annual meeting to contribute $25,000 over the next 5 years to a $125,000, 5-year program for credit union development in Mexico.

This project is being handled by the World Council of Credit Unions, the international arm of CUNA International.

The Texas Credit Union League voted the funds after R. C. Robertson, president of the World Council, explained the program in a keynote speech and appealed for assistance on the part of the Texas Credit Union League. Mr. Robertson said—

The program can literally be the difference between service and subsistence for the Mexican movement.

He projected a tripling of credit union membership in the project area in the 5 years of the program. The World Council hopes to raise the remaining funds from contributions from U.S. credit union leagues in the Southwest.

Mr. Speaker, the action by the Texas Credit Union League is another example of how credit unions work together to help each other so that they can better serve their members. I applaud the efforts of the Texas Credit Union League in this worthwhile project.

SENATE—*Thursday, May 3, 1973*

The Senate met at 11:30 a.m. and was called to order by Hon. LAWTON CHILES, a Senator from the State of Florida.

PRAYER

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

Eternal Father, in whom we live and move and have our being, make us aware of how near Thou art at all times to guide us and strengthen us. Refresh us with Thy spirit to quicken our thinking and reinforce our judgment. Show us what is holiest in our heritage that we may conserve and strengthen it. Show us what needs to be changed and give us the courage and wisdom to make the changes. In all our labors help us to yield ourselves to Thy will that this body may help fulfill Thy purposes for this Nation and all mankind.

We pray in the name of Him who was the way, the truth, 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., May 3, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. LAWTON CHILES, a Senator from the State of Florida, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the joint resolution (S.J. Res. 93) to provide a temporary extension of the authorization for the President's National Commission on Productivity.

The message also announced that the House had passed the bill (S. 38) to amend the Airport and Airway Development Act of 1970, as amended, to increase the U.S. share of allowable project casts under such act, to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the joint resolution (S.J. Res. 51) to authorize and request the President to issue a proclamation designating the calendar week beginning May 6, 1973, as "National Historic Preservation Week," with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution:

H.R. 3841. An act to provide for the striking of medals in commemoration of Roberto Walker Clemente; and

S.J. Res. 93. Joint resolution to provide a temporary extension of the authorization for the President's National Commission on Productivity.

The enrolled bill and joint resolution were subsequently signed by the Acting President pro tempore (Mr. CHILES).

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, May 2, 1973, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I yield my 5 minutes to the distinguished Senator from Maryland (Mr. MATHIAS).

Mr. SCOTT of Pennsylvania. Mr. President, may I be recognized for the purpose of yielding 5 minutes, if he desires it, to the Senator from Maryland?

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized for a period of not to exceed 10 minutes, without objection.

Mr. MATHIAS. Mr. President, I thank both the distinguished majority leader and the distinguished minority leader for their kindness in yielding me their time.

(The remarks Senator MATHIAS made at this point when he submitted Senate Resolution 107, relating to the continuation of hostilities anywhere in Indochina, are printed in the routine morning business section of the RECORD under submission of a resolution.)

SECRETARY OF INTERIOR MORTON VOLUNTARILY SURRENDERS CADILLAC

Mr. MATHIAS. Mr. President, over the past 12 years I have observed the steady proliferation of Government-owned, chauffeur-driven automobiles on the streets of Washington. Traditionally those long, black Cadillacs were reserved for the President, the Vice President, the Chief Justice, and the members of the Cabinet and the congressional leadership. But there are certainly more than 22 or 23 of these limousines prowling and parking on the streets of Washington.

I am taking this moment out of this important debate to commend Secretary of Interior Rogers Morton for voluntarily surrendering his long, black Cadillac, and taking the step necessary for the economy of the country and the environment of this city by traveling in a more modest, less highly priced and more environmentally perfect automobile. I think he deserves great credit.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Virginia (Mr. HARRY F. BYRD, JR.) is recognized for a period of not to exceed 15 minutes.

THE VIEWS OF THE PEOPLE AT LARGE

Mr. HARRY F. BYRD, JR. Mr. President, during the past 4 days I have been in Virginia five times and have made four speeches.

Mr. President, on Monday I attended a dinner in Virginia of the Virginia State Chamber of Commerce, whose president is Jack F. Davis, executive editor and general manager of the Winchester Evening Star.

On Tuesday I attended the Annual Law Day luncheon of the Richmond Bar Association. And on behalf of that association I presented to Lt. Cmdr. Paul Gallanti a special award which he received on behalf of all our prisoners of

war. Commander Gallanti was a prisoner of war for more than 6 years.

Mr. President, on Wednesday morning I journeyed to central Virginia, to Louisa which is located in the heart of Virginia. Louisa was celebrating its 100th anniversary that day.

Last night I spoke in Fairfax County to the Virginia Association of Professionals, and this morning I spoke in another part of Fairfax County to the Northern Virginia Regional Safety Conference.

The more I get out of Washington, Mr. President, the more I get to Virginia, and the more I mingle with the people, the more convinced I am that the vast majority of the citizens of our Nation are sound and solid people. Most certainly they are in Virginia. I think it is important for us in Washington to get out of Washington from time to time and to see the people of our States. I want to carry that message to the executive branch of the Government. Mr. President, the administrators of these departments and the subordinates in these departments who make decisions would make better decisions and would have a better feel of our Nation if they, too, would get out among the people.

Located in this great northern Virginia area of our State, Fairfax County is the largest political subdivision of Virginia, now having 520,000 people and still growing rapidly. It is larger than four or five States of the Union. This is a very intriguing and interesting area. I am pleased to have been within that great county twice within the past 14 hours.

I want to pay tribute today and call the attention of the Senate to the town and the county of Louisa. Louisa is in the heart of Virginia. It is not too far from Richmond. It is quite close to Charlottesville. It is not too far from Fredericksburg.

In the town of Louisa yesterday morning, with beautiful skies and a bright sun, there was a wonderful celebration in the courthouse yard to celebrate the 100th anniversary of the town of Louisa.

There was a tremendous crowd, and it was heartening to speak to that crowd. And after my speech, it was even more heartening to shake hands with those of my fellow Virginians who were there for the ceremony.

In talking with these Virginians, Mr. President, I find that they have deep concern about many of the grave problems facing our Nation and that they have deep concern that the Congress come to grips with the very bad and the very unfortunate financial situation facing our country.

I think the people outside of Washington understand even better than the people in Washington just how serious is our Nation's financial condition.

Mr. President, the town of Louisa has been in existence since the formation of Louisa County in 1742. The town of Louisa incorporated by the General Assembly of Virginia on March 8, 1873. It is the county seat of Louisa County.

Louisa was the scene of great activity during the War between the States and Gen. Fitzhugh Lee camped there on June 10, 1864, prior to the Battle of Trevilians.

The welcome yesterday was given by the spendid mayor of the city, Mayor Robert A. Whitlock, and a brief history of Louisa was delivered by Porter C. Wright. The chairman of the centennial committee was Jerry N. Porter.

I was pleased to be introduced to the audience by a long-time close friend, Judge Harold H. Purcell. Judge Purcell and I became members of the Virginia Legislature on the same day in 1948, and we have been close friends ever since. He is rendering his State and his judicial district outstanding service as judge of the ninth judicial circuit.

Mr. President, I commend the people of Louisa and the people of Louisa County for the outstanding centennial celebration which they had yesterday.

THE COLLINSVILLE RAIDERS

Mr. HARRY F. BYRD, JR. Mr. President, the Washington Star, on Sunday, April 29, under an 8-column headline on page 3, the headline being "The Night Terror Came Knocking," reported events from Collinsville, Ill., in which two houses were broken into by Federal narcotics agents. Those houses were subsequently found to be the wrong houses.

I ask unanimous consent that the article be printed in the RECORD at the end of my remarks.

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

(See exhibit 1.)

Mr. HARRY F. BYRD, JR. When one reads this report on what happened in Collinsville, Ill., it sends chills down one's spine. It is difficult to comprehend that this could happen in the United States in the Senate on August 6, 1971 I spoke against the controversial no-knock law, wherein police officers armed with a search warrant, may enter a dwelling without first announcing their intentions I oppose those no-knock provisions. I do not believe in breaking into people's houses at night without any warning.

I think that when we resort to tactics of that type, we are getting on very unsound ground. It was proved in Collinsville, Ill., last week when two houses were broken into, and in one house a man and his wife and in the other a man and his wife and children were terrorized by Federal agents. Had the agents knocked—instead of breaking down the door—they would have learned they were in the wrong homes—and a night of terror would not have come to those homes.

I think these incidents must be brought to the attention of Congress. The administrators must take firm steps to punish those responsible, and take firm steps to be certain that no such tactics are used in the future.

I would like to see the no-knock provisions knocked out of all the crime legislation which has been enacted by Congress. But if the no-knock provisions are allowed to remain on the books, I think certainly greater care must be exercised by Government officials, police, and narcotics agents to see that they get the right houses.

I yield back the remainder of my time.

EXHIBIT 1

THE NIGHT TERROR CAME KNOCKING

(By Andrew H. Malcolm)

COLLINSVILLE, Ill.—Herbert Giglotto was asleep with his wife in their townhouse apartment here the other night. He heard a crash by the front door. He stumbled from bed.

"One more step, you (obscenity) and you're dead," said a voice in the darkness. And Giglotto felt a gun barrel against his forehead.

One half hour later across town Don Askew, his wife Virginia and their son Michael were sitting down to a late fish supper.

Their dog Charlie barked. Mrs. Askew went to the living room, then gasped. "My God, Don, there's a man at the window."

There was, in fact, a man at every window. Each pointed a pistol inside. And three men stood by the door with shotguns.

Thus began a night of terror for two families here last Monday. Their doors were kicked in; their homes damaged, their arms shackled. And the screaming bearded men told some they were to die.

The long-haired, unshaven, poorly dressed armed men who burst into the homes shouting obscenities were federal narcotics agents hunting, with no known warrants, for something or someone.

They went, however, to the wrong houses. And when they realized their error, the men disappeared with no apologies.

"I think people should know," said Mrs. Giglotto, "that this sort of thing can happen in America now. God only knows how many families this has happened to."

The agents' actions here prompted charges of "Gestapo tactics," a $100,000 lawsuit, some angry editorials, a federal investigation and a good deal of fear in this quiet southern Illinois community of 19,600, 15 miles east of St. Louis.

Except to confirm that the men involved were, in fact, narcotics agents, no one in the federal government would explain the incidents.

Herbert Giglotto is a 29-year-old boilermaker who lives with his wife, Evelyn, in a tri-level apartment. They have no children.

They had retired at 8:30 p.m. Monday because Giglotto arises for work at 5 a.m.

At 9:30 p.m., there was a crash. That was the storm door being ripped out. A second crash followed. That was the inside door buckling off its hinges.

Giglotto reached the top of the stairs when a man put a gun to his head.

The boilermaker turned to his wife. "Honey, we're dead."

"That's right, you (obscenity)," said the man.

He threw Giglotto face down on the bed and handcuffed his arms behind his back and said: "one move and your dead. Who's that bitch?"

The room had filled with 15 men. They were tearing down shelves and ripping clothes out of closets and drawers.

"That's my wife," said Giglotto, "and this is our bedroom."

"Don't get smart," said the man. He cocked his pistol. "I'm gonna kill you."

Mrs. Giglotto pleaded hysterically for her husband's life.

"Shut up," the man said.

He ordered Mrs. Giglotto, who was clad only in a short green negligee, to lie on the floor. Another man threw a sheet across part of her exposed body.

There were crashes elsewhere. A television set, among other things, was thrown across a room. An antique plaster dragon was shattered. Cameras were bashed on the floor. Papers were strewn about.

Then one man flashed a small gold badge for an instant, but not long enough to read. And he rattled off a list of names that Giglotto did not recognize.

"You're going to die if you don't tell us where the drugs are," said the man.

"Please, please, before you shoot, check my wallet," screamed Giglotto, who says aspirin is the strongest drug he takes. Just then there was a voice on the stairs.

"We've made a mistake," it said.

Giglotto was released and the room emptied.

"Why, why did you do this?" Giglotto asked as he struggled to put on some pants.

"Boy, you shut your mouth," said one man. And he knocked Giglotto over, ripping his trousers.

Outside, a man was modeling one of Giglotto's construction hardhats. The Giglotto's pets—three dogs and a cat—had been thrown outdoors.

"(Obscenity) your animals," one man said, "I don't care about your goddamned pets."

And the men walked off down the street.

About that time 40-year-old Don Askew was returning from his East St. Louis gas station to his modest, six-room home on Collinsville's north side.

The dead-end street, a one-lane curving affair, is little-traveled.

So Arnold Blass, a 66-year-old next-door neighbor, was puzzled by the car that cruised back and forth. He had just cleaned a .22-caliber pistol and put it in the house.

Now Blass was in his backyard chatting with Jack Freiburg, a friend, and cleaning some freshly-caught carp.

Suddenly, they saw about 25 "raggedy-looking hippies" running across the vacant lot toward them. One pushed Freiburg, who knocked him down instead against an old icebox. Another seized Blass' knife.

Then, a man produced a badge for a second. "Is that all the identification you've got?" asked Freiburg, "I can buy one of those in any dime store."

By then Mrs. Askew was screaming for the police. As Blass turned toward his house, three men barred his way, shaking their heads slowly.

"It's a good thing I didn't have my gun," Blass said later.

Askew thought the strangers were a motorcycle gang after his 16-year-old son. Then he saw the armed trio at the door.

"You kids go on home now before I call the police," he said, holding the door shut. Then, slowly, without a word, one of the men leaned back and kicked the foot just below the glass. The muddy footprint is still there.

Mrs. Askew ran screaming toward a bedroom. She fainted and hit her head on a table. Her son went for the phone. "Hold it, boy," said the voice in the window.

Then one man at the door waved a badge briefly. Askew opened the door promptly and stepped back. Only then did he see a pistol pointed at his back through the kitchen window and a man standing quietly by the bathroom with a shotguun in his hands.

The man had ripped open a screen and kicked in a back door that Askew had nailed shut eight years ago.

The men searched the home. "Do you know John Coleman?" they asked.

"No," replied Askew.

"I can't breathe," Mrs. Askew said.

"Take it easy, lady," one man responded, "We're federal agents and we've gotten a bum tip." They began to leave.

"Wait until the police get here," Askew said.

"We can't," the man said. "We've got four more places to go tonight. Here's a phone number. Call and they'll pay any damages."

The number was for the Bureau of Narcotics and Dangerous Drugs in St. Louis.

In his stocking feet Askew followed the 25 men to the Collinsville police station, where the agents identified themselves to Chief Paul Cigliana and reportedly admitted they had no warrants.

On Wednesday the Askews sued the federal government for $100,000 for violation of their civil rights. The Giglottos also retained an attorney. "I can't compete with a government like this," said Giglotto.

In Washington, Myles J. Ambrose, special assistant attorney general in charge of drug abuse law enforcement, ordered a "thorough investigation" and said "appropriate action" would be taken against any federal agents who acted "improperly."

"Every day I get madder," Giglotto said. "They acted like those German Gestapos. If they were **representatives of the federal government**, we're all in trouble."

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. (Mr. CHILES). Under the previous order, the Senator from Michigan (Mr. GRIFFIN) is recognized for a period not to exceed 15 minutes, but not to extend beyond the hour of 12 o'clock noon.

Mr. MANSFIELD. Mr. President, I think if that contingency occurs we will be able to provide sufficient time out of the time allotted.

Mr. GRIFFIN. Mr. President, I yield 3 minutes to the distinguished Senator from Massachusetts (Mr. BROOKE).

SUBMISSION OF SENATE RESOLUTION 106, URGING THE ATTORNEY GENERAL TO APPOINT A SPECIAL ASSISTANT IN CONNECTION WITH THE PRESIDENTIAL ELECTION OF 1972

Mr. BROOKE. Mr. President, I have been greatly concerned about the resolution (S. Res. 105) which was introduced in the Senate Tuesday and was passed by a voice vote, with no more than five Senators present at the time, despite the fact that opposition to such resolution had been voiced. It is my further understanding that the vote was locked in by a motion to reconsider and a motion to table, and therefore a further motion to reconsider would depend upon unanimous consent, which, of course, will be difficult if not impossible to obtain.

My concern is that the resolution introduced on Tuesday and passed by a voice vote was a resolution that would remove the investigatory and prosecutory responsibilities from the Department of Justice. I can conceive of no prospective Attorney General, in accepting the responsibility as the highest legal officer of our land, abdicating his responsibility in criminal matters.

In addition, Mr. President, I am disturbed that there was no opportunity for Members of the U.S. Senate to discuss and debate this important matter on the floor—no opportunity for clarification as to what was intended and what was meant by the wording of the resolution.

These are very grave times in the history of our Nation. The confidence of our Government is at issue. I cannot conceive that we, the Members of the U.S. Senate, would pass such an important resolution at this time without the most thorough and exhaustive discussion and debate on every facet of that resolution.

I personally feel that this authority should be vested in the Attorney General of the United States, and that if the Senate does not feel that the Attorney General will do the job, it has the right, under the Constitution, to refuse to confirm his nomination. The Attorney General-designate has not been before the Senate Judiciary Committee, which is the proper arm of the Senate to conduct hearings and to interrogate thoroughly the nominee for Attorney General as to his views, his connections, his associations, and his principles of law.

Mr. DOMINICK. Mr. President, will the Senator from Massachusetts yield at that point?

Mr. BROOKE. I therefore feel, Mr. President, that at this time I wish to submit a resolution for the distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT) and myself, the Senator from Colorado (Mr. DOMINICK)——

The ACTING PRESIDENT pro tempore. The 3 minutes of the Senator have expired.

Mr. MANSFIELD. Mr. President——

Mr. GRIFFIN. Mr. President, how much time remains, a minute or two?

The ACTING PRESIDENT pro tempore. The Senator has 30 seconds prior to the hour of 12 o'clock.

Mr. GRIFFIN. Mr. President, I yield that much time to the Senator from Massachusetts, and he had better proceed——

Mr. BROOKE. The Senator from Wyoming (Mr. HANSEN)—and ask for its immediate consideration.

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

The ACTING PRESIDENT pro tempore. The clerk will report the resolution.

The assistant legislative clerk proceeded to read the resolution.

VOTER REGISTRATION ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 12 o'clock having arrived——

Mr. GRIFFIN. Mr. President, I object.

The ACTING PRESIDENT pro tempore. The Senate will resume the consideration of the unfinished business, which the clerk will state.

Mr. HARRY F. BYRD, JR. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Virginia will state the inquiry.

Mr. HARRY F. BYRD, JR. Mr. President, what has happened to the unanimous-consent request?

The ACTING PRESIDENT pro tempore. The unanimous-consent request was superseded by the previous order of the Senate.

Mr. HARRY F. BYRD, JR. So there has been no unanimous-consent request; is that correct?

Mr. MANSFIELD. Right.

The ACTING PRESIDENT pro tempore. It has not been acted on.

Mr. HARRY F. BYRD, JR. It has not been acted on. I thank the Chair.

The ACTING PRESIDENT pro tempore. The Clerk will report the unfinished business.

The assistant 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.

The Senate resumed the consideration of the bill.

The ACTING PRESIDENT pro tempore. Under the previous order, the hour allocated before the Senate proceeds to vote on the cloture motion will be equally divided and controlled by the Senator from Wyoming (Mr. McGEE) and the Senator from Hawaii (Mr. FONG).

Mr. ALLEN. Mr. President, on behalf of the distinguished Senator from Hawaii (Mr. FONG), I yield 5 minutes to the distinguished Senator from Massachusetts.

SENATE RESOLUTION 106

Mr. BROOKE. Mr. President, I am most grateful to the distinguished Senator from Alabama for yielding me 5 minutes to conclude this matter.

Now, Mr. President, I renew my unanimous-consent request that the resolution which I have just sent to the desk be given immediate consideration by the Senate.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution.

The assistant legislative clerk read as follows:

S. RES. 106

Resolution urging the Attorney General to appoint a special assistant in connection with the Presidential election of 1972

Resolved, That it is the sense of the Senate that—(1) the Attorney General appoint an individual of the highest character and integrity from outside the executive branch as special assistant for the United States Government in any and all criminal investigations, indictments, and actions arising from any illegal activity by any person, acting individually or in combination with others, in the Presidential election of 1972, or any campaign, canvas, or other activity related to such election; and

(2) the Attorney General shall inform the President of the name of the individual so appointed and the President is requested to submit the name of such appointee to the Senate requesting a resolution of approval thereof.

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

Mr. HARRY F. BYRD, JR. Mr. President, reserving the right to object——

Mr. GRIFFIN. Mr. President reserving the right to object—

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BROOKE. Mr. President, I yield to the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.).

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

Mr. CHILES. Mr. President——

Mr. GRIFFIN. Mr. President, let me ask the distinguished Senator from Massachusetts: As I understand his position, it is not to bring this resolution to debate and to a vote today but to get it on the calendar for consideration by the Senate; is that correct?

Mr. BROOKE. Mr. President, the distinguished minority whip is absolutely correct. My purpose is to introduce the resolution, have it objected to, and let it lay over until tomorrow; and then have it objected to, and have it go on the calendar. I hope the leadership will then assign full time for discussion and debate on the resolution.

Mr. GRIFFIN. So that, because of the parliamentary situation, if the assistant minority leader objects, he will actually be doing what the Senator from Massachusetts wants him to do at this point; is that correct?

Mr. BROOKE. And for which the Senator from Massachusetts would be most grateful. [Laughter.]

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

Mr. BROOKE. I yield.

Mr. DOMINICK. It is my understanding that this resolution is a sense-of-the-Senate resolution; is that correct?

Mr. BROOKE. That is correct.

Mr. DOMINICK. That is correct. So that this effort, which I am happy to endorse, is to make sure that all Senators know what is in the resolution, so that they will have a chance to review it and debate it at some length.

Mr. BROOKE. The Senator from Colorado is correct again.

Mr. DOMINICK. Being a cosponsor of it, instead of the assistant minority leader having to do it, I will be happy to object.

Mr. BROOKE. I appreciate the objection of the Senator from Colorado.

The PRESIDING OFFICER. (Mr. HATHAWAY). Objection is heard. The resolution will go over until tomorrow.

Who yields time?

Mr. ALLEN. Mr. President, how much time remains?

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

Mr. ALLEN. How much time does the Senator require?

Mr. TOWER. Five minutes.

Mr. ALLEN. On what subject?

Mr. TOWER. On the subject of Cambodia.

Mr. ALLEN. Mr. President, I yield to the distinguished Senator from Texas 5 minutes, provided he will use 1 minute in opposition to the voter registration bill.

Mr. TOWER. Mr. President, I will be glad to take that 1 minute first and express my dedicated opposition to the voter registration bill, S. 352. I think it takes the electorate machinery out of the hands of the State. It is an ill-advised attempt. It lends itself to all kinds of abuse and fraud. It will be a terrible thing to perpetrate upon the American people. It is urging an effort to encourage people who are uninformed or uninterested in an election to vote like cattle. Therefore, I shall be happy to vote against cloture and if the cloture motion should succeed, I shall vote against the bill.

CAMBODIA

Mr. TOWER. Mr. President, yesterday, the Democratic conference adopted a resolution seeking to foreclose by legislative action further use of Federal funds for the pursuit of any military activity by the United States in Cambodia. I can understand the motivation of the conference, and I do not criticize my well-meaning Democratic friends for having done this. I appreciate the spirit in which it was done.

But, Mr. President, should the provisions of that resolution be implemented, we would seriously hamstring the President of the United States in the formulation of the conduct of foreign policy.

Dr. Kissinger is on his way to Moscow. Negotiations in Moscow are difficult even from a position of strength. I should point out that the foundation of American foreign policy is the maintenance of adequate military strength and the conviction on the part of others of our will, our resolve, and our desire to use that strength when and if necessary.

Should we adopt the provisions of that resolution, we would serve notice that in certain instances the United States has not the will nor the resolve to use its strength.

We should understand that we can have détentes on favorable terms, and we can have arms limitations with balance of force reductions, only if the United States maintains its strength and convinces the rest of the world of its willingness to use it, if necessary.

We are making progress. We can achieve, I think, stability and peace in the world through diplomatic means, only if the President is not narrowly proscribed in the use of the power that he possesses.

It is a certainty that a satisfactory settlement in Southeast Asia is wholly dependent on U.S. resolve. We are making progress. I think that through diplomatic means we can persuade the North Vietnamese to observe the letter and spirit of the law. But if we convince them that they can, with impunity, violate article 20 of the Agreement by refusing to withdraw their forces from Cambodia, by continuing their aggressive designs on Cambodia, by continuing military operations in Cambodia, then we will postpone the day of peace in Southeast Asia and, indeed, we may be perpetrating perpetual war in Southeast Asia.

Make no mistake about it, the principal military muscle in opposition to the present Government of Cambodia is North Vietnam. It is not the native or the ethnic Cambodians. Therefore, it becomes incumbent on us to be ready and willing to use force, if necessary, to try to achieve recognition and obedience to and compliance with article 20 of the Agreement.

I am sorry that the Democratic conference acted in the way it did, because I am afraid it might be encouraging to the North Vietnamese to continue its military activities in both Cambodia and Laos.

Looking at the long-range implications for the United States, we are a signatory to the SEATO treaties. We are obligated to come to the defense of Thailand, if Thailand is confronted by overt aggression. The safety and security of the territorial and political integrity of Thailand is directly related to our ability and the prospect for sanitization of Laos and Cambodia.

But what we are doing in Cambodia is not in support of the Government of Cambodia. It is in opposition to the blatant noncompliance of North Vietnam with article 20 of the Agreement. Any attempt to proscribe our efforts to force

compliance or to negotiate compliance will, I think, result in continued warfare and instability in Southeast Asia and make it a continuing tinderbox.

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

Who yields time?

Mr. MOSS. I yield 3 minutes to the majority leader.

Mr. MANSFIELD. Mr. President, I listened with great interest to the remarks of the distinguished senior Senator from Texas. I must say that he is consistent in his views. But I must say, also, that consistency is not always a jewel.

I am sorry that the distinguished Senator was not on the floor to hear the remarks of the distinguished Senator from Maryland (Mr. MATHIAS) when he submitted his resolution today. The Senator from Maryland pointed out that this was not a military or a foreign policy question but that it was basically a constitutional and a statutory issue which has to be resolved if the equality between the branches of the Government, as defined by the Founding Fathers, is to be maintained.

The distinguished Senator drew in SEATO in his reference to Cambodia. Cambodia never has been a member of SEATO. Under Prince Norodom Sihanouk, it specifically demanded that it be excluded—against our wishes, incidentally; and even under the Lon Nol government, the present government, maintained by us—a client state, a client ruler—it has indicated that it does not want to be under the SEATO umbrella.

Mr. TOWER. Mr. President, will the Senator yield, for a point of clarification?

Mr. MANSFIELD. I yield.

Mr. TOWER. I did not mean to imply that Cambodia or Laos were signatories. They are not signatories; nor is South Vietnam, for that matter. I only meant to point out that Thailand is and to point out the responsibility to Thailand.

Mr. MANSFIELD. Thailand is. Laos and South Vietnam have come under the umbrella, based on the protocol.

But what does SEATO amount to? At the present time, it really amounts to a defense agreement between Thailand and the United States, because Pakistan has, in effect, withdrawn. The British and the French have, in effect, withdrawn. The Australians and the New Zealanders do not show any great enthusiasm and would like to get out. So that leaves the Philippines, Thailand, and the United States.

But I would hope that we would be aware of the fact that what is being done in Cambodia today, based upon the thousands of tons of bombs that have been dropped for 56, 57, 58 days in a row—with one exception—is the expenditure of funds which have not been approved by Congress. That will come in the supplementary appropriation, which I understand will be taken up in the House on Tuesday or Wednesday of next week.

Have we not had enough of war in Indochina? Are not 55,000 Americans dead enough? Are not 303,000 wounded enough? Are not 25,000 quadriplegics and paraplegics enough? Is not $130 billion or more enough?

I wonder when we are going to wake up to our responsibility, and I wonder when we are going to get out of Indochina and Thailand on a lock, stock, and barrel basis. No interest of ours was involved in the first place. No interest of ours is involved now.

If it is a question of face, I, for one, am prepared to give up what face is involved; because I think more of my own people than I do of those people over there, and they have to settle their own destiny, decide their own future. It is their choice.

Mr. MOSS. Mr. President, I yield 5 minutes to the Senator from Maryland.

Mr. MATHIAS. Mr. President, before addressing myself to the subject of the debate on the voter bill, let me say very briefly with reference to the colloquy which just took place between the distinguished Senator from Texas and the distinguished Senator from Montana that I was amazed to hear the SEATO treaty mentioned as one of the justifications for operations in Cambodia. I myself made a request for a statement of legal justification for the operations in Cambodia during a secret meeting of the Subcommittee on Government Operations of the Committee on Appropriations on April 9, and nobody has yet mentioned SEATO as even a possible reason for bombing in Cambodia. I do not feel it is a very tenable ground and I am sorry that it was brought into this debate today.

Mr. HUGHES. Mr. President, before I get back to the subject of voter registration, for which this time was allotted, I wish to associate myself completely with the remarks of the distinguished majority leader in relation to Cambodia and Southeast Asia.

VOTER REGISTRATION ACT

The Senate continued with the consideration of the bill (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.

The PRESIDING OFFICER. Who yields time?

Mr. MOSS. I yield 5 minutes to the Senator from Iowa.

Mr. HUGHES. Mr. President, the allotted hour before the vote on cloture on S. 352 is proceeding. I hope this vote succeeds, because it is time to call a halt to this protracted debate and to really have a vote on this bill. The bill has been debated extensively, from April 10 until we recessed for Easter, even prior to its resumption Monday. It was debated last year and not given the advantage of a vote on its merits. It has been subject to extensive hearings over a period of a year and a half, both in the Committee on Post Office and Civil Service and on the House side of the Capitol.

Prior to the introduction of this measure, or the other bills akin to it, Mr. President, we have had the benefit of study after study—going back to the 1963 President's Commission on Registration and Voting Participation—which have concluded that registration is a major cause of nonvoting in America.

Just last year, fully 62 million Americans did not vote and that was in a Presidential election year. Sixty-two million Americans did not vote last year. The President of the United States was elected by 47 million voters, who cast their ballots in his favor—by fewer voters than sat it out or were more or less forced to sit it out.

