 11. P/S March 15, 1973.

Lyndon B. Johnson: Expresses the profound sorrow and deep regret of the Senate on the announcement of the death of Lyndon B. Johnson, a former President of the United States and a former Representative and Senator from the State of Texas, and designates the Presiding Officer of the Senate to appoint a committee to consist of all the members of the Senate to attend the funeral of the former President. S. Res. 24. Senate adopted January 23, 1973. H. Res. 152. House adopted January 23, 1973.

Expresses the sense of the Congress that in recognition of the long and distinguished service rendered to the nation and to the world by Lyndon B. Johnson, 36th President of the United States, his remains be permitted to lie in state in the rotunda of the Capitol from January 24 to January 25, 1973. H. Con. Res. 90. House adopted January 23, 1973. Senate adopted January 23, 1973.

Provides for payment out of the contingent fund of the Senate of all necessary expenses incurred as a result of S. Res. 24, which provides for members of the Senate to attend the funeral of Lyndon B. Johnson. S. Res. 34. Senate adopted January 24, 1973.

Lyndon B. Johnson Space Center: Designates the manned spacecraft center in Houston, Texas, as the "Lyndon B. Johnson Space Center" in honor of the late President, S.J. Res. 37. Public Law 93–8, approved February 17, 1973.

Monument to 1st Infantry Division: Authorizes the erection, in the District of Columbia, of a monument to the dead of the First Infantry Division, United States Forces in Vietnam. S.J. Res. 66. P/S February 19, 1973.

Vietnam War Memorial: Provides for the erection in the District of Columbia of a memorial in honor of those who served in the Armed Forces of the United States in the Vietnam war; and contains other provisions. S.J. Res. 45. P/S April 12, 1973.

NATURAL RESOURCES—ENVIRONMENT

Clean Air Act extension: Extends for 1 year, to June 30, 1974, the Clean Air Act, as amended; authorizes the appropriation therefor of $475 million for fiscal year 1974; and contains other provisions. S. 498. P/S January 26, 1973.

Extends for 1 year, to June 30, 1974, the provisions of the Clean Air Act of 1970 and extends, at constant dollar amounts, the authorization of appropriations in the act, which would otherwise expire June 30, 1973, in the total amount of $475 million. H.R. 5445. Public Law 93–15, approved April 9, 1973.

Flood Control Act of 1973: Authorizes development of flood control, multi-purpose and related projects and provides for studies and surveys to determine whether other plans should be developed. Note: (S. 4018 [92d–2d], a similar measure, was pocket vetoed by President Nixon on October 27, 1972.) S. 606. P/S February 1, 1973.

Solid Waste Disposal Act extension: Ex-

tends for 1 year, to June 30, 1974, the Solid Waste Disposal Act, as amended; authorizes the appropriation of $216 million for fiscal year 1974 to the Administrator of the Environmental Protection Agency and $22.5 million for fiscal year 1974 to the Secretary of the Interior, to carry out the provisions of this act; and contains other provisions. S. 498. P/S January 26, 1973.

Extends for 1 year, to June 30, 1974, the Solid Waste Disposal Act of 1967 (as amended by the Resource Recovery Act of 1970) and extends for 1 year, at constant dollar amounts, the authorization for appropriations therefor in the total amount of $238.5 million. H.R. 5446. Public Law 93–14, approved April 9, 1973.

NOMINATIONS

(*Action by rollcall vote*)

Nomination of Peter J. Brennan, of New York, to be Secretary of Labor: Nomination confirmed January 31, 1973. (81–3)

Nomination of William P. Clements, Jr., of Texas, to be a Deputy Secretary of Defense: Nomination confirmed January 23, 1973. (74–11)

Nomination of Elliot L. Richardson, of Massachusetts, to be Secretary of Defense: Nomination confirmed January 29, 1973. (81–1)

Nomination of James R. Schlesinger, of Virginia, to be Director of Central Intelligence: Nomination confirmed January 23, 1973. (85–0)

Nomination of Caspar W. Weinberger, of California, to be Secretary of Health, Education, and Welfare: Nomination confirmed February 8, 1973. (61–10)

PROCLAMATIONS

International Clergy Week in the United States: Authorizes the President to designate the week of January 28, 1973, as "International Clergy Week in the United States." H.J. Res. 163. Public Law 93–2, approved January 26, 1973.

Jim Thorpe Day: Authorizes and requests the President to issue a proclamation designating April 16, 1973, as "Jim Thorpe Day". S.J. Res. 73. Public Law 93–19, approved April 16, 1973.

National Arthritis Month: Authorizes and requests the President to issue a proclamation designating the month of May 1973, as "National Arthritis Month" and contains other provisions. H.J. Res. 275. Public Law 93– , approved _____ 1973.

National Clean Water Week: Authorizes the President to designate the period beginning April 15, 1973, as "National Clean Water Week." H.J. Res. 437. Public Law 93–18, approved April 14, 1973.

National Employ the Older Worker Week: Designates the second full calendar week in March 1973 as "National Employ the Older Worker Week." H.J. Res. 334. Public Law 93–10, approved March 15, 1973.

National Historic Preservation Week: Authorizes and requests the President to issue a proclamation designating the calendar week beginning May 6, 1973, as "National Historic Preservation Week." S.J. Res. 51, P/S April 11, 1973.

National Hunting and Fishing Day: Requests the President to declare the fourth Saturday of September 1973 as "National Hunting and Fishing Day." H.J. Res. 210. Public Law 93– , approved _____ 1973.

National Moment and Day of Prayer and Thanksgiving: Authorizes the President to issue a proclamation designating the moment of 7:00 P.M. E.S.T., January 27, 1973, a national moment of prayer and thanksgiving for the peaceful end to the Vietnam war and the 24 hours beginning at the same time as a national day of prayer and thanksgiving, and contains other provisions. H.J. Res. 246. Public Law 93–3, approved February 1, 1973.

Nicolaus Copernicus Week: Authorizes the President to designate the week of April 23, 1973, as "Nicolaus Copernicus Week" marking the quinquecentennial of his birth. H. J. Res. 5. Public Law 93–16, approved April 9, 1973.

Warsaw Ghetto Uprising: Authorizes and requests the President to proclaim April 29, 1973, as a day of observance of the 30th anniversary of the Warsaw ghetto uprising. H.J. Res. 303. Public Law 93– , approved _____ 1973.

TRANSPORTATION AND COMMUNICATIONS

Aircraft hijacking: Amends the Federal Aviation Act of 1958 to provide a more effective program to prevent aircraft piracy on both the international and domestic levels; implements, in Title I, the Convention for the Suppression of Unlawful Seizure of Aircraft (Hague Convention—Ex. A. [92d-1st]) to which the United States is a party and which came into effect on October 4, 1971; provides the President authority to suspend air service between the United States and any foreign nation he determines is not acting consistently with the provisions of the Hague Convention, in effect imposing, unilaterally, a U.S. air transport boycott; permits the Secretary of Transportation, with the approval of the Secretary of State, to restrict, limit, or revoke the operating authority of any foreign air carrier failing to afford necessary security safeguards to the traveling public; provides, in Title II, for the screening of all passengers and carry on baggage by weapons detecting devices prior to their being boarded on the aircraft; establishes under the Administrator of the Federal Aviation Administration an Air Transportation Security Force to provide a Federal law enforcement presence at the nation's major airports; and contains other provisions. S. 39. P/S February 21, 1973.

Airport Development Acceleration Act of 1973: Amends the Airport and Airway Development Act of 1970 and the Federal Aviation Act of 1958 to increase Federal financial assistance for airport development throughout the United States; increases the present minimum annual authorization for airport development grants to a total of $420 million per year for fiscal years 1974 and 1975, and the five year limit on obligational authority for the fiscal years 1971–1975 to $1.69 billion, funds which will come from the Airport and Airway Trust Fund; prohibits the levying by State and local governments of passenger "head" taxes or use taxes on the carriage of persons in air transportation; states it is the sense of the Congress that no funds authorized to be appropriated or appropriated pursuant to the provisions of this act shall be subject to impoundment by any officer or employee in the executive branch of the government; and contains other provisions. *NOTE:* (S. 3755 [92d–2d], a similar measure, was pocket vetoed by President Nixon on October 27, 1972.) S. 38. P/S February 5, 1973.