This is a sad commentary on the American system. We can look at other countries in the free world, as we like to refer to it, and we find nothing comparable. In 1970, in the United Kingdom only 71 percent of those eligible voted and they were dismayed by the turnout. Canada gets 75 percent, France 77, and West Germany a full 91 percent.

What do we do wrong that we barely get 50-percent voter turnout?

Mr. President, what we do is put the onus, the responsibility, the chore—whatever you want to call it—of registering to vote on the voter. And then, in jurisdiction after jurisdiction across this country, we make it difficult to register. We establish the hours to be convenient to the registrar, not to would-be voters who must make a living. In effect, we impose a poll tax in many places. It is not, perhaps, the last barrier to voting in America, but it is a significant one, as study after study has shown. And it is often a subtle barrier, erected originally in the name of good government, to prevent fraud and all that sort of thing.

But our prior registration laws today work to prevent people from voting. That fact is clear. For, on the average, while no more than 6 out of 10 Americans vote in our national elections, 9 out of 10 who are registered cast their ballots on election day. And, in historical terms, we can look back and see that before prior registration laws came into vogue, we had more like 80-percent turnout on election days.

Clearly, registration does make a difference, then. It causes people to fail to exercise their right as citizens of the United States. Make no mistake about it. It is a right, and the Constitution clearly so states. There are those who would bestow the franchise as a privilege, but America was founded to get away from just such privilege. The 15th amendment was enacted to get away from such privilege. Voting is a right implicit in American citizenship.

There are a number of obstacles imposed by registration laws now in force in the various States. As one authority, Penn Kimball of Columbia University, told the Committee on Post Office and Civil Service:

> Large numbers of Americans are unregistered to vote because registration instructions and procedures are needlessly complicated, registration places and hours are inaccessible and inconvenient.

The League of Women Voters conducted a nationwide survey and found that 77 percent of the communities studied had no Saturday registration and 75 percent had no evening registration

in nonelection months. During the preelection period itself, it found that 38 percent provided no additional hours for registration.

Another witness before the committee pointed out that in Cuyahoga County, Ohio, unless you register on the 1 day during the year when there is countywide registration, you must take time off from work to register between the hours of 8:30 a.m. and 4:30 p.m. He stated that a person must also pay a fee between $1 and $2 to park his car. He said that this is a much higher and crueler poll tax than in the days when poll tax was considered legal in this country.

Many jurisdictions have only one location to register and a person must travel there.

In every other country in what we like to call the free world, the duty of registering voters is placed on the shoulders of public officials and the Government—not imposed upon the electorate itself.

The result is obvious from what I have already said with regard to the higher percentage of turnout of voters in nations elsewhere around the globe.

S. 352 is really a simple measure aimed at only enabling qualified electors to vote in Federal elections.

Regardless of what its opponents claim, the bill transfers no significant power to the Federal Government, since the responsibility of registering voters and ascertaining the eligibility of applicants is still vested in State and local officials.

The postcard form provided for under the bill would be sent to appropriate local officials and they would have the power to examine the applicant's qualifications, to put them on the rolls or to question those qualifications before taking such action.

The Federal Government would provide 100 percent reimbursement of the cost of processing the cards. If the system were adopted for State elections as well, the Federal Voter Registration Administration would pay 130 percent of the cost of processing the cards. These incentive payments would provide local election officials with financial assistance needed so that they can better cope with the registration burden placed on them in many places at present.

The bill would strengthen antifraud efforts, for, despite the claims of opponents, the committee has much testimony to the fact that such simplified registration does not induce fraud into the election system.

In addition to seeing to the mass distribution of registration forms, the National Voter Registration Administration would be available to State and local officials for fraud prevention. The bill authorizes action by the Attorney General against the registration of individuals not qualified. It provides criminal penalties for violations which are stronger than the penalties we have today. Let us, then, vote for cloture and proceed to the up or down decision S. 352 requires on the part of this body.

Mr. MATHIAS. Mr. President, as we examine the bill that is before us today regarding voter registration by mail I think it is useful to seek advice and wisdom from those who have actual experience with registration by mail. For that reason it occurred to me that my colleagues might be interested in the statement of my longtime personal friend, Willard A. Morris, the administrator of Maryland's Board of Elections, regarding his experience with registration by mail.

Mr. Morris told a committee of the Maryland State Senate:

> We in Maryland should not be alarmed by registration by mail—we already have it—and *it does work*. We register, by mail, members of the Armed Forces, the Merchant Marines, the Red Cross, the USO and other organizations serving the Armed Forces outside of the United States, civilian employees of the United States serving outside the United States, all of these including their spouses and dependents. In addition, for years we have registered the ill and disabled by mail. Since the 1970 Voting Rights Act amendments, we have had mail registration for any citizen of Maryland who was away from home during the last month of registration during an election.

Mr. Morris included in his remarks a comment about the question of fraudulent registration under a registration-by-mail system. He said:

> In all of these mail registrations, there is no face-to-face oath taking. The citizen's own signature under penalty of perjury is the attestation.

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

Mr. MOSS. I yield 1 additional minute to the Senator from Maryland.

Mr. MATHIAS. I thank the Senator

The PRESIDING OFFICER. The Senator may proceed.

Mr. MATHIAS. Mr. President, Mr. Morris sought to clarify the question of where the responsibility of voter registration lies—with the Government or with the people. He stated:

> Contrary to the opinion of many, the Constitution guarantees to the citizens the *right* to vote and the courts have consistently said voting is a *right* and not a privilege.

Before Mr. Morris was administrator for the State board of elections, he had extensive experience as a local election official and can speak with considerable authority and expertise in this area. The concluding paragraph of his statement points out the monetary and other benefits local registration officials will gain by a registration-by-mail program. He said:

> The State Board supports the concept of registration by mail. The prospect of federal funding will make it possible for local boards that are neither staffed nor funded for extensive registration to provide a registration opportunity to attract the largest number of voters. In so doing, the local board will no longer be the obstacle to registration. The blame will be squarely on the perspective voter.

The statement I have quoted from was made for the purpose of encouraging the Maryland State Senate to adopt a statewide registration-by-mail system. Mr. Morris' voter registration jurisdiction stretches from the lonely rural routes of the Eastern Shore, through the streets of Baltimore and the suburban neighborhoods of Metropolitan Washington, to the green mountain valleys of western Maryland. Experience with these diverse areas has led him to believe that the prudent course for his State is a registration-by-mail system.

Mr. Morris' foresight is to be commended and the citizens of his State will indeed be the benefactors of his wisdom.

Mr. President, I would like to address myself briefly to the philosophy of this bill. It seems to me it is very difficult to oppose the bill when all it seeks to do is to give more people encouragement to exercise their right to vote. I commend the efforts of the distinguished Senator from Tennessee (Mr. BROCK) who has been an active participant on behalf of the Republican Party, because I think his efforts indicate that we as Republicans are not afraid to have more voters vote; we welcome the opportunity to have more voters vote, as he has stated very forcefully.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial supporting this concept which was printed in the Frederick, Md., Post on April 23, 1973.

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

VOTER REGISTRATION

In large part, the story of American democracy in the past century has been written in the long line of successful efforts to expand the franchise and to broaden the base of political participation in our society.

Six of the past twelve amendments to the Constitution have been concerned with extending the right to vote. Hand in hand with these great amendments in recent years have come a series of landmark decisions by the Supreme Court and far-reaching laws enacted by Congress—each a historic victory in the continuing effort to insure the broadest possible exercise of the right to vote.

Now we have reached the next frontier—the archaic and obsolete system of voter registration that operates each year to deny the vote of tens of millions of our citizens. Congress has the chance now to achieve another major milestone in our democracy.

The problem is clear. For a nation that likes to call itself a democracy responsive to the people, our record of voter participation is a national scandal and disgrace. Of all the figures to come out of the 1972 presidential election, perhaps the most distressing is the fact that only 56 per cent of those who were eligible to vote actually went to the polls on election day.

Put another way, of the 139 million eligible voters in 1972, only 77 million actually went to the polls. 62 million citizens stayed home. 62 million lost voters.

The voting record of America becomes even more dismal when we compare it with the record of other Western democracies. In 1970 in Britain, 71 per cent of the eligible voters went to the polls and they called it one of the lowest turnouts in British history. In recent elections in other nations, the turnout has been even higher—74 per cent in Canada, 77 per cent in France, and 91 per cent in Western Germany.

In part, of course, the dramatically higher voter turnout in foreign countries is a result of the fact that the United States tolerates a passive role of government in registration, leaving it entirely to the initiative of the individual to register, rather than to government action.

Voter participation has not always been this low in the United States. Throughout the latter half of the 19th century, voter

turnout in our presidential elections consistently ranged in the neighborhood of 70 per cent to 80 per cent. Twice it exceeded 80 per cent. Only once did it drop as "low" as 70 per cent.

Since 1900, however, we have not seen the 70 per cent level again. Eight times in this century—including 1972, the turnout has fallen below 60 per cent. Twice it fell below 50 per cent. Clearly, in spite of the enormous progress that the 20th century has brought us in so many other areas, we have moved backward in the crucial area of voter participation.

The cause is not far to seek. Study after study in recent years has demonstrated that registration is the villain, and 1972 was no exception. The heart of the problem is our archaic system of voter registration. It is no accident that the sharp decline in voter turnout at the beginning of the 20th century coincided with the advent of voter registration legislation.

For decades, every American who sought to exercise his right to vote has had to run a gauntlet of arbitrary, unfair and obsolete requirements of voter registration. Confronted by such requirements, millions more refuse to even try.

Today, in spite of the enormous progress we have made in so many other areas of public life, we are still using voter registration methods which were, perhaps, sophisticated at the turn of the century, but which are generations out of date today.

In almost every other sphere in which government now operates—at the federal, state or local level—it uses the tools of the modern world, especially in the area of communications with the people. If governments collected taxes the way they register voters today, they would be so bankrupt that revenue sharing could never bail them out. Why is it that Americans pay their taxes by mail, when they still have to register to vote by methods as obsolete as the Pony Express or the Model T?

There is ample evidence that reform in voter registration is the key to improvement in voter turnout. According to the preliminary results of a population survey carried out by the Census Bureau two weeks after the election last November, of the Americans who said they were registered to vote in 1972, fully 87 per cent went to the polls and cast their ballots on election day. Put another way, of the 62 million citizens who stayed home on election day in 1972, the vast majority were not registered to vote. They could not have voted, even if they had wanted to. Only a small percentage of those who stayed home were registered to vote.

As the table attached shows, the most recent available official data on voter registration bear out the dramatic fact suggested by the census poll—the overwhelming majority of citizens who are registered actually go to the polls and vote on election day.

Those figures are the measuring of both our present failure and our future promise. They indicate that somewhere between 15 and 30 million citizens lost their right to vote because of the requirement of registration.

The defects of the present system are not confined to any State or geographic region. They go by names like early closing deadlines, unreasonable purges of voting rolls, unfair registration requirements, inaccessible registration offices, and lack of absentee registration.

For millions of the nation's citizens who are elderly, disabled, or sick—those who do not have the physical ability to travel to the registration office to register in person—the lack of any effective procedure for absentee registration means that they are denied the right to vote at all.

And, those who find their way to the registration office often learn that their problems have just begun. In some cases the office is open only an hour or two a day, or a day or two a week. Sometimes, it may be necesary to make an appointment in advance. Other times, the registrar simply shuts the office early, if no applicants arrive that day. In still other cases, all but the most determined voters give up in the face of endless lines and waiting periods they find inside the door of the registration office.

Finally, even those who complete the obstacle course and think they have actually registered to vote are often wrong on election day. Thanks to the chaos and confusion of the registration process—and sometimes a touch of fraud—thousands of voters who went to the polls on election day last fall were denied the right to vote because no record of their registration could be found.

It is not just the disadvantaged who are caught by the existing system. The problem is not confined to any single population group or geographic region. The system traps us all—the businessman in his office, the housewife in her suburb, the worker in his factory, the doctor in his clinic.

Registration is a national problem, and it demands a national solution. Without legislation at the federal level, the inertia of nearly a century of past and present practice will continue, and we shall lose this timely and fertile opportunity to repair a serious breakdown in our democracy and make government more responsive to the people.

Mr. MOSS. Mr. President, I yield myself 3 minutes at this time.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. MOSS. Mr. President, for some time I have been doing what I could to further the cause of the bill that is now before the Senate, and that of voter registration. The right to vote is the ingredient upon which a free government is built. We take such pride in saying that we are a democracy, that we are governed by the people, and ringing words to that effect, but at the same time, by various means and in a hodgepodge way we make it difficult for people to exercise their franchise and as a result we have as bad a record as any free government has in the whole world for casting ballots to choose our officers and the directors of our Government.

The State of Utah has always been at or near the top in the number of people who cast their votes in elections. We take great pride in this, but we take great pride also in the fact that we can get into the 70's and sometimes 80's percentagewise.

In the debate the Senator from Alabama has said that 98 percent of the people in Utah were registered to vote in 1970. It appears the Senator is comparing the number of residents over age 18 with the total number of names on the registration rolls and concluded that 98 percent of all the eligible voters are registered. The problem with these statistics lies in the misleading number of names on the registration list.

Registration officials tell us that registration lists contain all those Utah citizens who have left the State in the last 4 years, and can no longer cast their vote in Utah. The Bureau of the Census tells us that more than 6.5 percent of the American population move out of their election jurisdiction every year.

According to most voter registration experts, in those jurisdictions like Utah, where former residents' names are removed from registration rolls 4 years after they have moved, approximately 25 to 30 percent of the names on the registration rolls can no longer vote in the State.

If the Senator from Alabama takes our country's extraordinary population mobility into consideration, he will find that registered voters make up only about 60 to 70 percent of any State's population—including Utah.

The Census Bureau figures do show, however, that in the 1972 election there were 68,000 voters in the State of Utah who were eligible to vote but were not registered.

I am convinced that if the Congress enacts the bill under consideration here today, a significant portion of these citizens will be registered for the next election.

Registration is the sine qua non of the voting process.

So I say the whole thrust of the efforts of this Congress, of this Government, should be to see that a person has the right to vote and then encourage him to exercise that right on election day.

Other democratic forms of Government have used the system of inflicting a penalty or a fine on a citizen who did not vote, and I do not advocate that, but it indicates the urgency of a person's being eligible to vote exercising his franchise.

Therefore, I strongly urge that the Senate support the bill, and in doing so, bring to a halt now the extended discussion we have had by voting for cloture at this time.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. Mr. President, will the Senator yield to me so I may make a unanimous consent request?

Mr. MOSS. I yield for that purpose.

Mr. CRANSTON. Mr. President, I ask unanimous consent that Martha Weisz of my staff may be on the floor during further consideration of this bill and all proceedings connected with the bill.

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

Mr. MOSS. Mr. President, I reserve the balance of my time.

The PRESIDING OFFICER. Who yields time?

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

We are all in agreement that there should be greater voter participation in our elections. We believe in greater voter participation because it is a basic principle of American democracy. But we believe this bill is not the way to get greater voter participation.

The distinguished Senator from Iowa stated that 62 million voters did not vote in the 1972 presidential election, and he seemed to ascribe the nonvoting of those 62 million Americans to the fact that our State voter registration laws are cumbersome and onerous.

There is no indication, Mr. President, that the voter registration laws are onerous or cumbersome or that they prevent American citizens from registering to vote if they desire to register. The reason Americans do not vote is

not that they are unable to register to vote wherever they wanted to register, but because they are not interested in politics.

A survey was made in 1968 by the Bureau of the Census of 50,000 households of approximately 3 persons to a household. There we had a survey of approximately 150,000 American citizens. These 50,000 households were asked certain questions, and may I say that a survey of 50,000 households is so much greater than the number of persons polled by the Harris poll or the Gallup poll, which talk to only 1,200 or 1,500 of our citizens. Approximately 150,000 people were asked whether they had registered to vote in the 1968 election, and of the 50,000 households, 26,000 of those households, more than 50 percent, said they had not registered to vote.

Those persons who had not registered to vote were asked the reasons for their not registering to vote, and 53.3 percent of those who said they had not registered said they were not interested in politics. Of those who had not registered to vote, approximately 10 percent said they could not register because they could not meet the qualifications or they were not citizens.

So, if we take into consideration the fact that approximately 60 percent of those who did not register did not do so because they were not interested in politics, then we can conclude that most of the 62 million Americans who did not vote in the 1972 election did not vote because they did not want to vote, not because they were precluded from going to the polls because of onerous laws which prevented them from registering.

Take, for example, the State of Texas. In the State of Texas people register by mail. A coupon or an ad is put in the local newspapers. If one wants to register, he clips the coupon and sends it to the registrar. This system has been in effect for the past 30 years. What do we find happens in the State of Texas? In the State of Texas, 54.1 percent of the people—even with a very, very simple and easy and lenient and liberal way of registering—did not go to the polls in 1972.

The distinguished Senator from Maryland said that a Mr. Morris of his State said that they do register by mail in the State of Maryland, and yet 49.6 percent of the people in the State of Maryland eligible to vote in the 1972 election did not go to the polls in that election—not because the registration laws were onerous, not because they could not register. As we have heard here from the lips of the distinguished Senator from Maryland, Mr. Morris says that they have had registration by mail for a long time, and yet only 49.6 percent of those who are eligible to vote voted.

Take, for example, the State of Florida. Florida, as I understand it, has had registration by postcard, and yet 49.5 percent of the people did not vote in the State of Florida.

The failure to vote on the part of 62 million Americans in the 1972 Presidential election cannot be ascribed to onerous and cumbersome registration laws, but to the fact that they did not care to vote.

In the State of North Dakota, a voter does not have to register at all. He just goes down to the polls and votes. And yet what do we find in the State of North Dakota?

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. FONG. I yield myself 2 minutes.

Of the voters in the State of North Dakota, 30.1 percent did not vote at all.

Mr. President, the laws on registration are not cumbersome. They are not onerous. As I have said, the laws in the State of Texas, the laws in the State of Florida, the laws in the State of Maryland all show one can register very simply by sending in a coupon or a postcard.

In the State of Hawaii, for example, registrars are deputized by the parties and they go from door to door. They sit at street corners. They go into supermarkets. They go from house to house asking people to register. They are paid on the basis of the number of people who are registered. Yet in my State, with such liberal laws, when registration offices are only a few miles from where the people live, where the registrars' offices are open until 12 o'clock midnight during the election period, where they have registrars going from house to house, where they have registrars on the street corners, what do we find in the State of Hawaii?

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

Mr. FONG. I yield myself another minute.

Of the people of Hawaii, 49.2 percent did not vote in 1972.

Why did they not vote? Was it because of cumbersome registration laws, Mr. President? No. They did not vote, not because of cumbersome registration laws. These laws are lenient. It is so easy for them to register. We say the registration laws are not cumbersome. It is easy for anyone to register if he wishes.

So if it is easy for them to register, and they do not register, why should we go through the cumbersome procedure of mailing 300 million cards to 88 million addresses in the United States? Three or four cards will have to be sent to each address. It will cost at least $100 million for each mailing, and we can have more than one mailing in every 2 years. It may cost more than $100 million to mail them once.

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

Mr. FONG. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 1 additional minute.

Mr. FONG. Mr. President, why should we go through this very cumbersome and very costly procedure when our registration laws are not cumbersome or onerous?

We say this bill will not do the job. This bill, besides spending a lot of money, will open up opportunities for fraud to such an extent as never seen before.

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

Mr. FONG. Mr. President, I yield 5 minutes to the distinguished Senator from Alabama.

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

Mr. ALLEN. Mr. President, I thank the Senator from Hawaii.

Mr. President, at this time I send to the desk four amendments and ask unanimous consent that they be considered as having been read in compliance with the provisions of rule XXII.

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

Mr. ALLEN. Mr. President, the pending bill is just another effort to heap indignity upon our State governments. It is another effort to take over the functions of our States.

They say that it is necessary to break down the barriers to registration that exist in the various States. There are no barriers under existing law throughout the country.

If a person is 18 years of age and is a resident citizen, he can register to vote. All he has to do is to present himself at the registration office. He can sign by a mark. He does not have to be able to read. All he has to do is to come up and register. All literacy tests have been ruled out by the action of Congress, aided by action of the Supreme Court.

How is this system to operate under the provisions of the bill? They would distribute hundreds of millions of cards throughout the country, on a junk mail basis, through an already overburdened post office system. Then they would have unlimited supplies of these cards available to hand out at every meeting of every pressure group, every march on the Nation's Capital, and every protest march everywhere.

Mr. President, these cards would not be distributed through a mass mailing. There would be a mass broadcasting of these cards to recipients of the cards with no names on the card.

A postman is supposed to deliver a sufficient quantity to each mailing address. We do not know what a sufficient quantity is, whether it is a sufficient quantity to make note pads, to paper the room in a house, or what. It merely says a sufficient quantity.

When they send the cards back, the people do not have to go before a notary public. The cards are just dumped on the registrar.

I might say that there is not a single word of support by local authorities of this measure. There is not a single line of testimony, not a single utterance on the floor of the Senate regarding any support by local boards of registrars.

I have here a letter from the Florida State Association of Supervisors of Elections. I also have one from my own State government. And I ask unanimous consent that this letter be printed in the RECORD at this point.

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

FLORIDA STATE ASSOCIATION
OF SUPERVISORS OF ELECTIONS, INC.,
March 21, 1973.

HON. GALE MCGEE,
U.S. Senator, Senate Office Building, Washington, D.C.

DEAR SENATOR MCGEE: I appreciate your letter of February 20th in which you enclosed a copy of Senate Bill 352 which would

establish within the Bureau of Census a voter registration administration for the purpose of administering a voter registration though the postal service.

As President, I represented the Florida State Assocation of Supervisors of Elections at the meeting of the Secretaries of State in New Orleans. It was a real privilege to have an opportunity to listen to the discussions by the various State Administrators of Elections.

With reference to Senate Bill 352, I wish to offer the following comments on behalf of the 67 Supervisors of Elections of the State of Florida:

We take pride in the fact that Florida Election Laws have a reputation of being among the best, if not the best, in the nation. We operate under a permanent registration system whereby an elector's name remains on the registration books, provided he votes at least once during a two-year period. If not, a renewal card is sent to him by mail and if this card is completed and returned to the Supervisor of Elections, either by mail or personally, his registration is renewed for another two-year period.

Although in Florida the Secretary of State is the chief elections officer, the registration of electors and the elections are conducted by the Supervisors of Elections who are Constitutional officers and are elected by the voters for a term of four years.

Registration facilities are made available to residents of Florida by the Supervisors of Elections by keeping courthouse offices open eight hours a day, five days a week, and for several weeks prior to each election, the office is open six days a week and from eight to twelve hours a day. Temporary offices are established in various municipalities of the counties, at colleges and other areas. Mobile units are also used at shopping centers, places of industry, migrant housing projects and many other areas.

Florida also allows registration by mail to:

(a) Members of the armed forces while in active service and their spouses and dependents;

(b) Members of the merchant marine of the United States and their spouses and dependents;

(c) Citizens of the United States who are permanent residents of Florida and are temporarily residing outside the territorial limits of the United States and the District of Columbia, and their spouses and dependents;

(d) Citizens of the United States who are permanent residents of the state and are temporarily outside the state; and

(e) Residents of the state who are physically unable to register in person.

We are of the opinion that any voter who is a resident of Florida and having a desire to register certainly has the opportunity to do so. We do not believe there exists mechanical, physical or legislative barriers to voting in Florida.

We are also of the opinion that Senate Bill 352 would be a duplication of effort; would result in dual registration and voting systems; would require additional personnel and office space on the local level and would certainly be an added cost to the taxpayers who are already over-burdened with taxes from the national through the local level.

This bill would result in duplicate registrations; registrations that would not be legible; incomplete information; registration cards filled out by people other than the intended voter and lead to wide-spread fraud. In our opinion, this bill would cause mass confusion in the office of Supervisor of Elections and at the polling places.

Registration does not appear to be the cause of the low percentage of voter turnout. For the 1972 primary elections in Florida, 2,982,076 voters were registered and qualified to vote. Only 22 percent of this number voted in the First Primary and 18 percent in the Second Primary. In the November General Election with a registration of 3,487,458 voters, only 73 percent went to the polls . . . the lowest percentage since 1948.

We, as Supervisors of Elections, believe a more appropriate step would be an in-depth study to find out why those who are registered do not vote—why the apathy? This is the question that should be answered!!!!

A poll by the University of Michigan, whose Institute of Social Research long since has gained stature and real recognition for the quality of its work, reported that whereas 62 percent of a nationally representative group of Americans expressed a "high degree" of trust in their federal officials in the early 1960's, only 37 percent held that view a decade later.

A free nation is the sum of its people—and when a team of diligent and concerned scientists reports that a decade-long survey shows a decline of 25 percent in the confidence of the American people in their federal government, it should cause all of us to shudder.

This cause of apathy applies not only to Federal Government but to state and local governments as well, but to a smaller degree. All polls point up to this fact.

Another point which greatly concerns us is the rapid deterioration of the postal service. This causes many absent voters ballots to be received too late to be counted. For example, I should like to point out that it quite often requires 10 days for a ballot to be received from a distance of 13 miles, 6 days from a distance of 8 miles and at times as many as 5 days from one place in town to another in the same town, not to mention the time required to have them returned from other parts of the state, other states, and other countries. Voters are complaining that the old "Pony Express" or even walking could get mail delivered more promptly.

In conclusion, may we say that it is our opinion that the average person does not appreciate Federal intervention in elections, so let us concern ourselves with making government and those in government more palatable to the average citizen and thus build a desire of the citizens to participate in the election of the officials who run our government.

Again, may I say that we are very much opposed to Senate Bill 352.

Sincerely,

BLANCHE M. WORK,
President.

Mr. ALLEN. They say:

We are also of the opinion that Senate Bill 352 would be a duplication of effort; would result in dual registration and voting systems.

That is what they say at the local level—

Would require additional personnel and office space on the local level and would certainly be an added cost to the taxpayers who are already over-burdened with taxes from the national through the local level.

I may say that the bill, according to the best estimates, would cost about $100 million a year to operate.

Why run all the cards through the Post Office? There is a very simple reason. The chief sponsor of the bill is the chairman of the Committee on Post Office and Civil Service. He is the distinguished Senator from Wyoming (Mr. MCGEE). In order to create jurisdiction for his committee, it was provided that the postcards would have to go through the postal system. They could just as well have been left at the post office or the mayor's office or the office of the chief of police, and picked up by anyone who wanted to register.

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

Mr. ALLEN. Mr. President, I ask for 2 additional minutes.

Mr. FONG. I yield 2 additional minutes to the Senator from Alabama.

Mr. ALLEN. Mr. President, by running the cards through the post office, the taxpayer is going to have to pay an additional $150 million a year. That is absolutely ridiculous. It might well be called the "tombstone registration bill." A person can present himself to the registrar. He can vote absentee. Under the bill, thousands and thousands of fictitious or dead persons' names could be filed and placed on the voting lists; the persons would never have to appear before the board of registrars.

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

Mr. ALLEN. I yield.

Mr. LONG. I am beginning to have second thoughts about this proposal. One thought that concerns me is the danger of fraudulent registrations. The Senator is making that point. That is very well stated in the minority views.

We found in studying welfare measures that in the State of Maryland not a single person was investigating fraudulent applications for welfare, outside the city of Baltimore. Someone should investigate the people who are improperly on welfare rolls, people who are drawing three or four different checks, even though only one person is involved.

We have a situation in Louisiana right now in which a person has been accused of being on the welfare rolls under 18 different names. We even had the situation in Louisiana where a person who was a delegate to a national convention was registered under two different names.

If it is so easy for welfare recipients to get on the rolls under two different names, would it not be very easy, where very little financial interest is involved, to find that some persons had registered more than one time under different names?

Mr. ALLEN. It is very difficult to police such registration and prevent fraudulence and corruption. There is absolutely no necessity for the bill.

Mr. LONG. I can recall a hotly contested election—I was not old enough to vote at that time—when one candidate lost the election because the opposition had more than 20,000 persons fraudulently registered, and the police were asked to strike the fraudulent names from the rolls.

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

Mr. FONG. I yield 2 additional minutes to the Senator from Louisiana.

Mr. LONG. We certainly ought to avoid that type of situation and prevent its happening again, after we have worked so hard to prevent it from developing.

Mr. ALLEN. The Senator is exactly correct. I am aware of the possibility of fraud and corruption that is in the bill.

Mr. LONG. Is there not one more point involved? While it is true that we might proceed criminally against a person for fraudulent registration, if it gets to the

point where fraudulence is rampant across the Nation, we would find difficulty in having juries find such persons guilty.

Mr. ALLEN. Yes, we certainly would. It would be necessary to put them in every football field throughout the Nation.

Mr. LONG. If fraud became prevalent, a new situation might develop which might become so widespread and involving so many people that it would be impossible to straighten out the rolls without starting all over again.

Mr. ALLEN. That is exactly right. I thank the distinguished Senator.

One further point I would like to make, if I have time: The qualification under the post card registration system would actually make the registrant, under that system, a second class citizen, because he could not vote in State elections. He could not vote for Governor, Lieutenant Governor, sheriff, probate judge, or members of the county commission. He would be confined to the Federal offices.

If a man came in to vote, he would have to be told he could vote only for Federal officers. He would have to be told——

The PRESIDING OFFICER. The Senator's additional 2 minutes have expired.

Mr. FONG. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Hawaii has 2 minutes. The Senator from Utah has 8 minutes.

Mr. FONG. I yield the Senator from Alabama an additional half minute.

Mr. ALLEN. Mr. President, this system would be superimposed upon existing electoral systems. It should not be superimposed upon the electoral systems of the States against their will. And I have not heard the testimony of a single member of a registrar's board saying that this measure should be passed.

Mr. President, I ask unanimous consent to have printed in the RECORD the statements of Mary C. Lawton, Deputy Assistant Attorney General, and Robert L. Hagen, Acting Director, Bureau of the Census, before the Committee on Post Office and Civil Service on March 16, 1973.

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

VOTER REGISTRATION ACT

We appreciate the opportunity to appear before this Committee to comment on S. 352, a bill to establish a mandatory voter registration program for Federal elections and primaries and to grant funds to States that agree to adopt a similar registration system for State elections.

The percentage of eligible voters voting in the last presidential election illustrates the problem to which this bill is addressed. Too few of our people participate in the democratic process. Indeed we lag far behind many other democratic nations of the world. As we view it, the basic questions before this Committee are why do so few people vote and what can we do about it. The proposed Voters Registration Act assumes that the reason is that voting registration procedures present a barrier that prevents people from voting and that greater ease of registration is the answer. We are not quite so sure.

As this Committee is well aware, a preliminary study conducted by the Census Bureau in 1968 indicated that there are many reasons for non-registration—chief among which is a lack of interest. While there are other reasons as well, including difficulty of registration, some of this has been alleviated by the Voting Rights Act Amendments of 1970 and by court decisions such as *Dunn* v. *Blumstein*, 405 U.S. 330 (1972). We are not convinced that postcard registration of voters will result in a substantial increase of either registrations, or more importantly, voter participation.

In our view, S. 352, at least in its present form, poses substantial legal difficulties. We fear also that it contains serious fraud potential. In addition, it would entail substantial expenditures of funds without perhaps achieving the aim of increased voter participation. These problems may not be insurmountable but until we have a better understanding of the reasons for nonparticipation and the methods of achieving greater participation, they justify a more cautious approach. For now, our time and financial resources might more profitably be spent in a study of the root causes of the problem.

I

The initial question in any Federal legislation dealing with voter rights is whether it is within the constitutional power of Congress. This is a complex and delicate question.

On its face, S. 352 would mandate postcard registration only for "Federal" elections and primaries, strongly encouraging but not requiring it in State elections. On the surface, this appears to demonstrate a clear Federal interest. On close examination, however, the matter becomes more complex.

In the case of Federal primaries and elections, the bill would, in effect, supersede State registration requirements with Federal procedures. Indeed, it appears to impose registration requirements on a State which, like North Dakota, presently has no registration procedure. While the postcard registration is, we gather, expected to reflect State law, there is no indication whether Federal or State authorities would have the last word as to whether a registrant does, in fact, comply with State law. For example, we assume States would remain free to restrict voting in all but certain limited circumstances involving presidential elections to bona fide residents (*Dunn* v. *Blumstein, supra* 405 U.S. at 342–343), yet the bill does not indicate what would happen if a State were to reject a registrant as not being a bona fide resident. Could the individual appeal under Federal procedures? State procedures? Not at all?

If Federal authorities are to determine the bona fides of residency, we think there would be substantial constitutional problems. While *Oregon* v. *Mitchell*, 400 U.S. 112 (1970), upheld the authority of Congress to supersede State residency requirements in presidential elections, nevertheless Justice Black in his opinion noted that the Constitution "saves for the States the power to control State and local elections which the Constitution originally reserved to them and which no subsequent amendment has taken from them." *Id.* at 134–35. Moreover, it seems clear from recent opinions, particularly *Dunn* v. *Blumstein, supra*, that the State still has the right to determine who is a bona fide resident.

It is true that there is dicta in *Smiley* v. *Holm*, 285 U.S. 355 (1932), which, read literally, seems to indicate unlimited congressional authority with respect to election of Senators and Representatives. It must be remembered, however, that the congressional authority over election of Senators and Representatives as set forth in Article I, section 4, of the Constitution is broader than the authority concerning presidential electors mentioned in Article II, section 1, clause 2. As Justice Harlan observed in his dissenting opinion in *Oregon* (400 U.S. at 211 fn. 89), there is substantial authority to the effect that presidential electors are State rather than Federal officers. *In re Green*, 134 U.S. 377, 378 (1890); *Ray* v. *Blair*, 343 U.S. 214, 224–225 (1952).

In addition to covering the election of presidential electors, the bill would also apply to primaries and elections of delegates to national nominating conventions. These are essentially political party, not Federal matters. See *Irish* v. *Democratic Farmer-Labor Party*, 399 F.2d 119 (8th Cir. 1968), *aff'g* 287 F. Supp. 794 (D. Minn. 1968). Moreover, it has been held that the action of individual State political parties in selecting such delegates constitutes "State action" within the meaning of the Equal Protection Clause of the Fourteenth Amendment, *Bode* v. *National Democratic Party*, 452 F.2d 1302 (D.C. Cir. 1971), *cert. denied* 92 Supp. Ct. 684 (1972).

In an area as complex and changing as the Federal regulation of elections, we are not prepared to say that the Congress is powerless to exercise some control. It is open to question, however, whether the Congress can reach so far into the State mechanisms for policing voter eligibility or can impose registration requirements where the State has chosen not to. Great care must be exercised in determining the proper role of both the Congress and the States in this area of shared constitutional responsibility.

II

Another major area of concern in any registration which attempts to reduce State control over the registration of voters is the potential for fraud which may result from such relaxation. Here again it is a question of balancing delicate interests. Voter registration procedures should not be so complex or onerous as to discourage participation in the most fundamental right of a citizen. At the same time, such procedures must not be so lax as to permit substantial fraud in elections. Fraud dilutes, if it does not destroy, the effect of the citizen's participation.

As we understand it, many, if not most, registration procedures now require the citizen to appear in person to register so that some inquiry into his right to do so may be conducted on the spot. Under the bill, prospective voters would register by mail. If the interlude between mail registration and election day were substantial, there might be enough time for State officials, with the necessary manpower, to initiate "field investigations" to determine whether the signatory of the form is entitled to register. The bill, however, leaves little time for such policing. It merely requires the forms to be mailed out to addresses no earlier than 45 days nor later than 30 days prior to the close of registration. If the form is not returned until the last available day—presumably the day registration closes—will State officials have the time to initiate independent checks of all forms received? This may pose severe difficulties in highly-populated precincts.

The bill, it is true, provides that whenever a State official has reason to believe that unqualified individuals are attempting to register, he "may" notify the Administration and request its assistance to prevent fraudulent registration. But will the Administration itself have time to assist? Enormous manpower resources would be required, it seems to us, for the Administration on its own to detect large-scale fraud particularly where the forms themselves do not reach the Administration, and the State official, as is possible, may be involved in the fraud. As Senator Aiken observed in debate on a prior bill last year: "There can be collusion between election officials of a community, and as many fraudulent registrations as they get, if they are not complained of, they can

get away with it. . . ." Cong. Rec. vol. 118, pt. 6, p. 7531.

6, p. 7531. Senator Ervin expressed the same concern, citing graphic details (*Id.* at 7523):

"It may be said that there is no danger of election frauds. Yet, some years ago they had quite an investigation of an election in Kansas City. As a result of that election, the district attorney wrote a book in which he recounted what the investigation of that election disclosed. The investigation of that election disclosed the information, according to this district attorney, that the names of scores and scores of people had been placed upon the registration books as having resided in vacant lots or in filling stations and that votes had been cast in the names of those people."

* * * * *

"This bill contemplates that the State or local registrar will never see the voter whom they undertake to register by postal card. As a matter of fact, this bill contemplates that the election official will be denied access to all information about the qualifications of a person, who is called an individual, except the information which is set forth by that individual or by somebody for that individual on a postal card."

In our view, a bill that increases fraud potential while it attempts to increase voter participation is self-defeating.

III

The Department of Justice lacks the expertise to assess the full cost of the program outlined by S. 352. We note, however, that the cost estimates for similar bills last year, as reflected in Senate Report 92-426, were very substantial. The Census Bureau estimated costs to be about $15 to $20 million per mailing for registration forms for establishing the address system. The cost per presidential year was estimated at $120 million. The majority of this Committee set the figure at $26 million. In a study done by the Comptroller General, however, the potential startup costs of S. 2457—a similar although somewhat broader proposal—were variously estimated between $191 million and $527 million, depending on the volume of registration, with added annual ongoing costs estimated between $52 million and $134 million. *Voter Registration*, Hearings Before the Committee on Post Office and Civil Service, United States Senate, p. 97 (1971).

If we had any guarantee that the registration provisions would produce 100% or even 90% participation by the American electorate, it might well be worth it. But as the Census study, referred to above, points out, registration procedures as they exist today are neither the major, nor even a substantial reason for the nonparticipation which concerns us all. Until we understand better the reasons why our citizens neglect their obligation to share in governmental responsibility, is it wise to expend such great sums on registration? Would it not be wiser to spend more time and less public money in studying the root causes of the problem?

IV

Even if the constitutional and fiscal problems can be resolved and the fraud potential eliminated, the bill in its present form raises a number of questions that remain unanswered. To be sure, many of these are technical problems but some of them are substantial.

1. Registration forms would have to be sent to the occupants of all United States households—at least in the States and the District of Columbia. According to the Bureau of the Census, there are about 64 million households in the United States. There may be several eligible occupants in each household. How will the Administration know what number of forms to send to each address?

2. The bill provides that registration forms shall include such matters as State law requires *and* the Administration determines appropriate to ascertain the individual's qualifications to register. Does this provision mean that the Administration may veto the designation of material the State officials believe to be required? What if there is disagreement? Will it not be necessary to have different forms for each State and for presidential vs. congressional elections?

3. If a State refuses to participate on the State level and declines to process the forms for Federal elections, what mechanism is there to require compliance?

4. The question as to who is a "resident of a State" entitled to vote is often a difficult matter to decide, depending on State laws and decisions of State courts. If the applicant states that he is a duly qualified resident, does the State or local official have to be bound by the registrant's own classification of himself? Who determines the qualifications of the non-resident who votes in his former State in a presidential election?

5. Who processes the forms for a State that has no registration procedure?

6. Do the penal provisions of the bill in section 408 preclude resort to State civil or criminal remedies?

7. What is the relationship of the penal provisions in this bill to the existing Federal election laws carrying quite different penalties, such as 18 U.S.C. 245, 594, 597, etc.?

8. Will the exclusion of the election of delegates in Guam and the Virgin Islands and the election of a resident Commissioner in Puerto Rico raise equal protection problems?

9. Does the "processing" of registration forms in section 409(a) of the bill include independent investigation of the qualifications of a prospective registrant or is it limited to the handling of the registration form itself?

10. Possession of a form under section 405(c) would be prima facie evidence that the individual is qualified. Would the State or local official be obliged to permit the holder of the form to vote even if he knows, of his own knowledge, that he lacks the necessary qualifications? When Federal and State officials disagree as to qualifications, what mechanism will provide for a prompt and final determination?

We raise these questions, not in criticism of this particular bill but as an illustration of the complexity of regulating an area where there is such diversity, and, we might add, justifiable diversity. Determination of voter eligibility is very different in a rural State and a highly populous State. Registration procedures, of necessity, differ in a compact, urban area like Rhode Island, and a sparsely populated land mass like Alaska. Do we really know enough about the problems, at this stage, to propose a universal solution like S. 352.

It seems to us that a wiser course would be that proposed by a bill such as H.R. 12016, 92d Congress. That bill recognized that there is an appropriate inquiry to make before legislating permanent Federal law on voter registration. It proposed that a study be made by the Bureau of the Census of the election process, and that a report be made with recommendations for improvements in procedures for Federal elections. It is possible that the information which would ultimately be furnished under a bill such as that may constitute a more adequate basis for evaluating legislation such as S. 352.

CONCLUSION

In summary, we believe S. 352 raises constitutional issues that are as yet undetermined, as well as a number of practical and legal problems which are virtually certain to produce extensive ligitation. Moreover, it is our view that the danger of election fraud may be substantially increased. As an alternative, we suggest that an extensive study of the cause and cure of voter nonparticipation might be the more appropriate step at this time.

STATEMENT OF MR. ROBERT L. HAGAN

Mr. Chairman, I appreciate the opportunity to appear before the Committee and to discuss the position of the Bureau of the Census in relation to the duties which would be placed on the Bureau by the proposed voter registration legislation.

At the outset, I would like to stress that my views are concerned with the mission and role of the Bureau of the Census in relation to the provisions of a Voter Registration Administration which would be established by enactment of either S. 352 or S. 472.

The Bureau of the Census is a general purpose statistical agency, that is, it collects statistical data on many diverse subjects from many sources and reports the same in an objective and scientific manner. This role is expressed in Title 13, United States Code, and historically the Bureau has performed only this role since its establishment in 1902. The success of any statistical agency in producing reliable data is dependent upon many factors but of primary importance is the attitude of the public toward the agency.

The success of the Bureau of the Census has stemmed from public confidence in the Bureau's record for the unbiased scientific collection and publication of statistical data. Placing the proposed Voter Registration Administration within the Census Bureau, we believe, could seriously impair that confidence, since the nature of many of the Administration's activities would be seen by many as inseparably or inherently political.

The Bureau of the Census has always avoided programs or projects which could lead the Bureau into the arena of partisan politics. There are certain provisions in the legislation that, we believe, would do just that. Illustrative is the provision contained in Section 45 of S. 472 authorizing the Administration to make grants to increase voter registration. This provision is discretionary, and the type of grant, which may be made to any State or political subdivision thereof, is very broad. It is inevitable that a provision such as this would lead the Administration into partisan politics or the appearance thereof. For example, a grant for door-to-door canvassing may be more advantageous to one political party in a district than another. Likewise, a grant for expanded registration hours and locations may benefit one party over another in a particular State or district.

Similarly, the Census Bureau has sought to avoid programs or projects connected with regulatory functions, budgetary auditing, or evaluations of compliance with laws. We believe these programs or projects could impair the ability of the Bureau to obtain a full disclosure from the public of needed data. The collection methods used by the Bureau are usually based upon voluntary responses to requests for data. If the public were to generally regard the Bureau as another Federal regulatory agency, we question whether the public would freely and fully disclose data as is now the case. Illustrative of such regulatory programs in the legislation are those requiring the Voter Registration Administration to assist State officials in preventing fraudulent registrations (Section 407 of S. 352); making of grants for new voter registration programs (Section 405 of S. 472); processing of grant applications and the auditing of such applications (Section 409 of S. 472); and interpreting voter registration laws of the 50 States (Section 405 of S. 352; Section 407 of S. 472). This latter obligation of interpreting State law is a task especially far removed from the Bureau's basic role.

Finally, there is one more point I believe

that should be brought to the attention of the Committee. That is the cost of the legislation. As you may remember, the General Accounting Office at the request of Senator Kennedy made an estimate in the 92d Congress of the costs of a system of universal voter registration similar to that proposed in the instant legislation. They were between $191 million and $540 million in start up costs, depending upon the volume of registration, and between $52 million and $134 million in ongoing costs. Needless to say, voter registration is quite an expensive proposition.

In summary, involvement of the Bureau in the electoral process either through a national voter registration, or a grants program could lead Census into the arena of partisan politics. Likewise, involvement of the Bureau in regulatory programs or projects are incompatible with the Bureau's data collection methods and the role of the Bureau. Involvement in any partisan issues or in regulatory programs, we believe, would have a deleterious effect on the exceptional survey response rates, the reliability in the data collected, and the public acceptance and reliance upon the data collected as being objective and scientific.

I shall be glad to endeavor to answer any questions which the Committee may have.

The PRESIDING OFFICER. Who yields time?

Mr. FONG. Mr. President, I yield myself 1½ minutes, that being all my remaining time.

Let me say to the distinguished Senator from Louisiana that when a person registers, under this proposal, he sends his card to the registrar. The registrar will send him a receipt. With that receipt, he becomes a qualified voter, and it is prima facie evidence that he is a qualified and registered voter, and can vote. The only thing that the registrar can do, when he comes in, is to rebut that presumption; and it is a very difficult presumption to rebut.

Any man can send in thousands of postcards and receive thousands of receipts showing the receipts, to the polling supervisor—and they are prima facie evidence that he is a registered and qualified voter—and vote. So we say this bill will open up great opportunities for fraud. We say that this bill will result in registering tombstones, people who never existed, and people at nonexistent addresses. There will be great opportunities for fraud, and we feel its enactment would bring a great deal of fraud to our election system.

The PRESIDING OFFICER. Who yields time?

Mr. MOSS. Mr. President, I yield 2 minutes to the Senator from Ohio.

Mr. TAFT. Mr. President, I ask unanimous consent that my staff assistant, Mr. Solomon, have the privilege of the floor during the debate and vote on this measure.

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

Mr. TAFT. I ask unanimous consent that all amendments proposed by me and in my name at the desk at the time of the vote on cloture later today be considered as read and presented for the purposes of rule XXII.

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

Mr. TAFT. Mr. President, I would just like to take a minute or two to say that I am deeply concerned by the problem raised by this bill, the lack of voting in this country, but I am also deeply concerned by a number of provisions that remain in the bill. For that reason, I have some amendments pending at the desk for the consideration of Senators that may be called up later under the unanimous-consent agreement I have proposed, should cloture be voted.

I do feel, however, that the matter has been fully discussed and the problems well understood by all Members of the Senate. We have been engaged in the debate now for many days. For that reason, it seems to me it would be defeating of the will of the majority of this body not to exercise the right to vote for cloture on this measure at this time.

In taking this position, I am not saying that in all instances when cloture is proposed I would vote for cloture. Indeed, in many instances I have not, because I have felt that there were facets of the measure involved which had not been made clear. But in this instance, it seems to me that the issues are clearly drawn, and therefore it would be my position, regardless of my ultimate position on the bill, to vote for cloture when that issue comes before us today.

Mr. MOSS. Mr. President, I yield 3 minutes to the Senator from Iowa.

Mr. HUGHES. Mr. President, I have listened carefully to the Senator from Hawaii and the Senator from Alabama as they went through the process of explaining the statistics of the 62 million nonvoters. I certainly would like to see, on behalf of everyone running for public office in America, as complete a dedication to seeing guaranteed and protected by every means the right to vote in this country for every individual citizen who qualifies, as I find the dedication to trying to ferret out those who sit in the shadows who might try to register falsely.

The distinguished Senator from Hawaii said that 60 percent of those 62 million people did not care about politics, and that is the reason they did not vote. I do not concede that, but even if I did, what about the other 40 percent? There are 25 million Americans, even conceding the figures, who cannot vote, for a number of reasons, many of them simply because there are occupational hazards, such as the fact that they fly airplanes, are stewardesses, bus drivers, or follow any of a hundred other occupations in this mobile society, and for that reason, and that reason alone, the difficulty of getting to a place of registration is beyond their capability.

If even 1 million Americans are deprived of the right to vote, because of restrictions or lack of an open system, it is a tragedy in a free society. As we sit here today, in our time, and listen to the recitation of 20,000 fraudulent votes cast in a city in Louisiana by that State's distinguished Senator, I remind Senators that happened under the old system. It happened by fraud under existing law, and fraud continues if people take the risk of prison and fines to do it. But I prevail on this body to exercise the reason to realize, with the troubles and the challenges to the system in America today, that it is the absolute right of every person born or naturalized in this country to be able to cast his vote with as little inconvenience as we can place in his way in the way of barriers, and that anything we do to inhibit that right makes for less than a free society.

We should do everything humanly possible to allow those people to vote, and when it is said we would make them second-class citizens, they could only vote for President and Vice President, that they could not vote for the local constable or the local mayor, I say it is better to be able to half-vote for a President than not to be able to vote at all. It is better to be able to cast the single most important ballot in the land than to be able to cast no ballot at all, for anyone.

Mr. MOSS. Mr. President, I yield 3 minutes to the Senator from Oklahoma.

Mr. BELLMON. Mr. President, I am of the opinion that nothing this body does is more important than taking down existing barriers that keep millions of Americans from casting their votes in our national elections. But to me one of the principal problems with the present system is that the very individuals who are most likely to be kept away from the polls by the present archaic registration system are the ones who ought to be encouraged to vote, because most of those people are the working people of the country, who find it difficult to get away from their jobs to go to the courthouses or to the places of registration, to become qualified voters. The same thing is true of the rural people, who often have to travel many miles to become registered voters under the present system. I believe these people make up the backbone of this Nation. They are the level-headed, clear-thinking people, and we should do everything we can to enable them to fully participate in our elective process.

Mr. President, since I have been in the Senate, the process of involving the citizens of this country in this Government is one which has long and properly occupied the attention of the Senate. We have come a long way since the time Government was considered to be the exclusive right of the aristocracy or the landed gentry. The noble experiment in self-government, begun on this side of the Atlantic by our forefathers, has borne fruits far beyond their wildest expectation. In this country during these past 200 years we have proved that common people can manage their own affairs and provide for their own Government.

Only last year this body took action to lower the voting age to 18. The results of this change, contrary to the statements of those who opposed the measure, were shown by the last election highly beneficial to our body politic. The young people, to whom the franchise was given for the first time, proved themselves to be not radically different from the total population. The main achievement of lowering the voting age was that many, who previously felt outside the system, are now included. They now have a direct voice in the decisionmaking process of the Nation and no longer feel forced to result to violent means in order to be heard or to gain their objectives.

The purpose of the legislation we are considering today is to include directly in our governmental decisionmaking process large numbers of our citizens who, for many reasons, have been excluded through difficulties with the present voter registration system from our electoral process.

Whether by accident or by design the system of becoming a qualified voter in this country is still far too complex and too difficult for many of our citizens. In my own State of Oklahoma we have many countries where working people who live away from the county seat find it extremely difficult and expensive to register and qualify to vote. Also, regrettably, the election officials in many cases have demonstrated an inexcusable degree of partisanship which has discouraged many voters and distorted the outcome of our electoral processes. Also, again whether by design or accident, the present electoral procedures have allowed and sometimes even encouraged widespread irregularities.

Mr. President, plainly a simpler, more inclusive, and less corruptible voter registration system is needed to safeguard the political health of this Nation. The bill before us today is a long step in this direction. I would support amendments to strengthen this legislation. Even in its present state it will remove many of the barriers which contribute to the low level of public participation in this Nation's elections and the resulting disenchantment with Government.

As the report shows and I quote:

Nowhere in the free world is voter participation at a lower level than it is in the United States. Voters in Canada, England and Germany, for instance, have been participating in their elections at a rate well above 75 per cent; while in the United States, the trend of participation has steadily declined since the adoption of voter registration laws.

In the United States the highest rate of participation in the 20th century was in 1960 when 64 percent of all Americans of voting age voted. In 1966, the percentage dropped to 60.6 percent. In 1972, the percentage of participation by voting-age Americans had dropped to a shocking 55 percent.

Mr. President, plainly if self-government is to continue to work in this Nation the citizens must be given every opportunity to participate in the election process. The arguments of opponents that this bill will invite voting irregularities do not stand up. There is great need to reduce existing incidences of irregularities. This bill, through the possible use of social security numbers and by other means should provide the administration with tools to create not only a more inclusive, but also a less corruptible election process.

CLOTURE MOTION

The PRESIDING OFFICER (Mr. JOHNSTON). The hour of 1 p.m. having arrived, under the unanimous consent pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the pending bill (S. 352, a bill 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.

Mike Mansfield, Robert Byrd, Gale W. McGee, William Proxmire, Edmund S. Muskie, Thomas F. Eagleton, Dick Clark, William D. Hathaway, Daniel K. Inouye, Philip A. Hart, John O. Pastore, Stuart Symington, Walter D. Huddleston, Claiborne Pell, Vance Hartke, Adlai E. Stevenson III, Alan Cranston.

CALL OF THE ROLL

The PRESIDING OFFICER. Under rule XXII, the Chair directs the clerk to call the roll to ascertain the presence of a quorum.

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

[No. 115 Leg.]

Abourezk	Ervin	Metcalf
Aiken	Fannin	Mondale
Allen	Fong	Moss
Baker	Fulbright	Muskie
Bartlett	Goldwater	Nelson
Bayh	Gravel	Nunn
Beall	Griffin	Packwood
Bellmon	Gurney	Pastore
Bennett	Hansen	Pearson
Bentsen	Hart	Pell
Bible	Hartke	Percy
Biden	Haskell	Proxmire
Brock	Hathaway	Randolph
Brooke	Helms	Ribicoff
Buckley	Hollings	Roth
Burdick	Hruska	Saxbe
Byrd, Harry F., Jr.	Huddleston	Schweiker
	Hughes	Scott, Pa.
Byrd, Robert C.	Humphrey	Scott, Va.
Cannon	Inouye	Stafford
Case	Jackson	Stevens
Chiles	Javits	Stevenson
Church	Johnston	Symington
Clark	Kennedy	Taft
Cook	Long	Talmadge
Cotton	Magnuson	Thurmond
Cranston	Mansfield	Tower
Curtis	Mathias	Tunney
Dole	McClellan	Weicker
Domenici	McClure	Williams
Dominick	McGee	Young
Eagleton	McGovern	
Eastland	McIntyre	

Mr. ROBERT C. BYRD. I announce that the Senator from Alabama (Mr. SPARKMAN) and the Senator from New Mexico (Mr. MONTOYA) are necessarily absent.

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

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. HATFIELD) is necessarily absent.

The PRESIDING OFFICER. A quorum is present.

The question before the Senate is, Is it the sense of the Senate that debate on S. 352, a bill to amend title XIII, 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, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will now call the roll.

The legislative clerk called the roll.

Mr. BIBLE (when his name was called). On this vote I have a pair with the Senator from Oregon (Mr. HATFIELD) and the Senator from Ohio (Mr. SAXBE). If they were present and voting, they would vote "yea." If I were permitted to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Alabama (Mr. SPARKMAN), and the Senator from New Mexico (Mr. MONTOYA), are necessarily absent.

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 Mexico (Mr. MONTOYA) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. HATFIELD) is necessarily absent and his pair has been previously announced.

The Senator from Ohio (Mr. SAXBE) is detained on official business, and his pair has been previously announced.

The yeas and nays resulted—yeas 60, nays 34, as follows:

[No. 116 Leg.]

YEAS—60

Abourezk	Gravel	Metcalf
Aiken	Hart	Mondale
Bayh	Hartke	Moss
Beall	Haskell	Muskie
Bellmon	Hathaway	Nelson
Bentsen	Hollings	Nunn
Biden	Huddleston	Packwood
Brock	Hughes	Pastore
Brooke	Humphrey	Pearson
Burdick	Inouye	Pell
Byrd, Robert C.	Jackson	Percy
Cannon	Javits	Proxmire
Case	Johnston	Randolph
Chiles	Kennedy	Ribicoff
Church	Magnuson	Schweiker
Clark	Mansfield	Stevenson
Cook	Mathias	Symington
Cranston	McGee	Taft
Eagleton	McGovern	Tunney
Fulbright	McIntyre	Williams

NAYS—34

Allen	Eastland	McClure
Baker	Ervin	Roth
Bartlett	Fannin	Scott, Pa.
Bennett	Fong	Scott, Va.
Buckley	Goldwater	Stafford
Byrd, Harry F., Jr.	Griffin	Stevens
	Gurney	Talmadge
Cotton	Hansen	Thurmond
Curtis	Helms	Tower
Dole	Hruska	Weicker
Domenici	Long	Young
Dominick	McClellan	

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

Bible, against.

NOT VOTING—5

Hatfield	Saxbe	Stennis
Montoya	Sparkman	

The PRESIDING OFFICER. On this vote the yeas are 60 and the nays are 34. Two-thirds of the Senators present and voting not having voted in the affirmative, the motion is not agreed to.

APPOINTMENTS TO THE OFFICES OF DIRECTOR AND DEPUTY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET

Mr. ERVIN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 518.

The PRESIDING OFFICER (Mr. JOHNSTON) laid before the Senate the amendments of the House of Representatives to the bill (S. 518) to provide that appointments to the offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate, which were to strike out all after the enacting clause, and insert:

That the offices of Director of the Office of Management and Budget, and Deputy Director of the Office of Management and Budget, established in section 207 of the Budget and Accounting Act, 1921 (31 U.S.C. 16), and as designated in section 102(b) of Reorganization Plan Numbered 2 of 1970, are abolished.

SEC. 2. The offices of Director, Office of Management and Budget, and Deputy Director, Office of Management and Budget, are established in the Office of Management and Budget and shall be filled by appointment by the President, by and with the advice and consent of the Senate.

SEC. 3. (a) The functions transferred to the President by section 101 of Reorganization Plan Numbered 2 of 1970, and all functions vested by law in the Office of Management and Budget or the Director of the Office of Management and Budget are transferred to the office of Director, Office of Management and Budget. The President may, from time to time, assign to such office such additional functions as he may deem necessary.

(b) The Director may, from time to time, assign to the office of Deputy Director, such functions as he may deem necessary.

SEC. 4. Nothing in this Act shall impair the power of the President to remove the occupants of the offices of Director, Office of Management and Budget, and Deputy Director, Office of Management and Budget.

SEC. 5. (a) Subchapter II (relating to Executive Schedule pay rates) of chapter 53 of title 5, United States Code, is amended as follows:

(1) Paragraph (11) of section 5313 is amended by striking out "of the Bureau of the Budget." and inserting in lieu thereof ", Office of Management and Budget.".

(2) Paragraph (34) of section 5314 is amended by striking out "of the Bureau of the Budget." and inserting in lieu thereof ", Office of Management and Budget.".

SEC. 6. This Act shall take effect upon the expiration of the thirty-day period which begins on the date of its enactment.

And amend the title so as to read: "An Act to abolish the offices of Director and Deputy Director of the Office of Management and Budget, to establish the Office of Director, Office of Management and Budget, and transfer certain functions thereto, and to establish the Office of Deputy Director, Office of Management and Budget."

Mr. ERVIN. Mr. President, the Senate passed a bill making the office of the Director and the office of the Deputy Director of the Office of Management and Budget subject to Senate confirmation. The House has acted and it struck out everything after the enacting clause, and it abolished these offices and then recreated the offices, making them subject to Senate confirmation.

I move that the Senate concur in the amendments of the House to S. 518. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered.

The question is on agreeing to the motion of the Senator from North Carolina. 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 South Carolina (Mr. HOLLINGS), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. Moss), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

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

Mr. GRIFFIN. I announce that the Senator from Oregon (Mr. HATFIELD) is necessarily absent.

The Senator from Ohio (Mr. TAFT) is detained on official business.

The result was announced—yeas 73, nays 19, as follows:

[No. 117 Leg.]