Federal-Aid Highway Act of 1973: Reduces the authorization for Interstate highway programs for each of the fiscal years 1974–1976 from the present $4 billion level to $3.25 billion; requires the realinement by June 30, 1975, of the Federal-aid primary, secondary and urban systems based upon functional usage for the year 1980; provides for transfer of Interstate system mileage within a State; strengthens environmental controls over roadbuilding and the highway beautification program; earmarks urban system funds for each urbanized area of 400,000 population or more; allows urban system funds to be "passed-through" to municipalities of 400,000 or more authorized under State law and equipped to manage urban system projects, thus making urban system funds directly available to large cities; authorizes the use of urban system highway funds for fixed rail mass transit systems and the use of urban system and urban extension highway funds for the purchase of buses, in addition to the use of those funds for the construction of bus lanes, highway traffic control devices, and passenger loading areas and facilities as authorized by the Federal-Aid Highway Act of 1970; provides that equipment purchased for mass transit systems must meet environmental standards set pursuant to the Clean Air Act and the Noise Control Act of 1972, and that the special needs of the elderly and handicapped, as defined in the Urban Mass Transportation Act of 1964, must be considered in planning and designing the mass transit systems; makes highway funds available for bicycle transportation, pedestrian walkways, and equestrian trails; establishes a new toll road reimbursement program; establishes a new special urban high density traffic program; authorizes a rural highway public demonstration program; amends the Urban Mass Transportation Act of 1964 to provide operating subsidies for mass transit systems via contract authority, in an amount not to exceed $800 million through fiscal year 1974, with grants or loans for operating expenses to be made on a two-thirds Federal, one-third local matching basis, and to provide an additional $3 billion in contract authority, for a total of $6.1 billion, through fiscal year 1977 for capital expenditures of mass transit systems and to change the Federal share of cost-sharing for this purpose from two-thirds to 90 percent; prohibits the impoundment or withholding from obligation of highway funds appropriated by Congress for expenditure; and contains other provisions. S. 502. P/S March 15, 1973.

Highway Safety Act of 1973: Authorizes $455 million for fiscal year 1974 and $475 million for fiscal year 1975 for highway safety programs, including $100 million for each of fiscal years 1974 and 1975 for the bridge replacement program; establishes a Federal-aid safer roads system, and authorizes $200 million of the total amounts authorized for each of fiscal years 1974 and 1975, to be available on a 90 percent Federal, 10 percent State matching basis, for the correction of highway hazards on that system requires States to identify, by June 30, 1974, projects on the Federal-aid safer roads system which have to be corrected and assign priority to the correction of hazards falling within the following three major categories: (1) projects to improve highway marking and signing, (2) elimination of roadside obstacles, and (3) elimination of hazards at railroad-highway grade crossings; includes bicycle safety in the areas to be covered by highway safety standards and adds bicycle safety to required driver education programs; authorizes the use of appropriated funds for State highway safety programs for use in developing and implementing manpower training and demonstration programs; increases the minimum apportionment to any State for highway safety programs from one-third of one percent to one-half of one percent authorizes the Secretary to carry out research on the relationship between the consumption of drugs and highway safety and to promulgate a highway safety program standard on drug use and highway safety; and contains other provisions. S. 893. P/S April 12, 1973.

Interstate apportionment: Directs the Secretary of Transportation to apportion, out of the Highway Trust Fund, $1 billion of the funds authorized for fiscal year 1974 for expenditure on the Interstate and Defense Highway systems. S. Con. Res. 6. P/S March 6, 1973.

Rail freight car shortage: In view of the current railroad transportation crisis caused by a freight car shortage and other factors, declares it to be the sense of the Senate that (1) the Commodity Credit Corporation should make available to farmers the option to reseal loans on farm-stored wheat and feed grains with respect to the 1971 and 1972 crops; and (2) the President is urged and requested to appoint a special committee to conduct a study of the railroad freight car

shortage problem and to submit to the President and the Senate Committees on Agriculture and Forestry and Commerce, within thirty days after its appointment, a report along with its recommendations for the most effective and practical means of (A) delivering adequate quantities of wheat to millers and feed grains to farmers and stockmen in the United States dependent upon such grain for feeding their livestock, and (B) alleviating the backup at those ports where numerous ships and railroad cars are waiting to be loaded and unloaded. S. Res. 59. Senate adopted February 19, 1973.