YEAS—73

Abourezk	Eastland	McGovern
Aiken	Ervin	McIntyre
Allen	Fulbright	Mondale
Baker	Gravel	Montoya
Bayh	Griffin	Muskie
Beall	Gurney	Nelson
Bentsen	Hart	Nunn
Bible	Hartke	Pastore
Biden	Haskell	Pearson
Brooke	Hathaway	Pell
Buckley	Huddleston	Percy
Burdick	Hughes	Proxmire
Byrd, Harry F., Jr.	Humphrey	Randolph
	Inouye	Ribicoff
Byrd, Robert C.	Jackson	Roth
Cannon	Javits	Schweiker
Case	Johnston	Stafford
Chiles	Kennedy	Stevens
Church	Long	Stevenson
Clark	Magnuson	Symington
Cook	Mansfield	Tunney
Cranston	Mathias	Weicker
Domenici	McClellan	Williams
Dominick	McClure	Young
Eagleton	McGee	

NAYS—19

Bartlett	Fannin	Saxbe
Bellmon	Fong	Scott, Pa.
Bennett	Goldwater	Scott, Va.
Brock	Hansen	Thurmond
Cotton	Helms	Tower
Curtis	Hruska	
Dole	Packwood	

NOT VOTING—8

Hatfield	Moss	Taft
Hollings	Sparkman	Talmadge
Metcalf	Stennis	

So the motion to concur in the House amendments was agreed to.

ACTION OF DEMOCRATIC CONFERENCE ON MAY 2, 1973

Mr. MANSFIELD. Mr. President, yesterday Democratic Senators met and agreed to five resolutions—really four, and tentatively agreed to a fifth—expressing the general sentiments of the majority Members of the Senate on some very important issues.

We discussed at some length reducing Federal expenditures and the proposed closing or cutting back of foreign military installations as well as the administration's announced closing of domestic defense facilities. Two resolutions were agreed to relating directly to domestic and foreign military bases. The first, sponsored by Senator PASTORE, urged the administration to reduce military expenditures overseas and to submit forthwith a list of bases abroad that it plans to close similar to the list of domestic bases which it plans to close. The second resolution, sponsored by Senator KENNEDY, calls for assistance to workers affected by the closing or consolidation of defense facilities throughout the country.

Also concurred in at the meeting were two resolutions proposed by the Democratic Policy Committee. The first deals with limiting Federal expenditures and directing the administration's attention to the resolution of March 15 calling for a "Reduction of Military Expenditures Abroad." The second resolution calls for foreclosing by legislative action the further use of Federal funds for the pursuit of any military activity by the United States in Cambodia.

Senator ABOUREZK offered an important resolution regarding open public financing of Federal elections, but because of the late hour and because Senators were needed on the floor to vote, discussion of this matter was postponed until the next meeting.

I ask unanimous consent that the resolutions—five, in reality—adopted by the Democratic conference on yesterday, and the resolution adopted on March 15, 1973, to which reference is made, be inserted in the RECORD at this point. I also ask unanimous consent that my remarks in connection with two of these resolutions be included.

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

REMARKS OF SENATOR MIKE MANSFIELD

In accord with the mandate of the Conference, I have called for this meeting to report on various discussions involving the Resolution which the Conference adopted on March 13. The Conference asked that I report back by April 30. I must apologize for being two days late. I delayed in order to be able to include a report on the meeting of the Policy Committee of this Conference on yesterday.

At that time, the Committee returned to a consideration of some of the matters which confronted the nation before the floodgate opened on the Watergate. The issues which were before us at the beginning of the Easter recess are still there. Inflation . . . Disruption of federal programs by the arbitrary recasting of appropriations by the Executive Branch . . . A gross imbalance in the budget . . . Wasteful defense expenditures, especially abroad . . . All the issues remain.

What is our responsibility in the situation? What is the Majority responsibility in the Senate? It seems to me that when the Democratic Majority obtained the creation of the Ervin Committee at the start of the session, we did what had to be done by the Senate in the Watergate Affair. The matter, properly, in my judgment, now rests with that Committee, the Judiciary and the President.

It remains for us to carry on with the regular business of the Senate and the Federal Government. To pick up from where we left off, you will recall that just before the recess, the Administration announced plans to close down or cut back 274 military bases in this country, with a possible termination of 42,000 jobs. On the same day of the announcement the President saw fit to criticize "those who would slash the defense budget," an apparent reference to the resolution adopted by the Democratic Policy Committee calling for reductions of defense expenditures *abroad* in contrast to Administration plans for cuts at home. Still, on the same day, Secretary of Defense Richardson told the press (in connection with the closing

of domestic bases) that measures designed to reduce installations abroad were under intensive review.

Two resolutions adopted by the Democratic Policy Committee relate to these Janus-like statements. The first resolution—which was endorsed at the last Conference of Democratic Senators with only four dissenting votes—urges a substantial reduction of U.S. overseas military expenditures.

Pursuant to that resolution, the Leadership has held meetings with the Chairmen of the Committee on Appropriations and Foreign Relations and with the Acting Chairman of the Armed Services Committee. I believe it is accurate to say that, generally, we have seen eye to eye on the question.

We have also met with Mr. Ash of the Office of Management and Budget. While the meeting was cordial enough, there was no indication that the Administration was about to reconsider in any way its position on a resolution in overseas expenditures or a reshuffling of budget priorities.

A second resolution which was approved before the Easter recess by the Policy Committee is directly related to the resolution on reductions of military expenditures overseas. It is this resolution which the Policy Committee directed me to place, today, before the Conference. It calls for a Congressional cut in expenditures below the President's budgetary proposal. In this connection, it makes reference to the resolution on reduction of military expenditures abroad as a key to the cut as well as to more emphasis on domestic needs.

As further directed by the Committee, I wrote to the 17 Standing Committee Chairmen and the Chairman of the Joint Economic Committee and submit at this time the replies which have been received for incorporation in the record. I can report that the Committee Chairmen, in general, support the intent of the resolution.

I would note, in particular, that the Chairman of the Appropriations Committee has already moved to set a ceiling on appropriations which is $1.6 billion below the President's budget ceiling. Senator McClellan's figures list the Defense Appropriations figure as $3 billion below the President's budget, while Agriculture, Environmental and Consumer Protection appropriations are $801 million above the Administration's proposed budget and the Labor, HEW figure $2.2 billion above.

May I say that the Policy Committee resolution which will be laid before you does not ask for a specific endorsement of the tentative adjustments which are being considered by the Appropriations Committee. Nevertheless, it should be pointed out that these adjustments do go in the direction of the resolution of the Policy Committee. As such, they represent a most commendable initiative by the Chairman and Members of the Appropriations Committee.

I might also remind you that the Senate has already put the spirit of this proposed resolution of the Policy Committee into legislative form by passing the Muskie amendment providing that spending should not exceed $268 billion—which is below the President's figure. It may be that the Senate will cut even more deeply before the session is completed. But, again, the Muskie amendment is in accord with the objective of the Policy Committee resolution and is, in my judgment, a very worthwhile step in the right direction.

Before having the Policy Committee resolution read, let me remind the Conference that we operate on a two-thirds vote. What we are asking here is not the dotting of every "i" or the crossing of every "t" in this resolution. We recognize that there are other ways in which the issue might be stated. I daresay some of us would go further and some not so far or some would go the same distance but say it differently. But what your Policy Committee is looking for in this and in all of its proposed resolutions is the establishment by this Conference of general ground on which the great majority of us, as Democrats in the Senate, are prepared to stand on specific issues. The Senate as a whole will work its will in its own way and each Member will vote as he sees fit on the floor. That does not excuse us, particularly at this time, of national confusion, from trying to define our approach as Democrats in the Senate to the issues which confront the nation, for our own guidance and for the information of the nation.

If the Conference concurs in the resolution which will be put to you shortly, it will be referred to the Chairman of the Appropriations Committee as an expression of the overwhelming sentiments of the Democratic Majority. We may be able, thereafter, by legislative action, to cut the budget and to bring about reductions in military expenditures overseas. I repeat, what we are asking is not the end-all in this matter. Individual Members may wish to do more or less than what is suggested in this resolution and, of course, that will be made plain in Committee or on the floor of the Senate.

I think, however, that there is no single unified act which we can take at this time which would more clearly separate the Senate Democratic Majority from the Executive Branch in a very fundamental way than the adoption of this resolution. I think we should stand, as a party, in calling on the Administration to modify its apparent determination to maintain existing military arrangements abroad regardless of archaic purpose, regardless of immense cost, regardless of budgetary deficits, regardless of current domestic needs and inflation and regardless of the devastation which has been wrought on the value of the dollar.

The question is on the adoption of the resolution of the Policy Committee of the Democratic Conference.

Remarks of Senator Mike Mansfield

The second matter which was considered by your Policy Committee on yesterday was the continued involvement of the United States in the conflict in Cambodia. The Cambodian question was not a scheduled subject for discussion. It arose spontaneously out of the deep anxieties of every Member of the Committee with regard to the trend of events in Indochina.

Senators Inouye and Pastore, in particular, flagged the danger of another inadvertent Senate endorsement of war in the pattern of the Tonkin Gulf Resolution, this time, via the appropriations route. May I say, if there is anything this nation and the Senate do not need, it is another Tonkin Gulf Resolution on Cambodia, regardless of how it is interpreted. No matter what the rationale, the nation will be hard pressed to forgive this institution and its Majority another mistake of that kind.

In the judgment of the Policy Committee, therefore, there is a need for a Majority policy statement and legislative action to prevent a back-door Tonkin Gulf resolution which would have the effect of endorsing the Administration's present policies on Cambodia. We must seek, instead, to foreclose further military commitment in Cambodia and bring to an end the involvement in which we already engaged there, at a cost of hundreds of millions of dollars and at the risk, every day, of the accumulation of new casualties and more P.O.W.'s.

The resolution on Cambodia which is proposed by the Policy Committee to the Conference is concise and without window-dressing. The appalling situation in that country, with day in and day out bombings under what must be regarded as an arbitrary Executive Branch commitment of the nation to aerial conflict, is too well known to require any introduction. This resolution says and says bluntly that it is the sentiment of the Senate Majority (and I would hope that it is also the sentiment of the Senate) that the nation should steer completely clear of military involvement in Cambodia, by land, by sea and by air and that legislation should be adopted to that end.

The resolution does not and is not intended to spell out the legislative formula by which a termination of the involvement will be achieved. That is best left in the capable hands of the Chairmen and Senators who are expert in these matters as, for example, Senators McClellan, Fulbright, Symington, Church, Case, and others.

I would hope, however, that the Majority in the Senate will stand firm and stand together on the common ground of a policy which calls for an end forthwith to the military involvement in Cambodia, as we did with regard to Viet Nam—an end, lock, stock, and barrel. The vital interests of this nation, in my judgment, all point us in the direction of out of Indochina and not into Cambodia.

The draft resolution will now be read by the Secretary for the Majority.

Pastore Resolution on the Closing of Foreign and Domestic Military Bases

Whereas, The Democratic Conference of the Senate has urged the Administration to reduce military expenditures abroad, and

Whereas, The Administration has announced the closing of military bases at home which eliminates at least 42,000 jobs at home, and

Whereas, There are presently 166,000 non-American civilian personnel employed at U.S. military bases outside the U.S.,

Resolved, That the Administration, in conformity with the Resolution adopted on March 15, 1973 by this Conference calling for a "Reduction of Military Expenditures Abroad," submit forthwith a list of the bases abroad that it intends to close and the amount of savings attributable to these closings similar to the list of domestic bases recently announced by the Administration.

Kennedy Resolution on Assistance to Those Affected by Military Base Closings

The Conference hereby finds that in light of recent decisions announced April 17, 1973, to close or transfer functions at defense facilities and or other consolidations throughout the United States.

1. That such reductions in defense facilities place heavy economic, social and health burdens on the communities and individuals affected;

2. That many of the workers affected by recent defense base closings are older workers who have the greatest difficulty in acquiring new employment;

3. that to reduce unemployment it is essential that the government provide adversely affected workers with short-term assistance;

4. that such assistance for unemployed workers shall include income benefits, health benefits, relocation benefits, public service job opportunitties and job counseling and retraining opportunities;

5. that to insure the earliest community readjustment from the economic dislocation caused by the government decision to close a facility, immediate efforts shall be extended to provide technical assistance necessary to plan and implement an economic development plan to make full use of the local facility.

Resolution on Reduction of Military Expenditures Abroad

Whereas, At home, Americans are plagued with inflation, and abroad, the value of the dollar declines;

Whereas, The current U.S. military base structure and deployment around the world constitute a serious drain on the budget and bite deeply into tax revenues available for essential needs inside the United States;

Whereas, Reductions of U.S. forces overseas and the closing of excessive and obsolete military bases abroad would save billions of dollars and help, thereby, to halt inflation, strengthen the dollar and permit additional use of tax revenues for domestic purposes;

Whereas, Such reductions are commensurate with the nation's defense, feasible in terms of present military strategy and technology, and in no way contradictory to the nation's foreign policies under the Nixon Doctrine;

The Senate Majority Conference urges:

1. That the Administration consider, forthwith, in conjunction with the appropriate committees of the Congress, revisions in the proposed budget with a view to making specific recommendations on the reduction of military expenditures through the prompt close-out of installations abroad which are obsolescent or excessive to the current security needs of the nation; and

2. That the contingent of U.S. troops stationed overseas be substantially reduced, such reductions to be accomplished in stages over the next one and one-half years.

The Majority Leader is requested to confer with the Speaker of the House, the Director of the Office of Management and Budget, and with the Chairmen of the Committees on Appropriations, Foreign Relations and Armed Services on the contents of this resolution and ways and means of implementation by Executive Order or legislative action and to report to the Policy Committee on or before April 30 on the results of these conferences.

RESOLUTION ON FEDERAL EXPENDITURES

Whereas, a responsible national fiscal policy requires that federal expenditures be brought into line with receipts;

Whereas, the federal budgetary deficit has totaled $104.3 billion during the past four years, notwithstanding cuts by Congress in the Administration's proposed spending for the same years, totaling $20.2 billion;

Whereas, past experience suggests that the Administration's proposed expenditures ceiling of $268.7 billion for the coming fiscal year is, again, excessive under present estimated revenues;

Whereas, the Administration's proposed budget increases military and foreign aid expenditures even as the Administration continues to ignore the spending of tax money for excessive, obsolescent and irrelevant military and foreign aid purposes abroad:

The Majority Policy Committee urges:

1. That the Administration's attention be directed, again, to the resolution adopted by the Senate Democratic Conference on March 15, 1973, calling for a "Reduction of Military Expenditures Abroad," the implementation of which can bring about substantial reductions in federal expenditures, strengthen the dollar and help to curb inflation;

2. That, pursuant, in particular, to the provisions of paragraph 1, the Administration's proposed budgetary ceiling be accordingly lowered as in past years;

3. That the Appropriations, Armed Services and Foreign Relations Committee consider substantial reductions in authorizations and expenditures for military and foreign aid purposes abroad and that all other committees of the Senate act to restrain the authorizing of expenditures of federal funds;

4. That the Senate Members of the Joint Study Committee on Budget Control consider with the House Members establishing a specific ceiling on budgeted expenditures substantially below that of the Administration's proposed ceiling and report to the Senate thereon as soon as possible.

The Majority Leader is directed to communicate the text of this resolution to the Director of the Office of Management and Budget, to the Senate Members of the Joint Committee on the Budget and to the Chairmen of the Committees on Foreign Relations, Armed Services, and Appropriations and to the Chairmen of such other committees of the Senate, to which, in his judgment, the contents of the resolution are applicable.

He is directed, further, to communicate the comments of the Chairmen of the Committees on the resolution of the Policy Committee to the Majority Conference and, at that time, to seek the concurrence of the Conference in the resolution.

RESOLUTION ON CAMBODIA

The Democratic Conference resolves:

That the appropriate committees and the Senate act to foreclose by legislative action the further use of federal funds for the pursuit of any military activity by the United States in Cambodia.

The Majority Leader is directed to communicate its text to the Chairmen of the Committees on Appropriations and Foreign Relations and the Acting Chairman on the Armed Services and to confer with them on ways and means of presenting the matter to the Senate.

RESOLUTION OFFERED BY SENATOR ABOUREZK

Whereas, public confidence in the integrity of the electoral process has been undermined by the events of recent months, and

Whereas, the restoration of confidence in the integrity of free and open elections is of paramount concern to the preservation of democracy and the continuing orderly operation of government, and

Whereas, the Congress has committed itself to positive and constructive electoral reform by the enactment of tax credits and campaign contribution check-offs to assist in the provision of open and public financing of elections,

Be it therefore resolved that the Majority Caucus of the Senate commit itself to the immediate enactment of proposals to provide for the open public financing of federal elections.

SENATOR ROBERT C. BYRD—UNSUNG HERO OF WATERGATE INVESTIGATION

Mr. PROXMIRE. Mr. President, for months the Watergate scandal was swept under the rug. It was referred to as a "caper." It had little effect on the election. The American people were bored with reports about it.

But suddenly, due to three significant actions, the immense proportions of the scandal finally evolved. They were the actions of a courageous judge, a great newspaper, and a persistent and dogged Senator.

Two of these actions are widely known and acknowledged. Even President Nixon in his speech early this weekend acknowledged them—one directly and one indirectly.

A COURAGEOUS JUDGE

The first was the courageous action of Judge Sirica in refusing to accept the blatantly inadequate presentation to his court.

A GREAT NEWSPAPER

The second major reason Watergate has finally begun to come out fully was the persistence of the Washington Post, particularly its two superb reporters, Bob Woodward and Carl Bernstein, and the backing they got from a brave publisher who refused to be intimidated by the most powerful forces in the land, Kathryn Graham. We salute both her and them.

A PERSISTENT AND DOGGED SENATOR

But there was a third event which essentially broke open the Watergate case. That was the questioning by Senator ROBERT C. BYRD, of West Virginia, of the President's nominee to head the FBI, Mr. L. Patrick Gray.

Senator BYRD's doggedness and persistence in questioning brought the admission from Mr. Gray that Mr. Dean of the White House had lied when he told the FBI that he would check to see if Mr. Hunt had had an office in the Executive Office Building. Mr. Dean knew for certain at the time that Mr. Hunt did have an office there. The admission by Mr. Gray that Mr. Hunt probably lied or did lie, as well as the numerous other facts brought out in the questioning, broke open the case.

It started the avalanche.

SENATOR BYRD'S ROLE UNSUNG

Senator BYRD has never received appropriate recognition for his part in this and for the public service he rendered. In the beginning he was virtually all alone in his opposition to the confirmation of Mr. Gray. But his instincts and his reasons gained the day because he was both persistent and right.

I think the record should show that along with Judge Sirica and the Washington Post, Senator ROBERT C. BYRD of West Virginia deserves great credit for finally making certain that the Watergate scandal will ultimately be revealed in all of its dimensions.

The Senate and the country owe Senator BYRD a vote of thanks. In fairness to him and to the history of this affair, his role in bringing this sordid mess to light justly deserves both to be noted and praised.

FEDERAL-AID HIGHWAY ACT OF 1973

Mr. RANDOLPH. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 502.

The PRESIDING OFFICER (Mr. JOHNSTON) laid before the Senate the amendment of the House of Representatives to the bill (S. 502) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes which was to strike out all after the enacting clause, and insert:

TITLE I

SHORT TITLE

SEC. 101. This title may be cited as the "Federal-Aid Highway Act of 1973".

REVISION OF AUTHORIZATION FOR APPROPRIATIONS FOR THE INTERSTATE SYSTEM

SEC. 102. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1974, the additional sum of $4,000,000,000 for the fiscal year ending June 3, 1975, and the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1976", and by inserting in lieu thereof the following: "the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1974, the additional sum of $3,500,000,000 for

the fiscal year ending June 30, 1975, the additional sum of $3,500,000,000 for the fiscal year ending June 3, 1976, the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1977, the additional sum of $3,500,000,000 for the fiscal year ending June 30, 1978, and the additional sum of $2,500,000,000 for the fiscal year ending June 30, 1979."

AUTHORIZATION OF USE OF COST ESTIMATES FOR APPORTIONMENT OF INTERSTATE FUNDS

SEC. 103. The Secretary of Transportation is authorized to make the apportionment for the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, of the sums authorized to be appropriated for such years for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in table 5, of House Public Works Committee Print Numbered 92–29, as revised in House Report Numbered 92–1443.

HIGHWAY AUTHORIZATIONS

SEC. 104. (a) For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system in rural areas, out of the Highway Trust Fund, $700,000,000 for the fiscal year ending June 30, 1974, $700,000,000 for the fiscal year ending June 3, 1975, and $700,000,000 for the fiscal year ending June 30, 1976. For the Federal-aid secondary system in rural areas, out of Highway Trust Fund, $400,000,000 for the fiscal year ending June 30, 1974, $400,000,000 for the fiscal year ending June 30, 1975, and $400,000,000 for the fiscal year ending June 30, 1976.

(2) For the Federal-aid urban system, out of the Highway Trust Fund, $700,000,000 for the fiscal year ending June 30, 1974, $700,000,000 for the fiscal year ending June 30, 1975, and $700,000,000 for the fiscal year ending June 30, 1976. For the extensions of the Federal-aid primary and secondary systems in urban areas, out of the Highway Trust Fund $400,000,000 for the fiscal year ending June 30, 1974, $400,000,000 for the fiscal year ending June 3, 1975, and $400,000,000 for the fiscal year ending June 3, 1976.

(3) For forest highways, out of the Highway Trust Fund $33,000,000 for the fiscal year ending June 30, 1974, $33,000,000 for the fiscal year ending June 3, 1975, and $33,000,000 for the fiscal year ending June 30, 1976.

(4) For public lands highways, out of the Highway Trust Fund, $16,000,000 for the fiscal year ending June 30, 1974, $16,000,000 for the fiscal year ending June 30, 1975, and $16,000,000 for the fiscal year ending June 30, 1976.

(5) For forest development roads and trails, $170,000,000 for the fiscal year ending June 30, 1974, $170,000,000 for the fiscal year ending June 30, 1975, and $170,000,000 for the fiscal year ending June 30, 1976.

(6) For public lands development roads and trails, $10,000,000 for the fiscal year ending June 30, 1974, $10,000,000 for the fiscal year ending June 30, 1975, and $10,000,000 for the fiscal year ending June 30, 1976.

(7) For park roads and trails, $30,000,000 for the fiscal year ending June 30, 1974, $30,000,000 for the fiscal year ending June 30, 1975, and $30,000,000 for the fiscal year ending June 30, 1976.

(8) For parkways, $75,000,000 for the fiscal year ending June 30, 1974, $75,000,000 for the fiscal year ending June 30, 1975, and $75,000,000 for the fiscal year ending June 30, 1976.

(9) For Indian reservation roads and bridges, $100,000,000 for the fiscal year ending June 30, 1974, $100,000,000 for the fiscal year ending June 30, 1975, and $100,000,000 for the fiscal year ending June 30, 1976.

(10) For economic growth center development highways under section 143 of title 23, United States Code, out of the Highway Trust Fund, $150,000,000 for the fiscal year ending June 30, 1974, $150,000,000 for the fiscal year ending June 30, 1975, and $150,000,000 for the fiscal year ending June 30, 1976.

(11) For carrying out section 319(b) of title 23, United States Code (relating to landscaping and scenic enhancement), $10,000,000 for the fiscal year ending June 30, 1974, $10,000,000 for the fiscal year ending June 30, 1975, and $10,000,000 for the fiscal year ending June 30, 1976.

(12) For necessary administrative expenses in carrying out section 131, section 136, and section 319(b) of title 23, United States Code, $3,000,000 for the fiscal year ending June 30, 1974, $3,000,000 for the fiscal year ending June 30, 1975, and $3,000,000 for the fiscal year ending June 30, 1976.

(13) For carrying out section 215(a) of title 23, United States Code—

(A) for the Virgin Islands, not to exceed $5,000,000 for the fiscal year ending June 30, 1974, not to exceed $5,000,000 for the fiscal year ending June 30, 1975, and not to exceed $5,000,000 for the fiscal year ending June 30, 1976.

(B) for Guam not to exceed $2,000,000 for the fiscal year ending June 30, 1974, not to exceed $2,000,000 for the fiscal year ending June 30, 1975, and not to exceed $2,000,000 for the fiscal year ending June 30, 1976.

(C) for American Samoa not to exceed $1,000,000 for the fiscal year ending June 30, 1974, not to exceed $1,000,000 for the fiscal year ending June 30, 1975, and not to exceed $1,000,000 for the fiscal year ending June 30, 1976.

Sums authorized by this paragraph shall be available for obligation at the beginning of the fiscal year for which authorized in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code.

(14) Nothing in the first ten paragraphs or in paragraph (13) of this section shall be construed to authorize the appropriation of any sums to carry out section 131, 136, 319 (b), or chapter 4 of title 23, United States Code.

(b) Any State which has not completed Federal funding of the Interstate System within its boundaries shall receive at least one-half of 1 per centum of the total apportionment for each of the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, under section 104(b)(5) of title 23, United States Code, or an amount equal to the actual cost of completing such funding, whichever amount is less. In addition to all other authorizations for the Interstate System for the two fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, there are authorized to be appropriated out of the Highway Trust Fund not to exceed $50,000,000 for each such fiscal year for such system.

SUBMISSION OF CERTAIN REPORTS

SEC. 105. The Secretary of Transportation is hereby directed to forward to the Congress within thirty days of the date of enactment of this Act final recommendations proposed to him by the Administrator of the Federal Highway Administration in accordance with section 105(b)(2), section 121, and section 144 of the Federal-Aid Highway Act of 1970 together with those recommendations of the Secretary of Transportation to the Director of the Office of Management and Budget unless these recommendations have been submitted to the Congress prior to the date of enactment of this Act.

DEFINITIONS

SEC. 106. Subsection (a) of section 101 of title 23 of the United States Code is amended as follows:

(1) The definition of the term "construction" is amended by striking out "Coast and Geodetic Survey in the Department of Commerce)," and by inserting in lieu thereof: "National Oceanic and Atmospheric Administration in the Department of Commerce), traffic engineering and operational improvements,".

(2) The definition of the term "urban area" is amended by inserting immediately after "State highway department" the following: "and appropriate local officials in cooperation with each other".

(3) The definition of the term "Indian reservation roads and bridges" is amended to read as follows:

"The term 'Indian reservation roads and bridges' means roads and bridges that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government, or Indian and Alaska Native villages, groups, or communities in which Indians and Alaskan Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians."

EXTENSION OF TIME FOR COMPLETION OF SYSTEM

SEC. 107. (a) The second paragraph of section 101(b) of title 23, United States Code, is amended by striking out "twenty years" and inserting in lieu thereof "twenty-three years" and by striking out "June 30, 1976", and inserting in lieu thereof "June 30, 1979".

(b)(1) The introductory phrase and the second and third sentences of section 104(b)(5) of title 23, United States Code, are amended by striking out "1976" each place it appears and inserting in lieu thereof at each such place "1979".

(2) The last four sentences of such section 104(b)(5) are amended to read as follows: "Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1975. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1977, and June 30, 1978. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1977. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal year ending June 30, 1979. Whenever the Secretary, pursuant to this subsection, requests and receives estimates of cost from the State highway departments, he shall furnish copies of such estimates at the same time to the Senate and the House of Representatives."

DECLARATION OF POLICY

SEC. 108. Subsection (b) of section 101 of title 23, United States Code, is amended by adding at the end thereof the following new paragraph:

"It is further declared that since the Interstate System is now in the final phase of completion that after completion of that system it shall be the national policy that increased emphasis be placed on the accelerated construction of the other Federal-aid systems in accordance with the first paragraph of this subsection, in order to bring all of the Federal-aid systems up to standards and to increase the safety of the systems

to the maximum amount possible by no later than the year 1990."

MINIMIZATION OF REDTAPE

SEC. 109. Section 101 of title 23 of the United States Code is amended by adding at the end thereof the following new subsection:

"(e) It is the national policy that to the maximum extent possible the procedures to be utilized by the Secretary and all other affected heads of Federal departments, agencies, and instrumentalities for carrying out this title and any other provision of law relating to the Federal highway programs shall encourage the drastic minimization of paperwork and interagency decision procedures and the best use of available manpower and funds so as to prevent needless duplication and unnecessary delays at all levels of government."

FEDERAL-AID SYSTEMS

SEC. 110. Section 103 of title 23, United States Code, is amended as follows:

(1) The second sentence of subsection (d) is amended by inserting immediately after "such area" the following: "and shall provide for the collection and distribution of traffic within such area".

(2) Subsection (d) is further amended by inserting immediately following the next to the last sentence the following new sentences: "Any State not having a designated urbanized area may designate routes on the Federal-aid urban system for its largest population center, based upon a continuing planning process developed cooperatively by State and local officials and the Secretary. For the purposes of sections 104(b)(6) and 142 of this title, such largest population center shall be held and considered to be an urbanized area."

(3) Subsection (g) is amended by striking out "1973" wherever it appears and inserting in lieu thereof "1974" and by striking out "1975" and inserting in lieu thereof "1977".

(4) Subsection (g) is further amended by adding at the end thereof the following new sentence: "This subsection shall not be applicable to any segment of the Interstate System referred to in section 23(a) of the Federal-Aid Highway Act of 1968."

APPLICATION TO URBAN SYSTEM OF CERTAIN CONTROLS

SEC. 111. The last sentence of subsection (d) of section 103 of title 23, United States Code, is amended to read as follows: "The provisions of chapters 1, 3, and 5 of this title that are applicable to Federal-aid primary highways shall apply to the Federal-aid urban system unless determined by the Secretary to be inconsistent with this subsection, except that sections 131, 136, and 319(b) are hereby made specifically applicable to such system and the Secretary shall not determine such sections to be inconsistent with this subsection."

APPORTIONMENT

SEC. 112. Section 104 of title 23, United States Code, is amended as follows:

(1) Paragraph (1) of subsection (b) is amended by striking out "one-third in the ratio which the population of each State bears to the total population of all the States" and inserting in lieu thereof the following: "one-third in the ratio which the rural population of each State bears to the total rural population of all the States".

(2) Paragraph (6) of subsection (b) is amended by adding at the end thereof the following: "No State shall receive less than one-half of 1 per centum of each year's apportionment."

(3) Subsection (c) is amended by striking out "20 per centum" in each of the two places it appears and inserting in lieu thereof in each such place the following: "50 per centum" and by striking out "paragraph (1), (2), or (3)" and inserting in lieu thereof "paragraph (1) or (2)".

(4) Subsection (d) is amended to read as follows:

"(d) Not more than 50 per centum of the amount apportioned in any fiscal year to each State in accordance with paragraph (3) or (6) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under the other paragraph if such transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest. The total of such transfers shall not increase the original apportionment under either of such paragraphs by more than 50 per centum."

(5) The last sentence of subsection (c) is hereby repealed.

APPORTIONMENT OF PLANNING FUNDS

SEC. 113. Subsection (f) of section 104 of title 23, United States Code, is amended to read as follows:

"(f)(1) On or before January 1 next preceding the commencement of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) of this section, shall set aside not to exceed one-half per centum of the remaining funds authorized to be appropriated for expenditure upon the Federal-aid systems, for the purpose of carrying out the requirements of section 134 of this title.

"(2) These funds shall be apportioned to the States in the ratio which the population in urbanized areas or parts thereof, in each State bears to the total population in such urbanized areas in all the States as shown by the latest available census, except that no State shall receive less than one-half per centum of the amount apportioned.

"(3) The funds apportioned to any State under paragraph (2) of this subsection shall be made available by the State to the metropolitan planning organizations designated by out the provisions of section 134 of this title. the State as being responsible for carrying These funds shall be matched in accordance with section 120 of this title unless the Secretary determines that the interests of the Federal-aid highway program would be best served without such matching.

"(4) The distribution within any State of the planning funds made available to agencies under paragraph (3) of this subsection shall be in accordance with a formula developed by each State and approved by the Secretary which shall consider but not necessarily be limited to, population, status of planning, and metropolitan area transportation needs."

ADVANCE ACQUISITION OF RIGHTS-OF-WAY

SEC. 114. (a) The last sentence of subsection (a) of section 108 of title 23, United States Code, is amended by striking out "seven years" and inserting in lieu thereof "ten years".

(b) The first sentence of paragraph (3) of subsection (c) of section 108 of title 23, United States Code, is amended by striking out "seven years" and inserting in lieu thereof "ten years".

HIGHWAY NOISE LEVELS

SEC. 115. Subsection (i) of section 109 of title 23, United States Code, is amended by adding at the end thereof the following: "The Secretary after consultation with appropriate Federal, State, and local officials, may promulgate standards for the control of highway noise levels for highways on any Federal-aid system for which project approval has been secured prior to July 1, 1972. The Secretary may approve any project on a Federal-aid system to which noise-level standards are made applicable under the preceding sentence for the purpose of carrying out such standards. Such project may include, but is not limited to, the acquisition of additional rights-of-way, the construction of physical barriers, and landscaping. Sums apportioned for the Federal-aid system on which such project will be located shall be available to finance the Federal share of such project. Such project shall be deemed a highway project for all purposes of this title."

SIGNS ON PROJECT SITE

SEC. 116. The last sentence of subsection (a) of section 114 of title 23, United States Code, is amended to read as follows: "After July 1, 1973, the State highway department shall not erect on any project where actual construction is in progress and visible to highway users any informational signs other than official traffic control devices conforming with standards developed by the Secretary of Transportation."

CERTIFICATION ACCEPTANCE

SEC. 117. (a) Section 117 of title 23 of the United States Code is amended to read as follows:

"§ 117. Certification acceptance

"(a) The Secretary may discharge any of his responsibilities under this title relative to projects on Federal-aid systems, except the Interstate System, upon the request of any State, by accepting a certification by the State highway department of its performance of such responsibilities, if he finds—

"(1) such projects will be carried out in accordance with State laws, regulations, directives, and standards establishing requirements at least equivalent to those contained in, or issued pursuant to, this title;

"(2) the State meets the requirements of section 302 of this title;

"(3) that final decisions made by responsible State officials on such projects are made in the best overall public interest.

"(b) The Secretary shall make a final inspection of each such project upon its completion and shall require an adequate report of the estimated, and actual, cost of construction as well as such other information as he determines necessary.

"(c) The procedure authorized by this section shall be an alternative to that otherwise prescribed in this title. The Secretary shall promulgate such guidelines and regulations as may be necessary to carry out this section.

"(d) Acceptance by the Secretary of a State's certification under this section may be rescinded by the Secretary at any time if, in his opinion, it is necessary to do so.

"(e) Nothing in this section shall affect or discharge any responsibility or obligation of the Secretary under any Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), section 4(f) of the Department of Transportation Act (49 U.S.C. 1653(f)), and the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.), other than this title."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by striking out

"117. Secondary road responsibilities."

and inserting in lieu thereof the following:

"117. Certification acceptance.".

MATERIALS AT OFF-SITE LOCATIONS

SEC. 118. Section 121(a) of title 23 of the United States Code is amended by inserting after the period at the end thereof the following: "Such payments may also be made in the case of any such materials not in the vicinity of such construction if the Secretary determines that because of required fabrication at an off-site location the materials cannot be stockpiled in such vicinity."

TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES

SEC. 119. (a) After the second sentence of section 129 (b) of title 23, United States Code, insert the following: "When any such

toll road which the Secretary has approved as a part of the Interstate System is made a toll-free facility, Federal-aid highway funds apportioned under section 104(b)(5) of this title may be expended for the construction, reconstruction, or improvement of that road to meet the standards adopted for the improvement of projects located on the Interstate System."

(b) The first sentence of subsection (e) of section 129, title 23, United States Code, is amended by striking out "on the date of enactment of this subsection". The third sentence of subsection (e) of section 129, title 23, United States Code, is amended by striking out "1968" and inserting in lieu thereof "1973".

CONTROL OF OUTDOOR ADVERTISING

SEC. 120. (a) The first sentence of subsection (b) of section 131 of title 23, United States Code, is amended by inserting after "main traveled way of the system," the following: "and Federal-aid highway funds apportioned on or after January 1, 1974, or after the expiration of the next regular session of the State legislature, whichever is later, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of those additional outdoor advertising signs, displays, and devices which are more than six hundred and sixty feet off the nearest edge of the right-of-way, located outside of incorporated cities and villages, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way,".

(b) Subsection (c) of section 131 of title 23, United States Code, is amended to read as follows:

"(c) Effective control means that such signs, displays, or devices after January 1, 1968, if located within six hundred and sixty feet of the right-of-way and, on or after July 1, 1974, or after the expiration of the next regular session of the State legislature, whichever is later, if located beyond six hundred and sixty feet of the right-of-way, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way shall, pursuant to this section, be limited to (1) directional and official signs and notices, which signs and notices may include, but not be limited to, signs and notices pertaining to information in the specific interest of the traveling public, such as, but not limited to, signs and notices pertaining to rest stops, camping grounds food services, gas and automotive services, and lodging, and shall include signs and notices pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, which shall conform to national standards hereby authorized to be promulgated by the Secretary hereunder, which standards shall contain provisions concerning lighting, size, number, and spacing of signs, and such other requirements as may be appropriate to implement this section (except that not more than three directional signs facing the same direction of travel shall be permitted in any one mile along the Interstate or primary systems outside commercial and industrial areas), (2) signs, displays, and devices advertising the sale or lease of property upon which they are located, and (3) signs, displays, and devices advertising activities conducted on the property on which they are located."

(c) Subsection (d) section 131 of title 23, United States Code, is amended by striking out the first sentence thereof and inserting the following in lieu thereof: "In order to promote the reasonable, orderly and effective display of outdoor advertising while remaining consistent with the purposes of this section, signs, displays, and devices whose size, lighting, and spacing, consistent with customary use is to be determined by agreement between the several States and the Secretary, may be erected and maintained without areas adjacent to the Interstate and primary systems which are zoned industrial or commercial under authority of State laws, or in unzoned commercial or industrial areas as may be determined by agreement between the several States and the Secretary."

(d) Subsection (e) of section 131 of title 23, United States Code, is amended to read as follows:

"(e) Any nonconforming sign under State law enacted to comply with this section shall be removed no later than the end of the fifth year after it becomes nonconforming, except as determined by the Secretary."

(e) Subsection (f) of section 131 of title 23, United States Code, is amended by inserting the following after the first sentence: "The Secretary may also, in consultation with the States, provide within the rights-of-way of the primary system for areas in which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained: *Provided*, That such signs on the Interstate and primary shall not be erected in suburban or in urban areas or in lieu of signs permitted under subsection (d) of this section, nor shall they be erected where adequate information is provided by signs permitted in subsection (c) of this section."

(f) Subsection (g) of section 131 of title 23, United States Code, is amended by striking out the first sentence and inserting the following in lieu thereof: "Just compensation shall be paid upon the removal of any outdoor advertising sign, display, or device lawfully erected under State law."

(g) Subsection (m) of section 131 of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be apportioned to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for each of the fiscal years 1966 and 1967, not to exceed $20,000,000 for the fiscal year 1970, not to exceed $27,000,000 for the fiscal year 1972, not to exceed $20,500,000 for the fiscal year 1972, and not to exceed $50,000,000 for the fiscal year ending June 30, 1973, and $50,000,000 for the fiscal year ending June 30, 1974, and $50,000,000 for the fiscal year ending June 30, 1975, and $50,000,000 for the fiscal year ending June 30, 1976. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Fedral-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

(h) Section 131 of title 23, United States Code, is amended by adding at the end thereof the following new subsections:

"(o) No directional sign, display, or device lawfully in existence on June 1, 1972, giving specific information in the interest of the traveling public shall be required to be removed until December 31, 1974, or until the State in which the sign, display, or device is located certifies that the directional information about the service or activity advertised on such sign, display, or device may reasonably be available to motorists by some other method or methods, whichever shall occur first. A State shall give preference, with due regard to the orderly scheduling of the removal of signs, displays, and devices and to highway safety, to the purchase and removal of any nonconforming sign, display, or device voluntarily offered by the owner thereof to the State for removal if funds are available to such State for such purpose.

"(p) In the case of any sign, display, or device required to be removed under this section prior to the date of enactment of the Federal-Aid Highway Act of 1973, which sign, display, or device was after its removal lawfully relocated and which as a result of the amendments made to this section by such Act is required to be removed, the United States shall pay 100 per centum of the just compensation for such removal (including all relocation costs)."

URBAN AREA TRAFFIC OPERATIONS IMPROVEMENT PROGRAMS

SEC. 121. Subsection (c) of section 135 of title 23, United States Code, is hereby repealed and existing subsection (d) is relettered as subsection (c), including any references thereto.

CONTROL OF JUNKYARDS

SEC. 122. (a) Subsection (j) of section 136 of title 23, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following: "Just compensation shall be paid the owner for the relocation, removal, or disposal of junkyards lawfully established under State law."

(b) Subsection (m) of section 136 of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be appropriated to carry out this section out of any money in the Treasury not otherwise appropriated not to exceed $20,000,000 for each of the fiscal years 1966 and 1967, not to exceed $3,000,000 for each of fiscal years 1970, 1971, and 1972, not to exceed $5,000,000 for the fiscal year ending June 3, 1973, and not to exceed $15,000,000 for the fiscal year ending June 30, 1974, and $15,000,000 for the fiscal year ending June 30, 1975, and $15,000,000 for the fiscal year ending June 30, 1976. The provisions of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

HIGHWAY PUBLIC TRANSPORTATION

SEC. 123. Section 142 of title 23, United States Code, is amended to read as follows:

"§ 142. Highway public transportation

"(a) To encourage the development, improvement, and use of public mass transportation systems operating motor vehicles (other than on rail) on Federal-aid highways for the transportation of passengers (hereafter in this section referred to as 'buses'), so as to increase the traffic capacity of the Federal-aid systems for the movement of persons, the Secretary may approve as a project on any Federal-aid system the construction of exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities (including shelters), and fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers. Sums apportioned under section 104(b) of this title shall be available to finance the cost of these projects.

"(b) Sums apportioned in accordance with paragraph (5) of subsection (b) of section 104 of this title shall be available to finance the Federal share of projects for exclusive or preferential bus, truck, and emergency vehicle routes or lanes. Routes constructed under this subsection shall not be subject to the third sentence of section 109(b) of this title.

"(c) Whenever responsible local officials of an urbanized area notify the State highway department that, in lieu of a highway project the Federal share of which is to be paid from funds apportioned under section 104(b)(6) of this title, their needs require a nonhighway public mass transit project involving the construction of fixed rail facilities, or the purchase of passenger equipment, including rolling stock for any mode of mass transit, or both, and the State highway department determines that such public mass transit project is in accordance with the planning process under section 134 of this title and is entitled to priority under such planning process, such public mass transit project

shall be submitted for approval to the Secretary. Approval of the plans, specifications, and estimates for such project by the Secretary shall be deemed a contractual obligation of the United States for payment out of the general funds of its proportional share of the cost of such project in an amount equal to the Federal share which would have been paid if such project were a highway project under section 120(a) of this title. Funds previously apportioned to such State under section 104(b)(6) of this title shall be reduced by an amount equal to such Federal share. No financial assistance shall be provided under this subsection for the purchase of buses to any State or local public body or agency thereof which, after the date of enactment of this subsection, has engaged or proposes to engage directly or indirectly in charter bus operations in competition with private bus operators outside the urbanized area within which such State or local public body or agency provides mass transportation service.

"(d) The establishment of routes and schedules of such public mass transportation systems in urbanized areas shall be based upon a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title.

"(e) For all purposes of this title, a project authorized by subsection (a) of this section shall be deemed to be a highway project, and the Federal share payable on account of such project shall be that provided in section 120 of this title.

"(f) No project authorized by this section shall be approved unless the Secretary of Transportation has received assurances satisfactory to him from the State that public mass transportation systems will have adequate ridership to fully utilize the proposed project.

"(g) In any case where sufficient land exists within the publicly acquired rights-of-way of any Federal-aid highway to accommodate needed rail or nonhighway public mass transit facilities and where this can be accomplished without impairing automotive safety or future highway improvements, the Administrator may authorize a State to make such lands and rights-of-way available without charge to a publicly owned mass transit authority for such purposes wherever he may deem that the public interest will be served thereby.

"(h) No financial assistance shall be provided under this section to any State or local public body or agency thereof which engages directly or indirectly in the transporting of schoolchildren and school personnel to and from school and school-authorized functions or which proposes to expand present routes, schedules, services, or facilities for the purposes of providing transportation for school children and school personnel to and from school and school-authorized functions in competition with or supplementary to the service currently provided by a private transportation company, or other person, engaged in so transporting such children and personnel. This subsection shall not apply unless such private transportation company is able to provide adequate transportation, at reasonable rates, and in conformance with applicable safety standards, and this subsection shall not apply with respect to any State or local public body or agency thereof if it (or a direct predecessor in interest from which it acquired the function of so transporting such children and personnel along with facilities to be used therefor) was so engaged any time during the twelve-month period immediately prior to the date of the enactment of this subsection.

"(i) The provision of assistance under subsection (c) of this section shall not be construed as bringing within the application of chapter 15 of title 5, United States Code, any nonsupervisory employee of an urban mass transportation system (or of any other agency or entity performing related functions) to whom such chapter is otherwise inapplicable.

"(j) Funds available for expenditure to carry out the purposes of subsection (c) of this section shall be supplementary to and not in substitution for funds authorized and available for obligation pursuant to the Urban Mass Transportation Act of 1964, as amended.

"(k) The provisions of section 3(e)(4) of the Urban Mass Transportation Act of 1964, as amended, shall apply in carrying out subsection (c) of this section."

ECONOMIC GROWTH CENTER DEVELOPMENT HIGHWAYS

SEC. 124. (a) Section 143 of title 23, United States Code, is amended by striking out "demonstration projects" each place it appears and inserting in lieu thereof "projects", and by striking out "demonstration project" each place it appears and inserting in lieu thereof in each such place "project", by striking out "the Federal-aid primary system" in each place it appears and inserting in lieu thereof in each such place "a Federal-aid system (other than the Interstate System)", and in subsection (d) by striking out "Federal-aid primary highways" and inserting in lieu thereof "highways on the Federal-aid system on which such development highway is located".

(b) Section 143(e) of title 23, United States Code, is amended to read as follows:

"(e) Except as otherwise provided in subsection (c) of this section, the Federal share of the cost of any project for construction, reconstruction, or improvement of a development highway under this section shall be the same as that provided under this title for any other project on the Federal-aid system on which such development highway is located."

(c) Section 143(a) of title 23, United States Code, is amended by striking out "to demonstrate the role that highways can play".

FEDERAL-STATE RELATIONSHIP

SEC. 125. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 145. Federal-State relationship

"The authorization of the appropriation of Federal funds or their availability for expenditure under this chapter shall in no way infringe on the sovereign rights of the States to determine which projects shall be federally financed. The provisions of this chapter provide for a federally assisted State program."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"145. Federal-State relationship."

BICYCLE TRANSPORTATION

SEC. 126. (a) Chapter 2 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 217. Bicycle transportation

"(a) To encourage the multiple use of highway rights-of-way, including the development, improvement, and use of bicycle transportation on or in conjunction with highway rights-of-way, the States may, on Federal-aid highway projects, include to the extent practicable, suitable, and feasible, the construction of separate or preferential bicycle lanes or paths, bicycle traffic control devices, shelters and parking facilities to serve bicycles and persons using bicycles in conjunction or connection with Federal-aid highways. Sums apportioned in accordance with paragraphs (1), (2), (3), and (6) of section 104(b) of this title shall be available for bicycle projects authorized under this section and such projects shall be located and designed pursuant to an overall plan which will provide due consideration for safety and contiguous routes.

"(b) For all purposes of this title, a bicycle project authorized by subsection (a) of this section shall be deemed to be a highway project, and the Federal share payable on account of such bicycle project shall be that provided in section 120 of this title.

"(c) Funds authorized for forest highways, forest development roads and trails, public lands development roads and trails, park roads and trails, parkways, Indian reservation roads, and public lands highways shall be available, at the discretion of the department charged with the administration of such funds, for the construction of bicycle routes in conjunction with such trails, roads, highways, and parkways.

"(d) No motorized vehicles shall be permitted on trails and walkways authorized under this section except for maintenance purposes and, when snow conditions and State or local regulations permit, snowmobiles.

"(e) Not more than $20,000,000 of funds authorized to be appropriated in any fiscal year may be obligated for projects authorized by subsections (a) and (c) of this section, and no State shall obligate more than $1,000,000 for such projects in any fiscal year."

(b) The analysis of chapter 20, title 23, United States Code, is amended by inserting at the end thereof the following:

"217. Bicycle transportation."

SPECIAL URBAN HIGH DENSITY TRAFFIC PROGRAM

SEC. 127. (a) Chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following new section:

"§ 146. Special urban high density traffic program

"(a) There is hereby authorized to be appropriated out of the Highway Trust Fund $100,000,000 for the fiscal year ending June 30, 1974, $100,000,000 for the fiscal year ending June 30, 1975, and $100,000,000 for the fiscal year ending June 30, 1976, for the construction of highways connected to the Interstate System in portions of urbanized areas with high traffic density. The Secretary shall develop guidelines and standards for the designation of routes and the allocation of funds for this purpose which include the following criteria:

"(1) Routes designated by the Secretary shall not be longer than ten miles.

"(2) Routes designated shall serve areas of concentrated population and heavy traffic congestion.

"(3) Routes designated shall serve the urgent needs of commercial, industrial, airport, or national defense installations.

"(4) Any routes shall connect with existing routes on the Interstate System.

"(5) Routes designated under this section shall have been approved through the planning process required under section 134 of this title and determined to be essential by responsible local officials.

"(6) A route shall be designated under this section only where the Secretary determines that no feasible or practicable alternative mode of transportation which could meet the needs of the area to be served is now available or could become available in the foreseeable future.

"(7) The designation of routes under this section shall comply with section 138 of this title, and no route shall be designated which substantially damages or infringes upon any residential area.

"(8) Routes shall be designated by the Secretary on the recommendation of the State and responsible local officials.

"(9) No more than one route in any one State shall be designated by the Secretary.

"(10) Any route designated by the Secretary under this section must be on a Federal-aid system prior to such designation.

"(b) The Federal share payable on account of any project authorized pursuant to this section shall not exceed 90 per centum of the cost of construction of such project."

(b) The table of contents of chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following:

"146. Special urban high density traffic program."

PRIORITY PRIMARY ROUTES

SEC. 128. (a) Chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following new section:

"§ 147. Priority primary routes

"(a) High traffic sections of highways on the Federal-aid primary system which connect to the Interstate System shall be selected by each State highway department, in consultation with appropriate local officials, subject to approval by the Secretary, for priority of improvement to supplement the service provided by the Interstate System by furnishing needed adequate traffic collector and distributor facilities. A total of not more than ten thousand miles shall be selected under this section. For the purpose of this section such highways shall hereafter in this section be referred to as 'priority primary routes'.

"(b) The Federal share of any project on a priority primary route shall be that provided in section 120(a) of this title. All provisions of this title applicable to the Federal-aid program system shall be applicable to priority primary routes selected under this section except section 104. Funds authorized to carry out this section shall be deemed to be apportioned on January 1 next preceding the commencement of the fiscal year for which authorized.

"(c) The initial selection of the priority primary routes and the estimated cost of completing such routes shall be reported to Congress on or before July 1, 1974.

"(d) There is authorized to be appropriated out of the Highway Trust Fund to carry out this section not to exceed $300,000,000 per fiscal year for the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976. One-half of such funds shall be apportioned among the States in accordance with section 104(b)(1) of this title, and one-half shall be apportioned among the States in accordance with section 104(b)(3) of this title."

(b) The table of contents of chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following:

"147. Priority primary routes."

ALASKA HIGHWAY

SEC. 129. (a)(1) Chapter 2 of title 23 of the United States Code is amended by inserting at the end thereof a new section as follows:

"§ 218. Alaska Highway

"(a) Recognizing the benefits that will accrue to the State of Alaska and to the United States from the reconstruction of the Alaska Highway from the Alaskan border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to the south Alaskan border, the Secretary is authorized out of the funds appropriated for the purpose of this section to provide for necessary reconstruction of such highway. Such appropriations shall remain available until expended. No expenditures shall be made for the construction of such highways until an agreement has been reached by the Government of Canada and the Government of the United States which shall provide, in part, that the Canadian Government—

"(1) will provide, without participation of funds authorized under this title all necessary right-of-way for the reconstruction of such highways, which right-of-way shall forever be held inviolate as a part of such highways for public use;

"(2) will not impose any highway toll, or permit any such toll to be charged for the use of such highways by vehicles or persons;

"(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of such highways by vehicles or persons from the United States that does not apply equally to vehicles or persons of Canada;

"(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with agreements between the United States and Canada; and

"(5) will maintain such highways after their completion in proper condition adequately to serve the needs of present and future traffic.

"(b) The survey and construction work undertaken pursuant to this section shall be under the general supervision of the Secretary."

(2) The analysis of chapter 2 of title 23 of the United States Code is amended by adding at the end thereof the following:

"218. Alaska Highway."

(b) For the purpose of completing necessary reconstruction of the Alaska Highway from the Alaskan border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to the south Alaskan border there is authorized to be appropriated the sum of $58,670,000 to be expanded in accordance with the provisions of section 217 of title 23 of the United States Code.

BRIDGES ON FEDERAL DAMS

SEC. 130. (a) Section 320(d) of title 23, United States Code, is amended by striking out "$16,761,000" and inserting in lieu thereof "$25,261,000".

(b) All sums appropriated under authority of the increased authorization of $8,500,000 established by the amendment made by subsection (a) of this section shall be available for expenditure only in connection with the construction of a bridge across lock and dam numbered 13 on the Arkansas River near Fort Smith, Arkansas, in the amount of $2,100,000 and in connection with reconstruction of a bridge across the Chickamauga Dam on the Tennessee River near Chattanooga, Tennessee, in the amount of $6,400,000. No such sums shall be appropriated until all applicable requirements of section 320 of title 23 of the United States Code have been completed by the appropriate Federal agency, the Secretary of Transportation, and the State of Arkansas for the Fort Smith project, and the State of Tennessee for the Chattanooga project.

GREAT RIVER ROAD

SEC. 131. (a) Section 14 of the Federal-Aid Highway Act of 1954, as amended (68 Stat. 70; Public Law 83-350), is amended by striking out "$500,000" and inserting in lieu thereof "$600,000".

(b) Chapter 1 of title 23 of the United States Code is amended by inserting at the end thereof a new section as follows:

"§ 148. Development of a prototype of a national scenic and recreational highway program

"(a)(1) The Congress finds—

"(A) that there are significant esthetic and recreational values to be derived from making places of scenic and natural beauty and historical, archeological, or scientific interest accessible to the public;

"(B) that there is a deficiency in the number and quality of scenic roads, parkways, and highways available to the motoring public;

"(C) that with increased population, greater leisure time and higher percentage of privately owned automotive vehicles, more families than ever are seeking suitable areas in which to drive for pleasure and recreation;

"(D) that the growth of cities and large metropolitan centers has decreased the quantity of open-space and recreational areas available to the general public, especially urban dwellers; and

"(E) that substantial economic, social, cultural, educational, and psychological benefits could be gained from a nationwide system of attractive roadways making possible widespread enjoyment of natural and recreational resources.

"(2) It is therefore the purpose of this section to provide assistance to the States and to other Federal departments and agencies having jurisdiction over Federal lands open to the public in order to develop highways throughout the Nation to satisfy such needs and to prove the actual national feasibility of such a system through direct Federal participation in the improvement and construction of the Great River Road and attendant facilities and to further provide for Federal participation in the celebration of the tricentennial of the discovery of the Mississippi River.

"(b) As soon as possible after the date of enactment of this section, the Secretary shall establish criteria for the location and construction or reconstruction of the Great River Road by the ten States bordering the Mississippi River in order to carry out the purpose of this section. Such criteria shall include requirements that—

"(1) priority be given in the location of the Great River Road near or easily accessible to the larger population centers of the State and further priority be given to the construction and improvement of the Great River Road in the proximity of the confluence of the Mississippi River and the Wisconsin River;

"(2) the Great River Road be connected with other Federal-aid highways and preferably with the Interstate System;

"(3) the Great River Road be marked with uniform identifying signs;

"(4) effective control, as defined in section 131(c) of this title, of signs, displays, and devices will be provided along the Great River Road;

"(5) the provisions of section 129(a) of this title shall not apply to any bridge or tunnel on the Great River Road and no fees shall be charged for the use of any facility contructed with assistance under this section.

"(c) For the purpose of this section, the term 'construction' includes the acquisition of areas of historical, archeological, or scientific interest, necessary easements for scenic purposes, and the construction or reconstruction of roadside rest areas (including appropriate recreational facilities), scenic viewing areas, and other appropriate facilities determined by the Secretary for the purpose of this section.

"(d) Highways constructed or reconstructed pursuant to this section (except subsection (g)) shall be part of the Federal-aid primary system except with respect to such provisions of this title as the Secretary determines are not consistent with this section.

"(e) Funds appropriated for each fiscal year pursuant to subsection (h) shall be apportioned among the ten States bordering the Mississippi River on the basis of their relative needs as determined by the Secretary for payments to carry out the purposes of this section.

"(f) The Federal share of the cost of any project for any construction or reconstruction pursuant to the preceding subsections of this section shall be 80 per centum of such cost.

"(g) The Secretary is authorized to consult with the heads of other Federal departments and agencies having jurisdiction over Federal lands open to the public in order to enter into appropriate arrangements for necessary construction or reconstruction of

highways on such lands to carry out the purpose of this section. To the extent applicable criteria applicable to highways constructed or reconstructed by the State pursuant to this section shall be applicable to highways constructed or reconstructed pursuant to this subsection. Funds authorized pursuant to subsection (h) shall be used to pay the entire cost of construction or reconstruction pursuant to this subsection.

"(h) There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund, for construction or reconstruction of roads on a Federal-aid highway system, not to exceed $20,000,000 for each of the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, for allocations to the States pursuant to this section, and there is authorized to be appropriated to carry out this section out of any money in the Treasury not otherwise appropriated, not to exceed $10,000,000 for each of the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, for construction and reconstruction of roads not on a Federal-aid highway system."

(c) The table of contents of chapter 1 of title 23 of the United States Code is amended by inserting at the end thereof the following:

"148. Development of a prototype of a national scenic and recreational highway program.".

ALASKAN ASSISTANCE

SEC. 132. Subsection (b) of section 7 of the Federal-Aid Highway Act of 1966 is amended by striking out at the end of the last sentence "June 30, 1972 and June 30, 1973." and substituting "June 30, 1972, June 30, 1973, June 30, 1974, June 30, 1975, and June 30, 1976."

ROUTE 101 IN NEW HAMPSHIRE

SEC. 133. (a) The amount of all Federal-aid highway funds paid on account of those sections of Route 101 in the State of New Hampshire referred to in subsection (c) of this section shall, prior to the collection of any tolls thereon, be repaid to the Treasurer of the United States. The amount so repaid shall be deposited to the credit of the appropriation for "Federal-Aid Highways (Trust Fund)". At the time of such repayment, the Federal-aid projects with respect to which such funds have been repaid and any other Federal-aid project located on said sections of such toll road and programed for expenditure on any such project, shall be credited to the unprogramed balance of Federal-aid highways funds of the same class last apportioned to the State of New Hampshire. The amount so credited shall be in addition to all other funds then apportioned to said State and shall be available for expenditure in accordance with the provisions of title 23, United States Code, as amended or supplemented.

(b) Upon the repayment of Federal-aid highway funds and the cancellation and withdrawal from the Federal-aid highway program of the projects on said sections of Route 101 as provided in subsection (a) of this section, such sections of said route shall become and be free of any and all restrictions contained in title 23, United States Code, as amended or supplemented, or in any regulation thereunder, with respect to the imposition and collection of tolls or other charges thereon or for the use thereof.

(c) The provisions of this section shall apply to the following sections:

(1) That section of Route 101 from Route 125 in Epping to Brentwood Corners, a distance of approximately two and thirty one-hundredths centerline miles.

(2) That section of Route 101 in the vicinity of Sells Corner in Auburn, beginning approximately two and forty one-hundredths centerline miles east of the junction of Interstate Route 93 and running easterly approximately two miles.