VETERANS

Drug and Alcohol Treatment and Rehabilitation Act: Provides for a fully-funded comprehensive drug and alcohol treatment and rehabilitation program for addicted veterans regardless of service connection or the nature of their discharge; establishes a special medical treatment and rehabilitative services program for any veteran with a drug dependence or drugs abuse disability, stressing highly individualized community-based, multimodality, in-house and contract services, including a wide range of vocational and educational counseling and rehabilitative services and job placement assistance; requires the Administrator to carry out a program of vocational rehabilitation for those Vietnam era veterans with addiction disabilities broadens the eligibility for basic V.A. hospital care and medical services for service-connected disabiilties; and contains other provisions. S. 284. P/S March 6, 1973.

Health Care Expansion Act: Improves the ability of the Veterans' Administration (VA) to deliver quality medical care to its beneficiaries by widening the scope of treatment (particularly for ambulatory and nursing care); expands coverage to certain dependents of beneficiaries or former beneficiaries; provides for a voluntary, comprehensive sickle cell anemia screening and counseling program; expands the primary function of the Veterans Administration Department of Medicine and Surgery to include assisting in providing an adequate supply of health care manpower; improves the personnel system of the Department of Medicine and Surgery to provide for major emphasis on recruitment, training and employment by the V.A. of recent veterans with medical military occupation specialities and to make that Department more attractive to skilled health care personnel; improves the staff-to-patient ratio in V.A. medical facilities; ensures that V.A. facilities are structurally safe; and contains other provisions. *Note:* (H.R. 10880 [92d–2d], a similar measure, was pocket vetoed by President Nixon on October 27, 1972.] S. 59. P/S March 6, 1973.

National Cemeteries Act: Establishes within the Veterans' Administration (V.A.) a National Cemetery System consisting of those cemeteries presently under the jurisdiction of the V.A. and those to be transferred to the V.A. from the Department of Army with the exception of certain specified cemeteries, including Arlington National Cemetery and those located at the service academies; directs the V.A. to conduct a comprehensive study and submit its recommendations on or before July 1, 1973, as to what our National Cemetery System and national burial policy should be; authorizes a special burial plot allowance of $150 (in addition to the present V.A. allowance for burial and funeral expenses of $250) in any case where a veteran is not buried in a national or other Federal cemetery; authorizes the burial of an unknown soldier from the Vietnam Conflict at Arlington National Cemetery; and contains other provisions. *Note:* (H.R. 12674 [92d–2d], a similar measure, was pocket vetoed by President Nixon on October 27, 1972.) S. 49. P/S March 6, 1973.

ADJOURNMENT OF THE TWO HOUSES

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution 22.

The PRESIDING OFFICER (Mr. CLARK) laid before the Senate the amendments of the House of Representatives to the concurrent resolution (S. Con. Res. 22) providing for adjournment of the Senate from Wednesday, April 18, 1973, to Monday, April 30, 1973—which were, in line 4, strike out "1973.", and insert: "1973, and that when the House adjourns on Thursday, April 19, 1973, it stand adjourned until 12 o'clock meridian, Monday, April 30, 1973."

And amend the title so as to read: "Concurrent resolution providing for the adjournment of the Senate from April 18, 1973 to April 30, 1973, and the adjournment of the House from April 19, 1973 to April 30, 1973."

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate concur in the amendments of the House of Representatives.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate today has completed action on the emergency rice bill, the emergency feed grain bill, the Older Americans Act, the urgent supplemental appropriations conference report, and has acted on an amendment to the voter registration bill. When the Senate adjourns today, in accordance with the provisions of Senate Concurrent Resolution 22, it will stand in adjournment until 12 o'clock meridian on Monday, April 30, 1973.

The Senate will adjourn without action having been taken on the economic stabilization conference report. The law will expire at midnight on April 30. The Senate will return on April 30 and attention, hopefully, will be given to that matter at that time.

When the Senate convenes on April 30 at 12 o'clock meridian, immediately following the prayer and the recognition of the two leaders or their designees under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes and in the order stated: Mr. MATHIAS, Mr. MANSFIELD, Mr. GRIFFIN, and Mr. ROBERT C. BYRD.