FREEING INTERSTATE TOLL BRIDGES

SEC. 134. Section 129, title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) Notwithstanding the provisions of section 301 of this title, in the case of each State which, before January 1, 1975, shall have constructed or acquired any interstate toll bridge (including approaches thereto), which before January 1, 1975, caused such toll bridge to be made free, which bridge is owned and maintained by such State or by a political subdivision thereof, and which bridge is on the Federal-aid primary system (other than the Interstate System), sums apportioned to such State in accordance with paragraphs (1) and (3) of subsection (b) of section 104 of this title shall be available to pay the Federal share of a project under this subsection of (1) such amount as the Secretary determines to be the reasonable value of such bridge after deducting therefrom that portion of such value attributable to any grant or contribution previously paid by the United States in connection with the construction or acquisition of such bridge, and exclusive of rights-of-way, or (2) the amount by which the principal amount of the outstanding unpaid bonds or other obligations created and issued for the construction or acquisition of such bridge exceeds the amount of any funds accumulated or provided for their amortization, on the date such bridge is made free, whichever is the lesser amount."

STUDY OF TOLL BRIDGE AUTHORITY

SEC. 135. The Secretary of Transportation is authorized and directed to undertake a full and complete investigation and study of existing Federal statutes and regulations governing toll bridges over the navigable waters of the United States for the purpose of determining what action can and should be taken to assure just and reasonable tolls nationwide. The Secretary shall submit a report of the findings of such study and investigation to the Congress not later than July 1, 1974, together with his recommendations for modifications or additions to existing laws, regulations, and policies, except that in the case of the toll bridge at Chester, Illinois, the Secretary shall submit a report to the Congress not later than December 31, 1973.

NATIONAL SCENIC HIGHWAY SYSTEM STUDY

SEC. 136. The Secretary of Transportation shall make a full and complete investigation and study to determine the feasibility of establishing a national system of scenic highways to link together and make more accessible to the American people recreational, historical, scientific, and other similar areas of scenic interest and importance. In the conduct of such investigation and study, the Secretary shall cooperate and consult with other agencies of the Federal Government, the Commission on Highway Beautification, the States and their political subdivisions, and other interested private organizations, groups, and individuals. The Secretary shall report his findings and recommendations to the Congress not later than July 1, 1974, including an estimate of the cost of implementing such a program. There is authorized to be appropriated $250,000 from the Highway Trust Fund to carry out this section.

PARTICIPATION IN TOPICS AND FRINGE PARKING PROGRAMS

SEC. 137. In the administration of title 23 of the United States Code the Secretary of Transportation shall take such actions as he deems necessary to facilitate broad participation by the States in the urban area traffic operations improvement programs and projects for fringe and corridor parking facilities authorized by sections 135 and 137 of such title.

DISTRICT OF COLUMBIA

SEC. 138. None of the provisions of the Act entitled "An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities", approved March 2, 1893 (27 Stat. 532), as amended, shall apply to any segment of the Interstate System within the District of Columbia.

CORRIDOR HEARINGS

SEC. 139. (a) The Secretary of Transportation shall permit no further action on Interstate Route I–287 between Montville and Mahwah, New Jersey, until new corridor hearings are held.

(b) The Secretary of Transportation shall permit no further action on the Corporation Freeway, Winston-Salem, North Carolina, until new corridor hearings are held.

INTERSTATE SYSTEM

SEC. 140. (a) Paragraph (2) of subsection (e) of section 103 of title 23, United States Code, is amended as follows:

(1) The first sentence is amended by striking out "additional mileage for the Interstate System of two hundred miles, to be used in making modifications" and inserting in lieu thereof "such additional mileage for the Interstate System as may be required in making modifications".

(2) The fourth sentence is amended by striking out "the 1968 Interstate System cost estimate set forth in House Document Numbered 199, Ninetieth Congress, as revised." and inserting in lieu thereof the following: "the 1972 Interstate System cost estimate set forth in House Public Works Committee Print Numbered 92–29, as revised in House Report Numbered 92–1443."

(3) The fifth sentence is amended by striking out "due regard" and inserting in lieu thereof the following: "preference, along with due regard for interstate highway type needs on a nationwide basis,".

(b) Subsection (e) of section 103 of title 23, United States Code, is amended by adding the following:

"(4) Upon the joint request of a State Governor and the local governments concerned, the Secretary may withdraw his approval of any route or portion thereof on the Interstate System within that State selected and approved in accordance with this title prior to the enactment of this paragraph, if he determines that such route or portion thereof is not essential to completion of a unified and connected Interstate System or will no longer be essential by reason of the application of this paragraph and will not be constructed as a part of the Interstate System, and if he receives assurances that the State does not intend to construct a toll road in the traffic corridor which would be served by such route or portion thereof. The mileage of the route or portion thereof approval for which is withdrawn under this paragraph shall be available for designation on the Interstate System in any other State in accordance with paragraph (1) of this subsection. After the Secretary has withdrawn his approval of any such route or portion thereof, whenever responsible local officials of an urbanized area notify the State highway department that, in lieu of a route or portion thereof approval for which is withdrawn under this paragraph, their needs require a nonhighway public mass transit project involving the construction of fixed rail facilities, or the purchase of passenger equipment, including rolling stock for any mode of mass transit, or both, and the State highway department determines that such public mass transit project is in accordance with the planning process under section 134 of this title and is entitled to priority under such planning process, such public mass transit project shall be submitted for approval to the Secretary. Approval of the plans, specifications, and estimates for such

project by the Secretary shall be deemed a contractual obligation of the United States for payment out of the general funds of its proportional share of the cost of such project in an amount equal to the Federal share which would have been paid for the route or portion thereof approval of which is withdrawn under this paragraph. Funds previously apportioned to such State for the Interstate System shall be reduced by an amount equal to such Federal share. No nonhighway public mass transit project shall be approved under this paragraph unless the Secretary has received assurances satisfactory to him from the State that public mass transportation systems will have adequate capability to fully utilize the proposed project. No financial assistance shall be provided under this paragraph for the purchase of buses to any State or local public body or agency thereof which, after the date of enactment of this paragraph, has engaged or proposes to engage directly or indirectly in charter bus operations in competition with private bus operators outside the urbanized area within which such State or local public body or agency provides mass transportation service. No financial assistance shall be provided under this paragraph to any State or local public body or agency thereof which engages directly or indirectly in the transporting of schoolchildren and school personnel to and from school and school-authorized functions or which proposes to expand present routes, schedules, service, or facilities for the purposes of providing transportation for schoolchildren and school personnel to and from school and school-authorized functions in competition with or supplementary to the service currently provided by a private transportation company, or other person, engaged in so transporting such children and personnel. The preceding sentence shall not apply unless such private transportation company is able to provide adequate transportation, at reasonable rates, and in conformance with applicable safety standards, and such sentence shall not apply with respect to any State or local public body or agency thereof if it (or a direct predecessor in interest from which it acquired the function of so transporting such children and personnel along with facilities to be used therefor) was so engaged any time during the twelve-month period immediately prior to the date of the enactment of this paragraph. The provision of assistance under this paragraph shall not be construed as bringing within the application of chapter 15 of title 5, United States Code, any nonsupervisory employee of an urban mass transportation system (or of any other agency or entity performing related functions) to whom such chapter is otherwise inapplicable. Funds available for expenditure to carry out the purposes of this paragraph shall be supplementary to and not in substitution for funds authorized and available for obligation pursuant to the Urban Mass Transportation Act of 1964, as amended. The provisions of section 3(e)(4) of the Urban Mass Transportation Act of 1964, as amended, shall apply in carrying out this paragraph."

PUBLIC MASS TRANSPORTATION

SEC. 141. (a) The Secretary shall, in cooperation with the Governor of each State and appropriate local officials, make an evaluation of that portion of the 1972 National Transportation Report, pertaining to public mass transportation. Such evaluation shall include all urban areas. The evaluation shall include but not be limited to the following:

(1) Refining the public mass transportation needs contained in such report.

(2) Developing a program to accomplish the needs of each urban area for public mass transportation.

(3) Analyzing the existing funding capabilities of Federal, State, and local governments for meeting such needs.

(4) Analyzing other funding capabilities of Federal, State, and local governments for meeting such needs.

(5) Determining the operating and maintenance costs relating to the public mass transportation system.

(6) Determining and comparing fare structures of all public mass transportation systems.

(b) The Secretary shall, not later than July 1, 1974, report to Congress the results of this evaluation together with his recommendation for necessary legislation.

(c) There is hereby authorized not to exceed $75,000,000 to carry out this section.

FERRY OPERATIONS

SEC. 142. (a) The last subsection of section 129 of title 23, United States Code, is hereby redesignated as subsection (g).

(b) Paragraph (5) of subsection (g) of section 129 of title 23, United States Code, as redesignated in subsection (a) of this section, is amended to read as follows:

"(5) Such ferry may be operated only within the State (including the islands which comprise the State of Hawaii) or between adjoining States. Except with respect to operations between the islands which comprise the State of Hawaii and operations between the States of Alaska and Washington, or between any two points within the State of Alaska, no part of such a ferry operation shall be in any foreign or international waters."

METRO ACCESSIBILITY TO THE HANDICAPPED

SEC. 143. The Secretary of Transportation is authorized to make payments to the Washington Metropolitan Area Transit Authority in amounts sufficient to finance the cost of providing such facilities for the subway and rapid rail transit system authorized in the National Capital Transportation Act of 1969 (83 Stat. 320) as may be necessary to make such subway and system accessible by the handicapped through implementation of Public Laws 90-480 and 91-205. There is authorized to be appropriated, to carry out this section, not to exceed $65,000,000.

ENVIRONMENTAL IMPACT STATEMENTS

SEC. 144. (a) The Secretary of Transportation shall, not later than forty-five days after the date of enactment of this section, complete all necessary action on (1) the environmental impact statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, and (2) the application for approval under the General Bridge Act of 1946, with respect to the proposal for construction by the Department of Transportation of the State of New Jersey of a bridge over the Raritan River in such State for the purpose of such State's Highway Route 18.

(b) The Secretary of Transportation shall—

(1) by October 1, 1973—

(A) complete the draft environmental impact statement pursuant to section 102(2)(c) of the National Environmental Policy Act, and his determination under section 4(f) of the Department of Transportation Act and section 138 of title 23 of the United States Code, on the project for Interstate Route Numbered 66 in the State of Virginia from the National Capital Beltway to the Potomac River, which project is described in the 1972 estimate of the cost of completing the National System of Interstate and Defense Highways as estimate section termini E 10.4.2 at the Beltway to E 10.11.1 in Rosslyn,

(B) circulate such statement to all interested Federal, State, and local agencies and to the public for comment within forty-five days, and

(C) insure that notice of a public hearing on the design and location of such project is issued;

(2) insure that a public hearing is held within forty-five days after issuance of the notice pursuant to paragraph (1)(C) of this section; and

(3) not later than December 31, 1973, complete consideration of the information received at the hearing, review any comments on the statement received within the forty-five-day notice period referred to in paragraph (1)(B) of this section and any other information received by the end of such forty-five-day period and file the final version of such statement on the basis of such comments and information, together with any other final determination which he is required by law to make in order to permit the construction of such project to proceed. The determination of the Secretary shall be conclusive with respect to all issues of fact.

TRUCK LANES

SEC. 145. (a) Chapter 1 of title 23, United States Code, is amended by adding to the end thereof the following new section:

"§ 150. Truck lanes

"The Secretary may approve as a project on any Federal-aid system the construction of exclusive or preferential truck lanes."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"150. Truck lanes.".

HIGHWAY STUDIES

SEC. 146. The Secretary of Transportation shall report to Congress by January 1, 1975, on the feasibility and necessity for constructing to appropriate standards proposed highways along the following routes:

(1) A route from Brunswick, Georgia, or its vicinity, to Kansas City, Missouri, or its vicinity, so alined to serve the following intermediate locations, or vicinities thereof: Columbus, Georgia; Birmingham, Alabama; Tupelo, Mississippi; Memphis, Tennessee; Batesville or Jonesboro, Arkansas; and Springfield, Missouri.

(2) A route from Kansas City, Missouri, or its vicinity, to Chicago, Illinois, or its vicinity, so aligned as to cross the Mississippi River at a point between Nauvoo, Illinois, on the north, and Hannibal, Missouri, on the south.

(3) A route from Amarillo, Texas, or its vicinity to Las Cruces, New Mexico, or its vicinity, so aligned as to serve the following intermediate locations, or vicinities thereof: Hereford, Texas; Clovis, New Mexico; Portales, New Mexico; Roswell, New Mexico; Ruidoso, New Mexico; Tularosa, New Mexico; and Alamogordo, New Mexico; together with a branch route from Alamogordo, New Mexico, or its vicinity, to El Paso, Texas, or its vicinity, to connect with Interstate Route No. 10 and the port of entry with Mexico.

(4) A route from the Port of Catoosa, Catoosa, Oklahoma, or its vicinity, to Interstate Route No. 35 to Ponca City, Oklahoma, or its vicinity.

INTER-AMERICAN HIGHWAY

SEC. 147. Section 4 of the Federal-Aid Highway Act of 1962 (Public Law 87-866; 76 Stat. 1145) is amended by striking out "$32,000,000" and inserting in lieu thereof "$42,000,000".

DONATIONS

SEC. 148. (a) Chapter 3 of title 23 of the United States Code is amended by adding at the end thereof the following:

"§ 323. Donations

"Nothing in this title, or in any other provision of law, shall be construed to prevent a person whose real property is being acquired in connection with a project under this title, after he has been tendered the full amount of the estimated just compensation as established by an approved ap-

praisal of the fair market value of the subject real property, from making a gift or donation of such property, or any part thereof, or of any of the compensation paid therefor to a Federal agency, a State or a State agency, as said person shall determine."

(b) The analysis of chapter 3 of title 23, United States Code, is amended by adding at the end thereof the following:

"323. Donations.".

TRAINING PROGRAMS

SEC. 149. Subsection (b) of section 140 of title 23, United States Code, is amended by striking out in the second sentence "and 1973," and inserting in lieu thereof ", 1973, 1974, 1975, and 1976", and by striking out "$5,000,000 per fiscal year" and inserting in lieu thereof "$5,000,000 per fiscal year for the fiscal years 1972 and 1973, and $10,000,000 per fiscal year for the fiscal years 1974, 1975, and 1976,".

SEC. 150. Section 106 of title 23 of the United States Code is amended by adding at the end thereof the following new subsection:

"(e) The Secretary shall not approve any surveys, plans, specifications, and estimates for any project on the Federal aid system which would connect any part of the Interstate System with a bridge over Long Island Sound, unless prior to the submission of such surveys, plans, specifications, and estimates, such project has received the approval of the legislature of the State of Connecticut and the legislature of the State of New York."

USE OF INTERSTATE SYSTEM RIGHT-OF-WAY

SEC. 151. The second sentence of Section 111 of title 23, United States Code, is amended by striking the period at the end thereof and substituting in lieu thereof a comma and the following: "Except the State highway department may permit the construction and operation of small food service establishments in rest stop areas."

TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "Highway Safety Act of 1973".

HIGHWAY SAFETY

SEC. 202. The following sums are hereby authorized to be appropriated:

(1) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, $200,000,000 for the fiscal year ending June 30, 1974, $300,000,000 for the fiscal year ending June 30, 1975, and $300,000,000 for the fiscal year ending June 30, 1976.

(2) For carrying out section 403 of title 23, United States Code (relating to highway safety research and development), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, $115,000,000 for the fiscal year ending June 30, 1974, $115,000,000 for the fiscal year ending June 30, 1975, and $115,000,000 for the fiscal year ending June 30, 1976.

(3) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the Federal Highway Administration, out of the Highway Trust Fund, $35,000,000 for the fiscal year ending June 30, 1974, $45,000,000 for the fiscal year ending June 30, 1975, and $45,000,000 for the fiscal year ending June 30, 1976.

(4) For carrying out sections 307(a) and 403 of title 23, United States Code (relating to highway safety research and development), by the Federal Highway Administration, out of the Highway Trust Fund, for each of the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, not to exceed $10,000,000 per fiscal year.

RAIL-HIGHWAY CROSSINGS

SEC. 203. (a) Each State shall conduct and systematically maintain a survey of all highways to identify those railroad crossings which may require separation, relocation, or protective devices, and establish and implement a schedule of projects for this purpose. At a minimum, such a schedule shall provide signs for all railroad-highway crossings.

(b) In addition to funds which may be otherwise available to carry out section 130 of title 23, United States Code, there is authorized to be appropriated for projects for the elimination of hazards of railway-highway crossings $150,000,000 for the fiscal year ending June 30, 1974, $225,000,000 for the fiscal year ending June 30, 1975, and $225,000,000 for the fiscal year ending June 30, 1976. Two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund. At least half of the funds authorized and expended under this section shall be available for the installation of protective devices at railway-highway crossings. Such sums shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under this chapter.

(c) Funds authorized by this section shall be available for expenditure as follows:

(1) two-thirds for projects on any Federal-aid system (other than the Interstate System);

(2) one-third for projects on highways not included on any Federal-aid system.

(d) Funds made available in accordance with paragraph (1) of subsection (c) shall be apportioned to the States in the same manner as sums authorized to be appropriated under paragraph (1) of section 105 of the Federal-Aid Highway Act of 1970. Funds made available in accordance with paragraph (2) of subsection (c) shall be apportioned to the States in the same manner as is provided in section 402(c) of title 23 of the United States Code, and the Federal share payable on account of any such project shall not exceed 90 per centum of the cost thereof.

(e) Each State shall report to the Secretary of Transportation not later than September 30, 1974, and not later than September 30 of each year thereafter, on the progress being made to implement the railroad-highway crossings program authorized by this section and the effectiveness of such improvements. Each State report shall contain an assessment of the costs of the various treatments employed and subsequent accident experience at improved locations. The Secretary of Transportation shall submit a report to the Congress not later than January 1, 1975, and not later than January 1 of each year thereafter, in the progress being made by the States in implementing projects to improve railroad-highway crossings. The report shall include, but not be limited to, the number of projects undertaken, their distribution by cost range, road system, nature of treatment, and subsequent accident experience at improved locations. In addition, the Secretary's report shall analyze and evaluate each State program, identify any State found not to be in compliance with the schedule of improvements required by subsection (a), and include recommendation for future implementation of the railroad-highway crossings program.

(f) Funds authorized by this section may be used to provide local government with funds to be used on a matching basis when State funds are available which may only be spent when local government produces matching funds for the improvement of railroad crossings.

BRIDGE RECONSTRUCTION AND REPLACEMENT

SEC. 204. (a) Subsection (b) of section 144 of title 23, United States Code, is amended by striking out "on any of the Federal-aid systems".

(b) Subsection (e) of section 144 of title 23, United States Code, is amended by striking out "1972; and" and inserting in lieu thereof "1972,"; by inserting immediately after "1973," the following: "$225,000,000 for the fiscal year ending June 30, 1974, $450,000,000 for the fiscal year ending June 30, 1975, and $450,000,000 for the fiscal year ending June 30, 1976,"; by striking out "out of the Highway Trust Fund," in the first sentence; and by inserting after the first sentence the following: "Two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund.".

(c) Subsection (f) of section 144 of title 23, United States Code, is relettered as subsection (g) (including references thereto); and immediately after subsection (e) the following new subsection (f) is inserted:

"(f) Funds authorized by this section shall be available for expenditure as follows:

"(1) two-thirds for projects on any Federal-aid system; and

"(2) one-third for projects on highways not included on any Federal-aid system."

(d) Existing subsection (g) of section 144 of title 23, United States Code, is relettered as subsection (h) (including references thereto).

PAVEMENT MARKING DEMONSTRATION PROGRAM

SEC. 205. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 151. Pavement marking demonstration program

"(a) Congress hereby finds and declares it to be in the vital interest of the Nation that a pavement marking demonstration program be established to enable the several States to improve the pavement marking of all highways to provide for greater vehicle and pedestrian safety.

"(b) Notwithstanding the provisions of the last sentence of subsection (a) of section 105 of this title, the Secretary may approve under this section such pavement marking projects on any highway whether or not on any Federal-aid system, but not included in the Interstate System, as he may find necessary to bring such highway to the pavement marking standards issued or endorsed by the Federal Highway Administrator.

"(c) In approving projects under this section, the Secretary shall give priority to those projects which are located in rural areas and which are either on the Federal-aid secondary system or are not included on any Federal-aid system.

"(d) The entire cost of projects approved under subsections (b) and (f) of this section shall be paid from sums authorized to carry out this section.

"(e) For the purpose of carrying out the provisions of this section by the Federal Highway Administration, there is hereby authorized to be appropriated for each of the fiscal years ending June 30, 1974, and June 30, 1975, out of the Highway Trust Fund, the sum of $125,000,000. Such sums shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under this chapter.

"(f) Funds apportioned to a State but not required by it for pavement-marking projects authorized by this section may be released by the Secretary to such State for expenditure for projects to eliminate or reduce the hazards to safety at specific locations or sections of highways which are not located on any Federal-aid system and which have high accident experiences or high accident potentials. Funds may be released by the Secretary under this subsection only if the Secretary has received satisfactory assurances from the State highway department that all nonurban area highways within the State are marked in accordance with

the pavement-marking standards issued or endorsed by the Federal Highway Administrator for carrying out this program.

"(g) Each State shall report to the Secretary of Transportataion not later than September 30, 1974, and not later than September 30 of each year thereafter, on the progress being made in implementing the program and the effectiveness of the improvements made under it. Each report shall include an analysis and evaluation of the number, rate, and severity of accidents at improved locations and the cost-benefit ratio of such improvements, comparing an adequate time period before and after treatment in order to properly assess the benefits occurring from such pavement markings. The Secretary of Transportation shall submit a report to the Congress not later than January 1, 1975, and not later than January 1 of each year thereafter, on the progress being made in implementing the program and the safety benefits achieved under it."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"151. Pavement marking demonstration programs.".

PAVEMENT MARKING RESEARCH AND DEMONSTRATION PROGRAMS

SEC. 206. (a) In addition to the research authorized by section 307(a) of title 23, United States Code, the Secretary of Transportation is authorized to conduct research and demonstration programs to improve the effectiveness and durability of various types of pavement markings and related delineators, to develop improved equipment and techniques for applying, erecting, and maintaining such markings and delineators, and to develop new traffic control materials, devices, and related delineators to assist the traveling public during adverse weather and nighttime driving conditions.

(b) There is authorized to be appropriated to carry out this section by the Federal Highway Administration, out of the Highway Trust Fund, $15,000,000 for the fiscal year ending June 30, 1974, and $25,000,000 for the fiscal year ending June 30, 1975.

HIGHWAY SAFETY ON INDIAN RESERVATIONS

SEC. 207. Section 402 of title 23 of the United States Code is amended by adding a new subsection (i) as follows:

"(i) For the purpose of the application of this section on Indian reservations, 'State' and 'Governor of a State' includes the Secretary of the Interior and 'political subdivision of a State' includes an Indian tribe: *Provided*, That, notwithstanding the provisions of subparagraph (C) of subsection (b) (1) hereof, 95 per centum of the funds apportioned to the Secretary of the Interior after date of enactment, shall be expended by Indian tribes to carry out highway safety programs within their jurisdictions: And provided further, That the provisions of subparagraph (E) of subsection (b)(1) hereof shall be applicable except in those tribal jurisdictions in which the Secretary determines such programs would not be practicable."

(b) Subsection (d) of section 402 of title 23, United States Code, is amended by inserting at the end of the first sentence thereof the following: "and except that, in the case of a local highway safety program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, he may increase the Federal share of the cost thereof payable under this Act to the extent necessary."

DRUG USE AND DRIVER BEHAVIOR HIGHWAY SAFETY RESEARCH

SEC. 208. (a) Section 403 of title 23, United States Code, is amended by inserting "(a)" immediately before the first sentence thereof, and by striking out "this section" each place it appears and inserting in lieu thereof "this subsection", and by adding at the end thereof the following new subsections:

"(b) In addition to the research authorized by subsection (a) of this section, the Secretary, in consultation with such other Government and private agencies as may be necessary, is authorized to carry out safety research on the following:

"(1) The relationship between the consumption and use of drugs and their effect upon highway safety and drivers of motor vehicles; and

"(2) Driver behavior research, including the characteristics of driver performance, the relationships of mental and physical abilities or disabilities to the driving task, and the relationship of frequency of driver accident involvement to highway safety.

"(c) The research authorized by subsection (b) of this section may be conducted by the Secretary through grants and contracts with public and private agencies, institutions, and individuals."

(b) There is authorized to be appropriated to carry out the amendments made by this section by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, the sum of $15,000,000 for the fiscal year ending June 30, 1974, and $25,000,000 for the fiscal year ending June 30, 1975.

PROJECTS FOR HIGH-HAZARD LOCATIONS

SEC. 209. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

§ 152. Projects for high-hazard locations

"(a) Each State shall conduct and systematically maintain an engineering survey of all highways to identify high-hazard locations which may constitute a danger to vehicles and to pedestrians, assign priorities for the correction of such locations, and establish and implement a schedule of projects for their improvements.

"(b) For projects to eliminate or reduce the hazards at specific locations or sections of highways which have high accident experiences or high accident potentials, by the Federal Highway Administration, there is hereby authorized to be appropriated for each of the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, the sum of $100,000,000 except that two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund. Such sums shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under this chapter.

"(c) Funds authorized by this section shall be available for expenditure as follows:

"(1) two-thirds for projects on any Federal-aid system (other than the Interstate System); and

"(2) one-third for projects on highways not included on any Federal-aid system.

"(d) Funds made available in accordance with subsection (b) shall be apportioned to the States in the same manner as is provided in section 402(c) of this title, and the Federal share payable on account of any such project shall not exceed 90 per centum of the cost thereof.

"(e) Each State shall report to the Secretary of Transportation not later than September 30, 1974, and not later than September 30 of each year thereafter, on the progress being made to implement projects for high-hazard locations and the effectiveness of such improvements. Each State report shall contain an assessment of the cost of, and safety benefits derived from, the various means and methods used to mitigate or eliminate hazards and the previous and subsequent accident experience at these locations. The Secretary of Transportation shall submit a report to the Congress not later than January 1, 1975, and not later than January 1 of each year thereafter, on the progress being made by the States in implementing projects for improvements at high-hazard locations. The report shall include, but not be limited to, the number of projects undertaken, their distribution by cost range, road system, means and methods used, and the previous and subsequent accident experience at improved locations. In addition, the Secretary's report shall analyze and evaluate each State program, identify any State found not to be in compliance with the schedule of improvements required by subsection (a) and include recommendations for future implementation of the spot improvements program."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"152. Projects for high-hazard locations.".

PROGRAM FOR THE ELIMINATION OF ROADSIDE OBSTACLES

SEC. 210. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 153. Program for the elimination of roadside obstacles

"(a) Each State shall conduct and systematically maintain an engineering survey of all highways to identify roadside obstacles which may constitute a hazard to vehicles and to pedestrians, assign priorities for the correction of such obstacles and establish and implement a schedule of projects for their elimination. Such a schedule shall provide for the replacement, to the extent necessary, of existing sign and light supports which are not designed to yield or break away upon impact. Yielding or breakaway sign and light supports shall be used, where appropriate, on all new construction or reconstruction of highways.

"(b) For projects to correct roadside hazards by the Federal Highway Administration, there is hereby authorized to be appropriated for each of the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, the sum of $75,000,000 except that two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund. Such sums shall be available for obligation in the same manner and to the same extent as if such funds were appropriated under this chapter.

"(c) Funds authorized by this section shall be available for expenditure as follows:

"(1) two-thirds for projects on any Federal-aid system (other than the Interstate System); and

"(2) one-third for projects on highways not included on any Federal-aid system.

"(d) Funds made available in accordance with subsection (c) shall be apportioned to the States in the same manner as is provided in section 402(c) of this title, and the Federal share payable on account of any such project shall not exceed 90 per centum of the cost thereof.

"(e) Each State shall report to the Secretary of Transportation not later than September 30, 1974, and not later than September 30 of each year thereafter, on the progress being made in implementing the program for the removal of roadside obstacles and the effectiveness of such improvements. Each report shall contain an assessment of the costs and safety benefits of the various means and methods used to mitigate or eliminate roadside obstacles. The Secretary of Transportation shall submit a report to the Congress not later than January 1, 1975, and not later than January 1 of each year thereafter, on the progress being made by the States in eliminating roadside obstacles and the effectiveness of the improvements made under this program. The Secretary's report shall include, but not be limited to, an analysis and evaluation of each State program, identification of any State found not to be in compliance with the schedule

of improvements required by subsection (a) and shall include recommendations for future removal program. In addition, to assess the implementation of the roadside obstacle safety benefits of varying roadside obstacle treatments, the report shall contain an assessment of the costs and safety benefits of the various means and methods used to mitigate or eliminate roadside obstacles."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"153. Program for the elimination of roadside obstacles.".

HIGHWAY SAFETY EDUCATIONAL PROGRAMING AND STUDY

SEC. 211. (a) The Secretary of Transportation, in cooperation with interested government and nongovernment authorities, agencies, organizations, institutions, businesses, and individuals, shall conduct a full and complete investigation and study of the use of mass media for informing and educating the public of ways and means for reducing the number and severity of highway accidents. Such a study shall include, but not be limited to, ways and means for encouraging the participation and cooperation of television and radio station licensees, for measuring audience reactions to current educational programs, for evaluating the effectiveness of such programs, and for developing new programs for the promotion of highway safety. The Secretary shall report to the Congress his findings and recommendations by June 30, 1974.

(b) For the purpose of carrying out subsection (a) of this section, there is hereby authorized to be appropriated the sum of $1,000,000 out of the Highway Trust Fund.

(c) The Secretary of Transportation, in consultation with State and local highway safety officials, shall develop a series of highway safety television programs of varying length, up to and including five minutes, for use in accordance with the provisions of the Communications Act of 1934. At least 50 per centum of the funds authorized and expended under subsection (d) of this section shall be allocated to the States at the discretion of the Secretary for approved programing projects. To the maximum extent feasible, the services of private individuals shall be utilized in carrying out this subsection.

(d) For the purpose of carrying out subsection (c) of this section, there is hereby authorized to be appropriated the sum of $4,000,000 out of the Highway Trust Fund.

CITIZEN PARTICIPATION STUDY

SEC. 212. (a) The Secretary of Transportation, in cooperation with State and local highway safety authorities, shall conduct a full and complete investigation and study of ways and means for encouraging greater citizen participation and involvement in highway safety programs, with particular emphasis on traffic enforcement and accident detection, response, and reporting, including, but not limited to, the creation of citizen adjuncts to assist professional traffic enforcement agencies and highway rescue agencies in the performance of their duties. The Secretary shall report to the Congress his findings and recommendations by June 30, 1974.

(b) For the purposes of carrying out this section, there is authorized to be appropriated the sum of $1,000,000 out of the Highway Trust Fund.

FEASIBILITY STUDY—NATIONAL CENTER FOR STATISTICAL ANALYSIS OF HIGHWAY OPERATIONS

SEC. 213. (a) The Secretary of Transportation shall make a study of the feasibility of establishing a National Center for Statistical Analysis of Highway Operations designed to acquire, store, and retrieve highway accident data and standardize the information and procedures for reporting accidents on a nationwide basis. Such study should include, but not be limited to, an estimate of the cost of establishing and maintaining such a center, including the means of acquiring the accident information to be stored therein, the methods to be used for its evaluation and the criteria needed to assure its proper utilization by appropriate public and private agencies and groups. The Secretary shall report to the Congress his findings and recommendations not later than January 1, 1975.

(b) For the purpose of carrying out this section, there is authorized to be appropriated the sum of $5,000,000 out of the Highway Trust Fund.

PEDESTRIAN SAFETY STUDY

SEC. 214. (a) The Secretary of Transportation shall make a full and complete investigation and study of pedestrian safety. Such an investigation and study shall include, but not be limited to, the following:

(1) A review and evaluation of State and local ordinances, regulations, and laws and the enforcement policies, procedures, methods, practices, and capabilities for enforcing them.

(2) The relationship between alcohol and pedestrian safety, with special emphasis on problem drinkers, both drivers and pedestrians.

(3) An evaluation of ways and means of improving pedestrian safety programs.

(4) An analysis of present funding allocations for pedestrian safety programs and an assessment of the capabilities of Federal, State, and local governments to fund each activities and programs.

In the conduct of such investigation and study, the Secretary shall cooperate and consult with other agencies of the Federal Government, the States, and their political subdivisions, and other interested private organizations, groups, and individuals.

(b) The Secretary shall, not later than January 31, 1975, report to the Congress the results of this investigation and study together with his conclusions and recommendations for appropriate legislation.

(c) There is hereby authorized not to exceed $5,000,000 from the Highway Trust Fund to carry out this section.

MANPOWER TRAINING AND DEMONSTRATION PROGRAMS

SEC. 215. (a) The first sentence of subsection (c) of section 402 of title 23, United States Code, is amended by inserting immediately after "approved in accordance with subsection (a)," the following: "including development and implementation of manpower training programs, and of demonstration programs that the Secretary determines will contribute directly to the reduction of accidents, and deaths and injuries resulting therefrom. Such funds".

PUBLIC ROAD MILEAGE

SEC. 216. Subsection (c) of section 402 of title 23, United States Code, is amended by inserting immediately after the third sentence the following: "Public road mileage as used in this subsection shall be determined as of the end of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State and subject to approval by the Secretary."

MINIMUM APPORTIONMENT

SEC. 217. Subsection (c) of section 402 of title 23, United States Code, is amended by striking "one-third of 1 per centum" in the fifth sentence thereof as amended, and inserting "one-half of 1 per centum".

HIGHWAY SAFETY PROGRAM APPLICABILITY

SEC. 218. Section 401, title 23, United States Code, is amended by adding at the end thereof the following: "For the purposes of this chapter, the term 'State' means any one of the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa, except that all expenditures for carrying out this chapter in the Virgin Islands, Guam, and American Samoa shall be paid out of money in the Treasury not otherwise appropriated."

INCENTIVES FOR COMPLIANCE WITH HIGHWAY SAFETY PROGRAMS

SEC. 219. Section 402 of title 23, United States Code, is amended by adding the following new subsection:

"(j) (1) In addition to other grants authorized by this section, the Secretary may make incentive grants in each fiscal year to those States which have adopted legislation requiring the use of seatbelts in accordance with criteria which the Secretary shall establish and publish. Such grants may only be used by recipient States to further the purposes of this chapter. Such grants shall be in addition to other funds authorized by this section. There is hereby authorized to be appropriated to carry out this paragraph, out of the Highway Trust Fund, not to exceed $50,000,000 for the fiscal year ending June 30, 1974, not to exceed $75,000,000 for the fiscal year ending June 30, 1975, and not to exceed $75,000,000 for the fiscal year ending June 30, 1976.

"(2) In addition to other grants authorized by this section, the Secretary may make additional incentive grants to those States which have made the most significant progress in reducing traffic fatalities based on the reduction in the rate of such fatalities per one hundred million-vehicle miles during the calendar years immediately preceding the fiscal year for which such incentive funds are authorized compared with the average annual rate of such fatalities for the four calendar year period preceding such calendar year. Such incentive grants shall be made in accordance with criteria which the Secretary shall establish and publish. Such grants may only be used by recipient States to further the purposes of this chapter. Such grants shall be in addition to other funds authorized by this section. There is hereby authorized to be appropriated to carry out this paragraph, out of the Highway Trust Fund, not to exceed $25,000,000 for the fiscal year ending June 30, 1974, not to exceed $35,000,00 for the fiscal year ending June 30, 1975, and not to exceed $35,000,000 for the fiscal year ending June 30, 1976.

"(3) Incentive awards authorized by the section shall not exceed 25 per centum of each State's apportionment as authorized by this chapter."

HIGHWAY SAFETY RESEARCH AND DEVELOPMENT

SEC. 220. The second sentence of subsection (a) of section 403 of title 23, United States Code, is amended to read as follows: "In addition, the Secretary may use the funds appropriated to carry out this section, either independently or in cooperation with other Federal departments or agencies, for making grants to or contracting with State or local agencies, institutions, and individuals for (1) training or education of highway safety personnel, (2) research fellowships in highway safety, (3) development of improved accident investigation procedures, (4) emergency service plans, (5) demonstration projects, and (6) related activities which the Secretary deems will promote the purposes of this section. The Secretary shall assure that no fees are charged for any meetings or services attendant thereto or other activities relating to training and education of highway safety personnel."

TRANSFER OF DEMONSTRATION PROJECT EQUIPMENT

SEC. 221. Section 403 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) The Secretary may, where he deems it to be in furtherance of the purposes of section 402 of this title, vest in State or local agencies, on such terms and conditions as he deems appropriate, title to equipment purchased for demonstration projects with funds authorized by this section."

ADMINISTRATIVE ADJUDICATION OF TRAFFIC INFRACTIONS

SEC. 222. Section 403 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(e) In addition to the research authorized by subsection (a) of this section, the Secretary shall, either independently or in cooperation with other Federal departments or agencies, conduct research into, and to make grants to or contracts with State or local agencies, institutions, and individuals for projects to demonstrate the administrative adjudication of traffic infractions. Such administrative adjudication demonstration projects shall be designed to improve highway safety by developing fair, efficient, and effective processes and procedures for traffic infraction adjudication, utilizing appropriate punishment, training, and rehabilitative measures for traffic offenders. The Secretary shall report to Congress by July 1, 1975, and each year thereafter during the continuance of the program, on the research and demonstration projects authorized by this subsection, and shall include in such report a comparison of the fairness, efficiency, and effectiveness of administrative adjudication of traffic infractions with other methods of handling such infractions."

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

SEC. 223. Subsection (a) (1) of section 404 of title 23, United States Code, is amended by inserting immediately after "Federal Highway Administrator," the following: "the National Highway Traffic Safety Administrator,".

DATE OF ANNUAL REPORT

SEC. 224. The first sentence of subsection (a) of section 202 of the Highway Safety Act of 1966 (80 Stat. 736) is amended by deleting "March 1" and substituting in lieu thereof the following: "July 1".

UNDERPASS DEMONSTRATION PROJECT

SEC. 225. (a) The Secretary of Transportation shall carry out a demonstration project in Anoka, Minnesota, for the construction of an underpass at the Seventh Avenue and County Road 7 railroad-highway grade crossing.

(b) The Secretary shall make a report to the President and Congress with respect to his activities pursuant to this section.

(c) There is authorized to be appropriated not to exceed $3,000,000 to carry out this section.

HIGHWAY SAFETY NEEDS STUDY

SEC. 226. In order to provide the basis for evaluating the continuing highway safety programs authorized in title 23, United States Code, and to furnish Congress with the information necessary for the authorization of appropriations for such programs, the Secretary of Transportation, in cooperation with the Governors and appropriate State and local highway officials, shall make a full and complete study of highway safety needs and shall prepare recommendations and estimates of the costs for meeting such needs. Such estimates and recommendations shall identify the requirements to meet highway safety needs of the States, Puerto Rico, and the District of Columbia and would also consider those of Guam, American Samoa, the Virgin Islands and such other United States territories the Secretary shall determine. The Secretary shall submit such detailed estimates and recommendations to the Congress not later than January 10, 1976.

DRIVER EDUCATION EVALUATION PROGRAM

SEC. 227. (a) Section 403 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) In addition to the research authorized by subsection (a) of this section, the Secretary shall carry out research, development, and demonstration projects to improve and evaluate the effectiveness of various types of driver education programs in reducing traffic accidents and deaths, injuries, and property damage resulting therefrom. The research, development, and demonstration projects authorized by this subsection may be carried out by the Secretary through grants and contracts with public and private agencies, institutions, and individuals. The Secretary shall report to the Congress by July 1, 1975, and each year thereafter during the continuance of the program, on the research, development, and demonstration projects authorized by this subsection, and shall include in such report an evaluation of the effectiveness of driver education programs in reducing traffic accidents and deaths, injuries, and property damage resulting therefrom."

(b) For the purpose of carrying out the amendment made by subsection (a) of this section, there is authorized to be appropriated $10,000,000 out of the Highway Trust Fund.

TRANSFER OF FUNDS AMONG HIGHWAY SAFETY PROGRAMS

SEC. 228. Section 104 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) Not more than 30 per centum of the amount apportioned in any fiscal year to each State in accordance with sections 144, 152, and 153 of this title, or section 203(d) of the Highway Safety Act of 1973, may be transferred from the apportionment under one section to the apportionment under any other of such sections if such a transfer is requested by the State highway department and is approved by the Secretary as being in the public interest. The Secretary may approve such transfer only if he has received satisfactory assurances from the State highway department that the purposes of the program from which such funds are to be transferred have been met."

CURB RAMPS FOR THE HANDICAPPED

SEC. 229. Paragraph (1) of subsection (b) of section 402 of title 23, United States Code, is amended by adding at the end thereof the following:

"(F) provide adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks throughout the State."

DEMONSTRATION PROJECT—RAIL-HIGHWAY CROSSINGS

SEC. 230. (a) The Secretary of Transportation shall carry out a demonstration project for the elimination or protection of certain public ground-level rail-highway crossings in, or in the vicinity of, Springfield, Illinois.

(b) The Secretary shall make a report to the President and Congress with respect to his activities pursuant to this section.

(c) There is authorized to be appropriated not to exceed $36,000,000 to carry out subsections (a) and (b) of this section.

(d) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out a demonstration project in Lincoln, Nebraska, for the relocation of railroad lines from the central area of the city in conformance with the methodology developed under proposal numbered DOT-FR-20037. The city shall (1) have a local agency with legal authority to relocate railroad facilities, levy taxes for such purpose, and a record of prior accomplishment; and (2) have a current relocation plan for such lines which has a favorable benefit-cost ratio involving and having the unanimous approval of three or more class 1 railroads and multicivic, local, and State agencies, and which provides for the elimination of a substantial number of the existing railway-road conflict points within the city.

(e) Federal grants or payments for the purpose of subsection (d) of this section shall cover 70 per centum of the costs involved.

(f) The Secretary shall make annual reports and a final report to the President and the Congress with respect to his activities pursuant to subsection (d) of this section.

(g) For the purpose of carrying out subsections (d), (e), and (f) of this section, there is hereby authorized to be appropriated the sum of $2,500,000 out of the Highway Trust Fund, and not to exceed $9,500,000 out of any money in the Treasury not otherwise appropriated.

(h) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out demonstration project in Brownsville, Texas, and Matamoros, Mexico, for the relocation of railroad lines from the central area of the cities in conformance with the methodology developed under proposals submitted to the Secretary by the Brownsville Navigation District, providing for the construction of an international bridge and for the elimination of a substantial number of existing railway-road conflict points within the cities.

(i) The Secretary of Transportation shall enter into such arrangements as may be necssary to carry out a demonstration project in East Saint Louis, Illinois, for the relocation of rail lines between Thirteenth and Forty-third Streets, in accordance with methodology approved by the Secretary. The Secretary of Transportation shall carry out a demonstration project for the relocation of rail lines in the vicinity of Carbondale, Illinois.

(j) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out a demonstration project in New Albany, Indiana, for the elimination of the existing rail loop and relocation of rail lines to a location between Vincennes Street and East Eighth Street, in accordance with methodology approved by the Secretary.

(k) The Federal share payable on account of projects under subsections (h), (i), and (j) of this section shall be that provided in section 120 of title 23 of the United States Code.

(l) There is authorized to be appropriated not to exceed $2,150,000 in the case of Brownsville, Texas, $15,000,000 in the case of East Saint Louis and $10,000,000 in the case of Carbondale, Illinois, from the Highway Trust Fund, and not to exceed $4,300,000 in the case of Brownsville, Texas, and $1,000,000 in the case of New Albany, Indiana, from money in the Treasury not otherwise appropriated, for carrying out the provisions of subsections (h), (i), and (j) of this section.

(m) The Secretary of Transportation shall carry out demonstration projects for the construction of an overpass at the rail-highway grade crossing on Cottage Grove Avenue between One Hundred Forty-second Street and One Hundred Thirty-eighth Street in the village of Dolton, Illinois, and the construction of an overpass at the rail-highway grade crossing at Vermont Street and the Rock Island Railroad tracks in the city of Blue Island, Illinois.

(n) The Secretary shall make a report to the President and the Congress with respect to his activities pursuant to subsection (m) of this section.

(o) For the purpose of carrying out subsection (m) of this section, there is authorized to be appropriated, out of the Highway Trust Fund, not to exceed $5,250,000.

(p) The Secretary of Transportation shall carry out a demonstration project for the elimination or protection of certain public ground level railroad-highway crossings in, or in the vicinity of Elko, Nevada.

(q) The Secretary shall make a report to

the President and the Congress with respect to his activities pursuant to subsection (p) of this section.

(r) For the purpose of carrying out subsection (p) of this section, there is authorized to be appropriated the sum of $1,400,000 out of the Highway Trust Fund, and not to exceed $2,800,000 out of any money in the Treasury not otherwise appropriated.

(s) The Secretary of Transportation shall carry out a demonstration project for the elimination of the ground level railroad highway crossing on United States Route 69 in Greenville, Texas. He shall report to the President and Congress with respect to his activities under this subsection. There is authorized to be appropriated not to exceed $1,200,000 to carry out this subsection, except that local interests shall contribute $800,000 to the cost of such project.

HIGHWAY SAFETY STANDARDS

SEC. 231. Subsection (h) of Section 402 of title 23, United States Code, is amended to read as follows:

"(h) Each uniform safety standard promulgated under this section on or before January 1, 1973, shall continue in effect unless otherwise specifically provided by law enacted after the date of enactment of the Federal-aid Highway Act of 1973. The Secretary shall not promulgate any other uniform safety standard under this section (including by revision of a standard continued in effect by the preceding sentence) unless otherwise specifically provided by law enacted after the date of enactment of the Federal-aid Highway Act of 1973."

TITLE III

URBAN MASS TRANSPORTATION ACT OF 1964

SEC. 301. (a) The fifth sentence of section 4(a) of the Urban Mass Transportation Act of 1964 is amended to read as follows "The Federal grant for any such project to be assisted under section 3 shall be in an amount equal to 80 per centum of the net project cost."

(b) The amendment made by subsection (a) shall apply only with respect to projects which were not subject to administrative reservation on or before July 1, 1973.

(c) Section 4(c) of the Urban Mass Transportation Act of 1964 is amended by striking out "$3,100,000,000" in the first and third sentences and inserting in lieu thereof "$6,100,000,000".

(d) Section 9 of the Urban Mass Transportation Act of 1964 is amended—

(1) by striking out "to make grants" in the first sentence and inserting in lieu thereof "to contract for and make grants";

(2) by striking out "and designing" in the first sentence and inserting in lieu thereof "designing, and evaluation";

(3) by striking out "and (3)" in the second sentence and inserting in lieu thereof "(3) evaluation of previously funded projects; and (4)";

(4) by inserting "or contract" after "A grant" in the third sentence; and

(5) by striking out all that follows "Secretary" in the third sentence and inserting in lieu thereof a period.

(e) The provision of assistance under the amendments made by this section shall not be construed as bringing within the application of chapter 15 of title 5, United States Code, any nonsupervisory employee of an urban mass transportation system (or of any other agency or entity performing related functions) to whom such chapter is otherwise inapplicable.

(f) Section 12 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(f) No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this Act or carried on under this Act. This provision will be enforced through agency provisions and rules similar to those already established, with respect to racial and other discrimination, under title VI of the Civil Rights Act of 1964. However, this remedy is not exclusive and will not prejudice or cut off any other legal remedies available to a discriminatee."

(g) Section 16(b) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

"(b) In addition to the grants and loans otherwise provided for under this Act, the Secretary is authorized to make grants and loans—

"(1) to States and local public bodies and agencies thereof for the specific purpose of assisting them in providing mass transportation services which are planned, designed, and carried out so as to meet the special needs of elderly and handicapped persons, with such grants and loans being subject to all of the terms, conditions, requirements, and provisions applicable to grants and loans made under section 3(a) and being considered for the purposes of all other laws to have been made under such section; and

"(2) to private nonprofit corporations and associations for the specific purpose of assisting them in providing transportation services meeting the special needs of elderly and handicapped persons for whom mass transportation services planned, designed, and carried out under paragraph (1) are unavailable, insufficient, or inappropriate, with such grants and loans being subject to such terms, conditions, requirements, and provisions (similar insofar as may be appropriate to those applicable to grants and loans under paragraph (1)) as the Secretary may determine to be necessary or appropriate for purposes of this paragraph.

Of the total amount of the obligations which the Secretary is authorized to incur on behalf of the United States under the first sentence of section 4(c), 2 per centum may be set aside and used exclusively to finance the programs and activities authorized by this subsection (including administrative costs)."

IMPOUNDING OF FUNDS

SEC. 302. Section 12 of the Urban Mass Transportation Act of 1964, as amended, is amended by adding at the end thereof a new subsection, as follows:

"(g) No part of any sums authorized to be obligated, appropriated, or expended pursuant to the provisions of this Act shall be impounded or withheld from obligation, for purposes and projects as provided in this Act, by any officer or employee in the executive branch of the Federal Government."

UNFAIR COMPETITION

SEC. 303. The Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new section:

"UNFAIR COMPETITION

"SEC. 17. No financial assistance will be provided under this Act for the purchase of buses to any State or local public body or agency thereof which, after the date of enactment of this section, has engaged or proposes to engage directly or indirectly in charter bus operations in competition with private bus operators outside the urban area within which such State or local public body or agency provides mass transportation service. No financial assistance shall be provided under this Act to any State or local public body or agency thereof which engages directly or indirectly in the transporting of schoolchildren and school personnel to and from school and school-authorized functions or which proposes to expand present routes, schedules, service, or facilities for the purpose of providing transportation for schoolchildren and school personnel to and from school and school-authorized functions in competition with or supplementary to the service currently provided by a private transportation company, or other person, engaged in so transporting such children and personnel. The preceding sentence shall not apply unless such private transportation company is able to provide adequate transportation, at reasonable rates, and in conformance with applicable safety standards, and such sentence shall not apply to any State or local public body or agency thereof if it (or a direct predecessor in interest from which it acquired the function of so transporting such children and personnel along with the facilities to be used therefor) was so engaged any time during the 12-month period immediately prior to the date of the enactment of this section."

TITLE IV

PROHIBITION OF DISCRIMINATION ON THE BASIS OF SEX

SEC. 401. (a) Title 23, United States Code, is amended by adding at the end thereof the following new chapter:

"Chapter 6—DISCRIMINATION ON THE BASIS OF SEX PROHIBITED

"Sec.
"601. Prohibition of discrimination on the basis of sex.

"§ 601. Prohibition of discrimination on the basis of sex

"No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this title or carried on under this title. This provision will be enforced through agency provisions and rules similar to those already established, with respect to racial and other discrimination, under title VI of the Civil Rights Act of 1964. However, this remedy is not exclusive and will not prejudice or cut off any other legal remedies available to a discriminatee."

(b) The analysis of chapters at the beginning of title 23, United States Code, is amended by adding at the end thereof the following:

"6. Discrimination on the basis of sex prohibited ---------- 601".

TITLE V

INAPPLICABILITY OF TIME REQUIREMENTS

SEC. 501. The time requirements in section 104(b) of title 23, United States Code, shall not be applicable to the apportionment of sums authorized for the fiscal year ending June 30, 1974, in any title of this Act, and the Secretary shall apportion such sums for such fiscal year as soon as practicable after the date of enactment of this Act.

Mr. RANDOLPH. Mr. President, I move that the Senate disagree to the amendment of the House to the Senate bill (S. 502) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

Mr. GRIFFIN. 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. GRIFFIN. Mr. President, I ask

unanimous consent that the order for the quorum call be rescinded.

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

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

The motion was agreed to, and the Presiding Officer appointed Mr. BENTSEN, Mr. RANDOLPH, Mr. MUSKIE, Mr. MONTOYA, Mr. BAKER, Mr. STAFFORD, and Mr. BUCKLEY conferees on the part of the Senate.

VOTER REGISTRATION ACT

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated by title.

The legislative clerk read as follows:

A bill (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. GRIFFIN. 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. BELLMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

(The remarks Senator BELLMON made at this point on the introduction of S. 1706, to authorize the Secretary of Agriculture to conduct a program of research into loss of animals through disease and injury while being transported to market, are printed in the RECORD in the Routine Morning Business section of the RECORD under Statements on Introduced Bills and Joint Resolutions.)

QUORUM CALL

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

The PRESIDING OFFICER (Mr. BARTLETT). 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.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, no further rollcall votes are anticipated today.

I ask unanimous consent that there now be a period for the transaction of routine morning business, with statements therein limited to 5 minutes, the period not to extend beyond 1 hour.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

FELTON M. JOHNSTON

Mr. BIBLE. Mr. President, it was with real sadness and a sense of loss that I noted the sudden and untimely death of the Honorable Felton M. Johnston while the Senate was in recess over the Easter holiday.

"Skeeter" Johnston was Secretary to the Democratic majority when I came to the Senate as a freshman in 1954. He served as Secretary of the Senate from January 1955 until his retirement in December 1965. Also, he was working for Senator Pat Harrison, for the Committee on Finance, at the time I worked on the floor of the Senate in 1933 and 1934.

Over the years, I developed a great admiration and respect for "Skeeter" Johnston. He brought a native honesty, integrity, and loyalty to the office of Secretary of the Senate, an office he filled with great distinction.

"Skeeter" was my friend. I will remember him not only for his outstanding service to the Senate and his country but for his qualities as an individual. He was a gentleman throughout. He was a very warm human being—a thoughtful, generous man, and one it was a high privilege to know so well.

My heartfelt condolences go out to his son, Mac, his daughter, Wray Chatfield, and his sister, Bet Patterson, on their loss—a loss I and many others here in the Senate share with them.

QUORUM CALL

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

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

ENERGY POLICY

Mr. BARTLETT. Mr. President, in mid-April 1973, President Nixon delivered his long awaited and long delayed energy message.

It was a step—yes, a big step in the right direction—but it did not go far enough.

It did not go far enough because it did not adequately stress the enormity of the many problems, and the many difficult solutions required to create a sound energy policy. Nor did it vividly describe the urgency of beginning immediately the many painful steps toward a sound energy policy.

With energy, matters will get worse before they get better and we will have big problems for at least 15 years.

Because there is such a definite relationship between economic growth and growth in energy consumption, with 3.3 and 3.2 percent growth rates, respectively, during the period from 1920–70, a sufficient and dependable supply of energy is a matter of utmost and immediate concern.

Prosperity thrives on energy. Former Secretary of Interior Walter J. Hickel said:

Show me any area in the world where there is a shortage of energy and I'll show you basic poverty.

A new era, roughly between now and the year 2000, will be a period of changes—some perhaps painful as we cut back on wasteful, inefficient, and unnecessary uses of energy.

According to the U.S. Geological Survey, we have sufficient resources of oil, gas, coal, and nuclear material to provide our energy requirements if—and it is a big if—if we begin immediately to develop and use them; if we adopt a sound energy policy.

Unfortunately, so many people, including some of those who are quite well informed on the energy matter, underestimate the urgency and the enormity of the problem and have a simplistic solution—or say there is no problem at all.

Outsiders looking in on the United States are dumbfounded by our complacency, over our delays and inaction regarding a fundamental matter of self-interest.

The time to begin is now.

One step that must be taken is to market the much needed domestic Alaskan oil in the lower 48 States.

The current Congress is moving like molasses to correct the 25-foot right-of-way provision in the present law that must be corrected before the Supreme Court will consider the environmental impact of the Alaskan pipeline. The Interior Committee has been putting everything but the kitchen sink into what should be a simple bill to be passed intelligently yet quickly to hasten the day of a stronger domestic energy industry.

One-half of our proven domestic reserves of oil are located on the North Slope of Alaska. We should be, and could already have been producing up to 2 million barrels of oil per day from Alaska. This year our imports of oil will increase 50 percent over what they would have been and cost our Nation about $2 billion more in our balance-of-payments deficit than otherwise.

The value of increasing our own oil energy supply is immeasurable in terms of national security.

We must not allow ourselves to slip into the position of being overly dependent upon foreign sources of oil to the extent that we would be blackmailed by any country for political or economic reasons.

In order to strengthen our national security and our economy and have greater opportunity to raise our standard of living and make more social progress, we merely need a transportation system—a pipeline—the most pollution-free method of transporting large quantities of oil long distances.

Undoubtedly, we will need another pipeline in the near future. The Trans-Canadian route is a logical one. We should encourage the immediate application for such a route which would bring oil into the Midwest. This application undoubtedly will be delayed many years

just as the Alaska pipeline has been delayed.

The Supreme Court will determine whether the technology and engineering plans of the Alaskan pipeline meet the stringent requirements of the Environmental Protection Agency.

It is shortsighted and costly for Congress to delay 1 extra day a right-of-way bill that will meet the needs of modern pipelines.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT OF HOME LOAN BANK BOARD

A letter from the Acting Chairman, Federal Home Loan Bank Board, transmitting, pursuant to law, a report of that Board, for the calendar year 1972 (with an accompanying report). Referred to the Committee on Banking, Housing and Urban Affairs.

REPORT ON BUDGETARY RESERVES

A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on Budgetary Reserves, as of April 14, 1973 (with an accompanying report).

Mr. ROBERT C. BYRD subsequently said: Mr. President, this request has been cleared on both sides of the aisle.

I ask unanimous consent that the report submitted by the Office of Management and Budget pursuant to the Federal Impoundment and Information Act, as amended, which in the normal course would be referred to the Committee on Government Operations, be also referred to the Committee on Appropriations.

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

PUBLICATION ENTITLED "TEXTS ADOPTED," NORTH ATLANTIC ASSEMBLY

A letter from the Secretary General, North Atlantic Assembly, transmitting, for the information of the Senate, a publication entitled "Texts Adopted" (with an accompanying document). Referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CRANSTON (for Mr. KENNEDY) from the Committee on Labor and Public Welfare, with amendments:

S. 504. A bill to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive emergency medical service systems (Rept. No. 92-135).

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. JAVITS (for himself and Mr. MONDALE, Mr. BROOKE, Mr. CASE, Mr. HART, Mr. HUMPHREY, Mr. MOSS, Mr. MUSKIE, Mr. PASTORE, Mr. PELL, Mr. RANDOLPH, Mr. TUNNEY, and Mr. WILLIAMS):

S. 1693. A bill to provide for the implementation of a full employment policy through the establishment of a Federal Full Employment Board and the provision of increased assistance for job development in the public and nonprofit private sectors, and related training and assistance. Referred to the Committee on Labor and Public Welfare.

By Mr. MOSS:

S. 1694. A bill to amend the Federal Trade Commission Act to regulate commerce and to assure adequate and stable supplies of petroleum products at the lowest cost to the consumer, and for other purposes. Referred to the Committee on Commerce.

By Mr. KENNEDY (for himself Mr. CRANSTON, Mr. HATHAWAY, Mr. PASTORE, Mr PELL, Mr. TUNNEY, Mr. BROOKE, and Mr. MUSKIE):

S. 1695. A bill to provide readjustment allowance, opportunities, early retirement benefits, health benefits, public service employment and job counseling and training opportunities, and relocation benefits to adversely affected workers separated from their employment because of defense installation and activity realinements. Referred to the Committee on Labor and Public Welfare; and, if and when reported by that committee, be referred to the Committee on Post Office and Civil Service for consideration of parts under its jurisdiction, by unanimous-consent order.

By Mr. DOLE:

S. 1696. A bill to amend section 4491 of the Internal Revenue Code of 1954 to provide that the weight portion of the excise tax on the use of civil aircraft shall apply to piston-engined aircraft only if they have a maximum certificated takeoff weight of more than 6,000 pounds, and for other purposes. Referred to the Committee on Finance.

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 1697. A bill to require the President to furnish predisaster assistance in order to avert or lessen the effects of a major disaster in the counties of Alameda and Contra Costa, Calif. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. HUMPHREY (for himself and Mr MONDALE):

S. 1698. A bill to amend the Rural Development Act of 1972 (Public Law 92-419), and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. INOUYE:

S. 1699. A bill for the relief of Nicolas S. Ubongen, Jr. Referred to the Committee on the Judiciary.

S. 1700. A bill to amend the Clean Air Act and the Solid Waste Disposal Act in order to include the Trust Territory of the Pacific Islands within the definition of the term "State." Referred to the Committee on Public Works.

By Mr. GRAVEL:

S. 1701. A bill for the relief of Hillary V. Gregg. Referred to the Committee on the Judiciary.

By Mr. RANDOLPH:

S. 1702. A bill to provide for an investigation by the General Services Administration of various problems involved in providing toll-free telephone numbers for incoming calls at each regional office of most executive agencies. Referred to the Committee on Government Operations.