After conclusion of the aforementioned orders for the recognition of Senators, the 1 hour for debate, under rule XXII, on the motion to invoke cloture on S. 352 will begin running. At the conclusion of the hour there will be an automatic quorum call. This would occur at about 2 o'clock p.m. When a quorum of Senators has been established, there will immediately be a yea-and-nay vote on the motion to invoke cloture on S. 352, the voter registration bill.

If the motion to invoke cloture fails of adoption, the distinguished Senator from Wyoming (McGEE), the manager of the bill, will be recognized under the order previously entered; if the motion to invoke cloture is adopted, then rule XXII will govern until the unfinished business is disposed of.

I would anticipate additional yea-and-nay votes in either event on Monday, following the vote on the motion to invoke cloture.

There may be an opportunity that afternoon—and it all depends—to call up the conference report on the Economic Stabilization Act. In any event, I repeat, there will be yea and nay votes on that day in addition to the vote on the motion to invoke cloture.

I wish to congratulate all Senators for the excellent work that has been done thus far. The calendar does not have on it any bills that I can see that are cleared for action at this time. Hopefully, upon the return of the Senate, some of the bills thereon will have been cleared. Moreover, the leadership would express the hope that all committees will act expeditiously to report bills for floor action, keeping in mind the June 30 cutoff date for reporting of "must" legistion.

The leadership also expresses the hope that there will be a high attendance of Senators when the Senate returns on April 30. I know that the distinguished majority leader would want me to add that it is necessary that the Senate committees, upon our return following the Easter holiday, give every attention to "must" legislation, in the hope that floor action can be taken on the major bills—including the appropriation bills, once they have come over from the other body—prior to the August recess, which would then mean that following the August recess most of the tough, rough, major, controversial legislation would be behind us. I realize that these are only hopes at this moment, but we are now entering into a hopeful period of the year.

Looking ahead, may I say that the leadership wishes all Senators a felicific respite from their lucubrations here. May Senators, after a reposeful holiday, return to these difficile tasks with renewed verve and reviviscent strength.

ADJOURNMENT UNTIL MONDAY, APRIL 30, 1973

Mr. ROBERT C. BYRD. Mr. President, in accordance with the provisions of Senate Concurrent Resolution 22, as amended, I move that the Senate stand in adjournment until 12 o'clock meridian on April 30, 1973.

The motion was agreed to; and at 5:26 p.m., the Senate adjourned until Monday, April 30, 1973, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 18, 1973:

DEPARTMENT OF LABOR

Richard F. Schubert, of Pennsylvania, to be Under Secretary of Labor, vice Laurence H. Silberman, resigned.

DEPARTMENT OF JUSTICE

Paul J. Curran, of New York, to be U.S. attorney for the southern district of New York for the term of 4 years vice Whitney North Seymour, Jr., resigning.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 18, 1973:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the National Oceanic and Atmospheric Administration:

To be ensigns

Kenneth R. Anderson	Roger W. Mercer
Stephen J. Kott	Alan H. Yanaway
Earl W. Fenstermacher	Kenneth F. VanTrain
Peter E. Gadd	George J. Hauser, Jr.
Alan D. Anderson	Garth W. Stroble
Richard H. West	Edward Gastaldo
David C. McConaghy	Andrew M. Snella
Joseph J. Kapler	Robert J. Pawlowski
Kevin T. Mahoney	Thomas L. Meyer
Thomas A. Bergner	Dennis M. Kuhl
John A. Murphy	Larry E. Gholson
Edward E. Seymour	Chris J. Nelson
Kevin P. Regan	John B. Nelson
Kent J. Stong	Kenneth M. Holden II
Michael H. Allen	David L. Rogers
John J. Kineman	Donald D. Winter
Paul B. Loiseau, Jr.	Dennis J. Sigrist
John L. Oswald	

To be lieutenant (junior grade)

Bradford B. Meyers

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

The following-named persons to be members of the Board of Regents of the Uniformed Services University of the Health Sciences for the terms indicated:

For a term of 2 years

David Packard, of California.

Lt. Gen. Leonard D. Heaton, U.S. Army, retired.

Malcolm C. Todd, of California.

For a term of 4 years

Anthony R. Curreri, of Wisconsin.

For a term of 6 years

H. Ashton Thomas, of Louisiana.

Durward G. Hall, of Missouri.

U.S. AIR FORCE

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be general

Lt. Gen. George J. Eade, [redacted] FR (major general, Regular Air Force) U.S. Air Force.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

David Luke Norman, of the District of Columbia, to be an associate judge, Superior Court of the District of Columbia, for the term of 15 years.

HOUSE OF REPRESENTATIVES—*Wednesday, April 18, 1973*

The House met at 12 o'clock noon.

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

Let us not be weary in well doing; for in due season we shall reap, if we faint not.—Galatians 6: 9.

Almighty God, from whom all thoughts of truth and love proceed, kindle, we pray Thee, in the hearts of all people a true love for peace and for justice. Guide with Thy wisdom the leaders of our Nation and of all nations that quietly and sincerely Thy kingdom may go forward, Thy will be done, and men learn to live together with respect and good will.

By the might of Thy spirit quench the pride, the prejudice, and the pettiness which cause men to strive against men and people against people. Lead our country and all countries into the ways of justice and truth and establish among us all the enduring peace which is the fruit of righteousness. Thus may we be led into the stream of Thy creative purpose for all mankind.

Through Jesus Christ our Lord. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Marks, one of his secretaries, who also informed the House that on April 14, 1973, the President approved and signed a joint resolution of the House of the following title:

H.J. Res. 437. Joint resolution to authorize the President to designate the period beginning April 15, 1973, as "National Clean Water Week."

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a joint and concurrent resolution of the following titles, in which the concurrence of the House is requested:

S.J. Res. 93. Joint resolution to provide a temporary extension of the authorization for the President's National Commission on Productivity; and

S. Con. Res. 22. Concurrent resolution providing for adjournment of the Senate from Wednesday, April 18, 1973, to Monday, April 30, 1973.

CHANGES IN ALLOWANCES FOR MEMBERS

(Mr. THOMPSON of New Jersey asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. THOMPSON of New Jersey. Mr. Speaker, House Resolution 457, 92d Congress, provided the Committee on House Administration the authority to fix and adjust from time to time various allowances of Members of the House of Representatives. Pursuant to this authority the committee has issued orders No. 5 and 6, both of which are effective May 1, 1973.

COMMITTEE ORDER NO. 5

Resolved, That effective May 1, 1973, until otherwise provided by order of the Committee on House Administration, upon written request to the Committee on House Administration, a Member, the Resident Commissioner from Puerto Rico, or a Delegate to the House of Representatives may employ in lieu of 1 of the 16 clerks allowed under his clerk hire allowance, a research assistant at such salary as the Member may designate. The Member's annual clerk hire allowance will then be increased at the rate of $20,000.

There shall be paid out of the contingent fund of the House of Representatives such sums as may be necessary to carry out this order until otherwise provided by law.

COMMITTEE ORDER NO. 6

Resolved, That effective May 1, 1973, until otherwise provided by order of the Committee on House Administration, upon written request to the Committee on House Administration, a Member, the Resident Commissioner from Puerto Rico or a Delegate to the House of Representatives may allocate up to $250 a month of any unused portion of his clerk hire allowance for the leasing of equipment necessary for the conduct of his office.

There shall be paid out of the contingent fund of the House of Representatives such sums as may be necessary to carry out this order until otherwise provided by law.

PAYMENT OF EXPENSES OF HOUSE DEMOCRATIC STEERING COMMITTEE AND HOUSE REPUBLICAN CONFERENCE

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I call up House Resolution 283 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 283

Resolved, That that part of the amount appropriated for the fiscal year ending June 30, 1973, under the heading "HOUSE OF REPRESENTATIVES" and the caption "SPECIAL AND MINORITY EMPLOYEES" for the House Democratic Steering Committee, and of the amount for the House Republican Conference, in the Legislative Branch Appropriation Act, 1973 (86 Stat. 437; Public Law 92-342), which is not used to pay the salary of the Clerk and of the Assistant Clerk of the House Democratic Steering Committee, or the salary of the Executive Director and of the Research Director of the House Republican Conference, as the case may be, may be used, without limitation, by the House Democratic Steering Committee, or by the House Republican Conference, as applicable, for the payment of all its necessary expenses in such fiscal year. Until otherwise provided by law, that part of the amount appropriated for the fiscal year ending June 30, 1974, for the House Democratic Steering Committee and of the amount for the House Republican Conference for such fiscal year, which is not used to pay the salaries of its employees re-