My Mr. MONDALE:

S. 1703. A bill to amend the Agricultural Act of 1949, to require the Secretary of Agriculture to make advance payments to producers under the feed grain program with respect to crops of wheat. Referred to the Committee on Agriculture and Forestry.

By Mr. EAGLETON:

S. 1704. A bill for the relief of Chandu Shewaram Mansharamani, Hiro Shewaram Mansharamani, Indra Hiro Mansharamani and Hardevi Shewaram Mansharamani. Referred to the Committee on the Judiciary.

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

S. 1705. A bill to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act in order to authorize reduced-rate transportation for handicapped persons and for persons who are 65 years of age or older or 21 years of age or younger. Referred to the Committee on Commerce.

By Mr. BELLMON:

S. 1706. A bill to authorize the Secretary of Agriculture to conduct a program of research into the substantial losses of animals sustained through disease and injury while such animals are being transported to market, and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. SCHWEIKER:

S. 1707. A bill to establish the Federal Bureau of Investigation as an independent agency of the executive branch of the Government, responsible to the Congress, and to provide for the term and succession of the Director and Deputy Director. Referred to the Committee on the Judiciary.

By Mr. CRANSTON (for himself, Mr. TAFT, Mr. WILLIAMS, Mr. BAKER, Mr. BAYH, Mr. BROOKE, Mr. CASE, Mr. GOLDWATER, Mr. MCGEE, Mr. MCGOVERN, Mr. MOSS, and Mr. PACKWOOD):

S. 1708. A bill to amend title X of the Public Health Service Act to extend appropriations authorizations for 3 fiscal years and to revise and improve authorities in such title for family planning services programs, planning, training and public information activities, and population research. Referred to the Committee on Labor and Public Welfare.

By Mr. TUNNEY (for himself and Mr. CRANSTON):

S. 1709. A bill relating to the reduction of civilian personnel at military installations in the United States and the closing of military installations in the United States. Referred to the Committee on Armed Services.

By Mr. ROBERT C. BYRD (for himself and Mr. RANDOLPH):

S. 1710. A bill to provide one additional permanent district judgeship for the northern district of West Virginia. Referred to the Committee on the Judiciary.

By Mr. MANSFIELD (for himself and Mr. BAKER):

S.J. Res. 104. Joint resolution providing for the designation and adoption of the American marigold as the national floral emblem of the United States. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JAVITS (for himself and Mr. MONDALE, Mr. BROOKE, Mr. CASE, Mr. HART, Mr. HUMPHREY, Mr. MOSS, Mr. MUSKIE, Mr. PASTORE, Mr. PELL, Mr. RANDOLPH, Mr. TUNNEY, and Mr. WILLIAMS):

S. 1693. A bill to provide for the implementation of a full employment policy through the establishment of a Federal Full Employment Board and the provision of increased assistance for job development in the public and nonprofit private sectors, and related training and assistance. Referred to the Committee on Labor and Public Welfare.

Mr. JAVITS. Mr. President, I introduce for myself and Senator MONDALE, the Full Employment and Job Development Act of 1973. We are joined by the following cosponsors: Senators BROOKE, CASE, HART, HUMPHREY, MOSS, MUSKIE, PASTORE, PELL, RANDOLPH, TUNNEY, and WILLIAMS.

The bill is basically identical to S.

3927, which Senator MONDALE and I introduced on August 17, 1972, with many of the same cosponsors.

The bill consists of two major elements, designed to implement the national objective of full employment.

First, it would establish a Federal Full Employment Board as an independent agency in the executive branch of the Federal Government to implement the full employment promise of the Employment Act of 1946.

Second, it would establish a full employment assistance fund to be used at the discretion of the Board by the Secretary of Labor for the provision of financial assistance for job development and related training in public service fields: for the fund the bill authorizes $1 billion for fiscal year 1974 and "such sums" for each succeeding fiscal year.

THE NEED TO PUT "TEETH" INTO THE CONCEPT OF FULL EMPLOYMENT

Mr. President, the Employment Act of 1946 identified "maximum employment" as a national goal.

But, if we put aside rhetoric and take stock of the actual situation, it is quite clear that the promise of full employment so implicit in the very fabric of our society, has been honored more in breach than in observance by all administrations since the Employment Act of 1946.

We do not have a positive goal; we have a negative one. Instead of asking, "Have we achieved full employment?" we usually ask "Is the economy growing fast enough?".

We have a number of efforts contributing to full employment, such as manpower training, and "transitional" public service employment programs.

But at the same time these efforts have not been fully coordinated and a wide range of powerful tools—such as budgetary policy, tax policy, procurement policy, public works, interest rates, foreign trade and investment policy, and wage and price controls—remain untapped.

It is about time that we started pulling these levers in a planned way so as to achieve and maintain full employment as well as price stability.

But we have no one governmental entity capable of doing so effectively—that is, acting as an advocate for full employment within the Federal structure.

The Council of Economic Advisers established under the 1946 act has been given a broader, and wholly advisory function; its responsibility is to oversee the general economy; it should not and cannot be an advocate for full employment alone and it has not been. Neither can the National Commission on Productivity serve that function, as it too, has a related but different focus.

The Department of Labor, while generally entrusted with the goal of increasing employment opportunities has no charter to make recommendations with respect to the many programs outside of its jurisdiction which have substantial effects on full employment; for example, monetary, fiscal, wage and price, budgetary, and other policies generally.

And perhaps even worse still, we have no precise positive measurement of what is full employment; instead we apply a negative standard. We do not ask, "Have we reached full employment?" We ask instead, "Is unemployment at an 'unacceptable' or 'intolerable' level?" Thus, from the start we subordinate automatically employment objectives to other objectives.

We overlook the fact that at any given time since the Employment Act was enacted in 1946 the unemployment situation has been "intolerable" for at least 2 million persons.

It is clearly unacceptable now at 5 percent, with approximately 4 million unemployed in March 1973, including all socioeconomic segments of the populations, from the chronically poor to more recently displaced aerospace engineers and technicians.

It is clearly intolerable when particular towns and cities, and areas within cities, have levels substantially above the national norm. For example, the most recent statistics in my own State show a rate of 6.2 percent in Buffalo and 7.5 percent in the Utica-Rome area, and, of course, the geometric escalation of these figures for youth and minority groups is completely unacceptable.

Mr. President, how costly is our failure to reach full employment in terms of loss of productivity, added welfare, correctional costs, and increased unemployment compensation?

How ironic these facts are in a society that gives such importance to work as a part of life.

How tragic it is for millions of citizens who suffer loss of dignity as well as loss of earnings for failure to match opportunity for work with the tenets of our free society.

Mr. President, I urge that we take action in this Congress which will provide a framework for a true full-employment program over the longer term.

With that background, I shall now comment on each of the bill's two principal elements.

THE FEDERAL FULL EMPLOYMENT BOARD

The bill would establish a Federal Full Employment Board as an independent Agency in the executive branch.

The Board would consist of five full-time members appointed by the President, subject to Senate confirmation, including one representative of labor, one representative of management, one distinguished economist, one manpower training expert, and one member from the general public.

The Board would, first, recommend to the President and to the Congress each year a program to achieve full employment, and alternative means of achieving that objective, in terms of monetary, fiscal, wage and price, manpower training, public service employment, and other relevant policies; it would do so principally in an annual "full employment report" submitted to the Congress and to the President for their consideration.

Second, undertake manpower planning and long-range and short-term surveys to estimate employment and manpower needs in terms of demand and supply, by sector, by geographic area, by industry, and occupation, including anticipated changes in short-term and long-term technology. In that connection, the Board would be empowered to review decisions made by public and private employers, including projections of manpower needs by job category.

Third, review the implementation of existing manpower training and public service employment programs and related services, such as those under the Manpower Development and Training Act of 1962, the Economic Opportunity Act of 1964, the Social Security Act, the Emergency Employment Act of 1971, and any new authorities that may consolidate these efforts, and make recommendations to the President and to the Congress.

THE FULL EMPLOYMENT ASSISTANCE FUND

The bill would establish a "full employment assistance fund" with an authorization of $1 billion for fiscal year 1974 and "such sums" for the succeeding fiscal years; the Board would direct the use of funds appropriated in terms of the public and nonprofit sectors, various geographical areas, and significant segments of the labor force; approximately 200,000 jobs could be funded in fiscal year 1974.

It is this element—the link between the Board and the fund—which distinguishes this proposal from the current public service employment program conducted under the Emergency Employment Act of 1971.

On April 12, 1973, Senator GAYLORD NELSON and I introduced S. 1560, the Emergency Employment Amendments of 1973, to extend that authority for 2 years with an authorization of $1.25 billion for fiscal 1974—the amount appropriated for this fiscal year—and "such sums" for fiscal 1975: approximately 228,000 jobs could be funded in fiscal year 1974.

Continuation of that current authority must be our first priority in terms of public service employment as it provides a basic "floor" under our efforts.

But over the longer term—and especially as funds for public service employment increase—we will need even a more sophisticated idea of where to channel those funds, taking into account the other "tools" that may be available for reaching full employment as to other sectors. For example, it may not be necessary to expend such funds on jobs for aerospace technicians if we have adopted a more solid program to deal with economic conversion.

Accordingly, it is very important that we begin to consider linking the use of public service employment funds to decisionmaking by a high-level Board and to make good on the full-employment promise, and that is what this proposal would so.

Indeed, even at present levels of funding for public service employment, a Board could be very helpful in making determinations with respect to the use of "discretionary" funds under the Emergency Employment Act. These funds—which are approximately 20 percent of funds under that act—are now allocated to the States and the cities without regard to any particular formula.

It should be noted that, although the Board will direct that funds be applied to various segments and areas, the Department of Labor, not the Board, will administer the program.

This element will insure that, while general decisions with respect to the use of additional public service employment funds will be centralized in the Board, administration will be decentralized and funds will be run through the anticipated new manpower training delivery system conducted by State and local prime sponsors. Senator NELSON and I have introduced S. 1559, the "Job Training and Community Service Act of 1973," to establish such a system.

Mr. President, in conclusion I urge that we evaluate full employment as a goal and that we raise our decisions with respect to the use of any additional funds for public service employment to a high level.

I do not claim that we should shrug our shoulders at inflation or abandon our vigilance over the way the taxpayer's dollars are spent.

However, I do suggest that the time has come for us to raise the issue of full employment to at least as a high priority.

We have the resources to put everybody to work in this country and we all know there is no shortage of work to be done. Such a policy is not only morally and philosophically compelled, but also will prove to be economically sound for the Nation.

Mr. President, I wish to acknowledge the assistance of Mr. Jule Sugarman, administrator, Human Resources Administration, city of New York, who first suggested the concept of an independent "Job Creation Commission" in testimony before the House Select Subcommittee on Labor, February 9, 1972, and who, along with Mr. Elwood Taub, executive director, New York City Manpower Area Planning Council, has contributed to the development of this proposal.

Mr. President, I ask unanimous consent that a section-by-section analysis and a copy of 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 FULL EMPLOYMENT AND JOB DEVELOPMENT ACT OF 1973

Sec. 2. *Congressional Statement of Policy and Findings.* This section states that in order to attain the national objective of full employment it is necessary to assure an opportunity for a job to each American, that the United States has the capacity to do so and that the Federal Government lacks any comprehensive means to reach that objective.

The purpose of the Act is to provide for the implementation of a full employment policy through the establishment of a "Federal Full Employment Board" and the provision of assistance for job development in the public and non-profit private sectors and related training and assistance.

Sec. 3. *Federal Full Employment Board.* This section establishes as an independent agency in the executive branch a "Federal Full Employment Board", to consist of five members appointed by the President by and with the advice and consent of the Senate as follows: one representative of labor, one of management, one distinguished economist, one distinguished manpower expert; and one member of the general public. Not more than three members may be of the same political party. Members shall serve full time.

Sec. 4. *Functions of the Board.* This Section authorizes and directs the Board to (i) recommend to the President and to the Congress a program to achieve full employment; (ii) undertake manpower planning and long-range and short-term surveys in terms of demand, supply and by sector; (iii) review decisions made by public and private employers affecting full employment; (iv) develop guidelines and standards for use of public funds in job development programs; (v) review the implementation of manpower training and employment programs in terms of the extent to which they contribute to full employment; (vi) direct the Secretary of Labor to obligate funds made available under the Full Employment Assistance Fund established under Section 7, (vii) hold nationwide and regional conferences; (viii) analyze the extent to which the Federal budget may assist in reaching full employment; (ix) evaluate programs and (x) carry out such other functions as the President may direct.

In carrying out these functions, the Board shall use the services and facilities of the other agencies (to the extent directed by the President), supply technical assistance, establish regional offices, make grants and enter into contracts, accept gifts, consult with the Council of Economic Advisors and with the Commission on Productivity and with representatives of industry, labor and other groups.

Sec. 5. *Authorization of Appropriations.* This section authorizes $3 million for fiscal year 1974 and for each fiscal year thereafter, for the activities of the Board (other than under Section 7).

Sec. 6. *Reports.* This section provides for an annual "Full Employment Report" setting forth the Board's recommendations with respect to implementation of a full employment policy for each fiscal year and for succeeding fiscal years. The report is to be referred to appropriate committees in each House.

Sec. 7. *Full Employment Assistance Fund.* This section establishes a fund and authorizes therefor $1 billion for fiscal 1974 (the start-up year), and such funds as necessary for each year thereafter. The Secretary of Labor is to provide assistance from the fund pursuant to specific directions of the Board, to public agencies and non-profit private organizations, (including prime sponsors of manpower training and employment programs) for public service job development programs and related training and assistance.

Sec. 8. *Applications.* This section provides that assistance is to be provided under Section 7 only by application submitted to the Secretary and approved by him. Each application must be set forth a program to provide employment and related training and assistance for unemployed persons, to enable them to obtain employment not supported under the Act and meet other special requirements.

Sec. 9. *Related Training.* This section authorizes the Secretary of Labor to use such sums as may be necessary from those appropriated under Section 7 of the Act, for training and other services related to employment.

Sec. 10. *Special Responsibilities of the Secretary.* This section contains conditions designed to ensure that jobs are transitional, that is, will lead to public or private employment opportunities not supported under the Act.

Sec. 11. *Full Employment Intergovernmental Advisory Council.* This section establishes a Council consisting of state and local prime sponsors responsible for conducting manpower training and employment programs, to advise the Board on intergovernmental aspects of attaining full employment.

Sec. 12. *Special Provisions.* This section contains important requirements as to reporting, discrimination, political activities, and wages, and other benefits. It provides that all persons employed under programs shall be paid wages which shall be equal to whichever is the highest of the federal minimum wage, the state or local minimum wage, or the prevailing rates of pay.

Sec. 13. *Definitions.* This section defines Board, Secretary, State public service job development program, and Unemployed person.

Sec. 14. *Effective date.* This section provides that the Act shall take effect upon enactment.

S. 1693

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 "Full Employment and Job Development Act of 1973".

CONGRESSIONAL STATEMENT OF POLICY AND FINDINGS

SEC. 2. Congress hereby finds and declares that—

(a) (1) To attain the objective of full employment it is necessary to assure an opportunity for a gainful, productive job to every American who seeks work and to furnish the employment opportunity, training, and related assistance needed by any person to qualify for employment consistent with his or her highest potential and capability.

(2) The United States has the capacity to provide every American who is available for work the full opportunity, within the framework of a free society, to prepare for and to obtain employment at the highest level of productivity, responsibility, and remuneration consistent with his or her abilities.

(3) While full employment is a national objective, the Federal Government lacks any comprehensive means of reaching that objective with the results of individual hardship, unacceptable levels of unemployment, an erosion of the American spirit of work, and increasing welfare dependency.

(4) While it is desirable to decentralize the manpower services "delivery system" to provide substantial flexible funds for manpower training and employment programs at the State and local level, it is also appropriate to insure that decisions with respect to the utilization of additional Federal resources for job development in the public or nonprofit private sectors and related training and services be made taking into account the factors in the economy and policy determinants which affect employment, with reference to local effects, so as to insure the best possible use of available primary and supplemental resources.

(b) It is the purpose of this Act to provide for the implementation of a full employment policy through the establishment of a Federal Full Employment Board and the provision of assistance for job development in the public and nonprofit private sectors, and related training and assistance.

FEDERAL FULL EMPLOYMENT BOARD

SEC. 3. (a) There is hereby established as an independent agency in the executive branch a Federal Full Employment Board, to consist of five members appointed by the President by and with the advice and consent of the Senate as follows:

One member shall be representative of labor.

One member shall be representative of management.

One member shall be a distinguished economist.

One member shall be a distinguished manpower expert.

One member shall be a member of the general public.

Not more than three members shall be members of the same political party. Each member shall serve full time. The President shall designate one member to serve as Chairman.

(b) Each member shall hold office for a term of three years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of the term and the terms of office of the members first taking office after the enactment date shall expire, as designated by the President, one at the end of one year, two at the end of two years, and two at the end of three years.

(c) The Board shall meet at the call of the Chairman or at the call of the President and in no event less than four times each year. A quorum shall consist of three members.

(d) Members of the Board shall receive compensation at the rate prescribed for level IV of the Executive Schedule by section 5315 of title 5 of the United States Code.

(e) The President is authorized to appoint, by and with the advice and consent of the Senate, an Executive Director of the Board. The Executive Director shall be the principal executive officer of the Board and shall receive compensation at the rate prescribed for level V of the Executive Schedule by section 5116 of title 5 of the United States Code.

(f) The Executive Director of the Board with the approval of the majority of the Board is authorized to employ, and fix the compensation of, such specialists and other experts as may be necessary for carrying out the Boards' functions under this Act, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, and is authorized, subject to such provisions, to employ such other officers and employees as may be necessary for carrying out its functions under this Act and fix their compensation in accordance with the provisions of such chapter 51 and subchapter III of chapter 53.

FUNCTIONS OF BOARD

SEC. 4. (a) The Federal Full Employment Board is authorized and directed to—

(1) recommend to the President and to the Congress a program to achieve full employment and alternative means of attaining that objective, in terms of monetary, fiscal income, manpower training, and other relevant policies;

(2) undertake manpower planning and long-range and short-term surveys to estimate employment and manpower needs in terms of demand and supply by sector (public and private), by geographical area, by industry, and by occupation, including anticipated changes in short-term and long-term technology;

(3) review decisions made by public and private employers affecting full employment and establish appropriate procedures for the receipt of information from such employers necessary to carry out the purposes of this Act, including projections of manpower needs by job category;

(4) develop guidelines and standards for use of public funds in job development programs in the public and private sectors;

(5) review the implementation of manpower training and employment programs and related services and other programs affecting employment including but not limited to the Manpower Development and Training Act of 1962. Title I of the Economic Opportunity Act of 1964, the Emergency Employment Act of 1971, in terms of the extent to which the programs authorized by such Acts serve to meet the objectives of this Act, and make recommendations to the President and to the Congress as the Board deems advisable for in respect to such programs and the funding and conduct thereof;

(6) recommend to the President and to the Congress amounts to be appropriated for use under the Full Employment Assistance Fund established under section 7 of this Act and direct the Secretary of Labor to obligate such funds, from time to time among the public and noprofit private sectors, various geographical areas, and significant segments of the labor force and potential labor force in each case as the Board deems necessary to accomplish the purpose established under section 2 of this Act;

(7) hold on a regular basis nationwide and regional conferences designed to encourage the support of management and labor in meeting the objectives of this Act;

(8) analyze the extent to which the Federal budget may assist in reaching full employment, including the effect of procurement policies and make recommendations to the President and the Congress with respect to changes necessary to achieve full employment;

(9) evaluate programs conducted under section 7 of this Act; and

(10) perform such other functions as the President may direct.

(b) In exercising its duties and functions under this Act, the Board is authorized to—

(1) use the services, facilities, and information (including statistical information) of other Government agencies in order that duplication of effort and expense may be avoided;

(2) supply technical and administrative assistance to labor and management and similar groups;

(3) establish regional and such other local offices as it deems necessary;

(4) make grants to or enter into contracts with any public or private agency or organization;

(5) accept gifts or bequests, either for carrying out specific programs which it deems desirable or for its general activities;

(6) consult and coordinate with the Council on Economic Advisers to the President and with the National Commission on Productivity;

(7) consult with such representatives of industry, labor, antipoverty, State and local governments, and other groups, organizations, and individuals as it deems advisable to insure the participation of such interested parties; and

(8) make recommendations for the elimination of delays in respect to the dissemination of information concerning job vacancies.

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. There are hereby authorized to be appropriated the sum of $3,000,000 for each fiscal year beginning with the fiscal year ending June 30, 1974, for the activities of the Board other than activities conducted under section 7.

REPORTS

SEC. 6. (a) The Board shall transmit to the Congress not later than sixty days after the beginning of each regular session of the Congress (commencing with the calendar year 1974) a report, to be known as the Full Employment Report setting forth its activities during the previous calendar year and its recommendations with respect to the implementation of a full employment policy for the following fiscal year and, to the extent necessary in terms of the objectives of this Act with respect to each of the four succeeding fiscal years. The Board may make such other reports to the President and to the Congress from time to time as it deems appropriate or as are requested by the President.

(b) The Full Employment Report, and all supplementary reports transmitted under subsection (a) of this section, shall, when transmitted to Congress, be referred to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives, which committees shall hold at least annually hearings on the report and such supplementary reports. Nothing in this subsection shall be construed to prohibit the consideration of the report by any other committee of the Senate or the House of Representatives, including any joint committee of the Congress, with respect to any matter within the jurisdiction of any such committee.

FULL EMPLOYMENT ASSISTANCE FUND

SEC. 7. (a) There is hereby established a special fund to be known as the Full Employment Assistance Fund (hereinafter referred to as the "fund"). There are hereby authorized to be appropriated for such fund $1,000,000,000 for the fiscal year ending June 30, 1974, and such sums as may be necessary for each succeeding fiscal year. The Secretary is authorized to utilize sums deposited in the fund to provide assistance under this section.

(b) Pursuant to specific directions of the Board in accordance with paragraph (6) of subsection (a) of section 4, the Secretary may provide financial assistance, in accordance with the provisions of this Act, directly to public agencies and nonprofit private organizations, including prime sponsors of manpower training and employment programs, in order to meet the objectives of this Act, for public service job development programs, and related training and assistance.

(c) As soon as practicable after funds are obligated, the Board shall publish in the Federal Register information in respect to the benefits to various segments of the population of unemployed and to geographical areas from allocations under this section.

APPLICATIONS

SEC. 8. (a) Financial assistance under section 7 of this Act may be provided by the Secretary for any fiscal year only pursuant to an application which is submitted to the Secretary by a public agency or nonprofit private organization and which is approved by the Secretary in accordance with the provisions of this Act. Any such application shall set forth a public service job development program to provide employment and related training and assistance for unemployed persons.

(b) An application for financial assistance for a job development program under section 7 of this Act shall include provisions setting forth—

(1) assurances that the activities and services for which assistance is sought under this Act will be administered by or under the supervision of the applicant, identifying any employer, agency, or institution designated to carry out such activities or services under such supervision;

(2) a description of the area to be served by such programs, and a description of the population to be served, including data indicating the number of participants and their income and employment status;

(3) assurances that special consideration will be given to the filling of jobs which provide sufficient prospects for advancement or suitable continued employment by providing complementary training and manpower services designed to (A) promote the advancement of participants to employment or training opportunities suitable to the individuals involved, whether in the public or private sector of the economy, (B) provide participants with skills for which there is an anticipated high demand, or (C) provide participants with self-development skills, but nothing contained in this paragraph shall be construed to preclude persons or programs for whom the foregoing goals are not feasible or appropriate;

(4) a description of the methods to be used to recruit, select, and orient participants, including specific eligibility criteria, and programs to prepare the participants for their job responsibilities;

(5) a description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired, and the approximate duration for which participants would be assigned to such jobs;

(6) the wages or salaries to be paid persons employed in jobs under this Act and a comparison with the wages paid for similar occupations by the same employer;

(7) wherever appropriate, the education, training, and supportive services (including counseling and health care services) which complement the work performed;

(8) the planning for and training of supervisory personnel in working with participants;

(9) a description of career opportunities and job advancement potentialities for participants;

(10) assurance of compliance with procedures established pursuant to subsection (a) of section 10;

(11) assurances that agencies, institutions, and organizations to whom financial assistance will be made available under this Act will undertake analysis of job descriptions and a reevaluation of skill requirements at all levels of employment, including civil service requirements and practices relating thereto, in accordance with regulations promulgated by the Board; and

(12) assurances that all persons employed under any such program, other than necessary technical, supervisory, and administrative personnel, will be selected from among unemployed persons.

RELATED TRAINING

SEC. 9. For the purpose of providing training and related services for persons employed in programs assisted under this Act, the Secretary is authorized to utilize, in addition to any funds otherwise available under federally supported manpower programs, such sums as may be necessary from funds made available under section 7 of this act.

SPECIAL RESPONSIBILITIES OF THE SECRETARY

SEC. 10. (a) The Secretary, in consultation with the Board, shall establish procedures for periodic reviews by an appropriate agency of the status of each person employed in a program under this Act to assure that—

(1) in the event that any person employed in a job under this Act and the reviewing agency find that such job will not provide sufficient prospects for advancement or suitable continued employment, maximum efforts shall be made to locate employment or training opportunities providing such prospects, and such person shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling; and

(2) as financial assistance will otherwise no longer be available under this Act, maximum efforts shall be made to locate employment or training opportunities not supported under this Act for each person employed in a job under this Act, and such person shall be offered appropriate assistance in securing placement in the opportunity which he chooses after appropriate counseling.

(b) The Board and the Secretary shall review the implementation of the procedures established under subsection (a) of this section six months after funds are first obligated under this Act and at six-month intervals thereafter.

(c) From funds appropriated pursuant to section 7, the Board may reserve such amount, not to exceed 2 per centum, as it deems necessary to provide for a continuing evaluation of programs assisted under this Act and their impact on related programs.

FULL EMPLOYMENT INTERGOVERNMENTAL ADVISORY COUNCIL

SEC. 11. The President shall establish an Intergovernmental Full Employment Advisory Council, which shall meet at least twice a year to advise the Board with regard to matters related to achieving the objective of full employment. In selecting members of the Council, the President shall assure an equitable balance in political and geographical affiliation of its members and shall insure inclusion of State and local prime sponsors and other public and private agencies and organizations responsible for conducting manpower training and employment programs. The President shall designate a Chairman of the Council. Members of the Council shall receive no compensation and members shall not be Federal employees for any purpose except that they shall be allowed travel expenses and per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed basis.

SPECIAL PROVISIONS

SEC. 12. (a)(1) Any amounts received under chapters 11, 13, 31, 34, or 35 of title 38, United States Code, by any veteran, as defined by section 101 of title 38, United States Code, who served on active duty for a period of more than one hundred and eighty days or was discharged or released from active duty for a service-connected disability or any eligible person as defined in section 1701 of such title, if otherwise eligible to participate in programs under this title, shall not be considered for purposes of determining the needs of qualifications of participants in programs under this Act.

(2) The Secretary shall not provide financial assistance for any program under this Act unless he determines, in accordance with regulations which he shall prescribe, that periodic reports will be submitted to him and to the Board containing data designed to enable him, the Board, and the Congress to measure the relative and, where programs can be compared, appropriately, comparative effectiveness of the programs authorized under this Act. Such data shall include information on—

(A) enrollee characteristics, including age, sex, race, health, education level, and previous wage and employment experience;

(B) duration in employment and related training situations, including information on the duration of employment of program participants for at least one year following the termination of participation in federally assisted programs and comparable information on other employees or trainees of participating employers; and

(C) total dollar cost per participant, including breakdown between salary and stipend, training and supportive services, and administrative costs.

The Secretary shall compile such information on a State, regional, and national basis.

(3) The Secretary shall not provide financial assistance for any program under this Act unless the grant, contract, or agreement with respect thereto specifically provides that no person with responsibilities in the operation of such program will discriminate with respect to any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, political affiliation, or beliefs.

(4) The Secretary shall not provide financial assistance for any program under this Act which involves political activities; and neither the program, the funds provided therefor, or personnel employed therein shall be, in any way or to any extent, engaged in the conduct of political activities of contravention of chapter 15 of title 5, United States Code.

(5) The Secretary shall not provide financial assistance for any program under this Act unless he determines in accordance with guidelines established by him that participants in the program will not be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

(6) All laborers and mechanics employed by contractors or subcontractors in any construction, alteration, or repair, including painting and decorating of projects, buildings, and works which are federally assisted under this Act, shall 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). The Secretary of Labor shall have, with respect to such labor standards, 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 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

(b) The Secretary shall not provide financial assistance for any job development program under this Act unless he determines, in accordance with such regulations as he shall prescribe, that—

(1) the program will result in an increase in employment opportunities over those which would otherwise be available and will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits), and will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(2) all persons employed in a job under this Act will be assured of workmen's compensation, retirement, health insurance, unemployment insurance, and other benefits at the same levels and to the same extent as other employees of the employer and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy; and

(3) the provision of section 2(a)(3) of Public Law 89–286 shall apply to such agreements.

(c) Where a labor organization represents employees who are engaged in similar work in the same labor market area to that proposed to be performed under any program for which an application is being developed for submission under this Act, such organization shall be notified and afforded a reasonable period of time in which to make comments to the Secretary.

(d) The Secretary shall prescribe regulations to assure that programs under this Act have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

(e) The Secretary shall, where appropriate, provide for the payment of weekly allowances to individuals receiving services under this Act. Such allowances shall be at a rate prescribed by the Secretary which, when added to amounts received by the trainee in the form of public assistance or unemployment compensation payments, shall approximate the minimum wage for a workweek of forty hours under section 6(a)(1) of the Fair Labor Standards Act of 1938 or, if higher, under the applicable State minimum wage law, or, where the trainee is being trained for particular employment, at a rate equal to 80 per centum of the weekly wage for such employment, whichever is greater. In prescribing allowances, the Secretary may allow additional sums for special circumstances such as exceptional expenses incurred by trainees, including but not limited to meal and travel allowances, or he may reduce such allowances

by an amount reflecting the fair value of meals, lodging, or other necessaries furnished to the trainee. The Secretary shall take such action as may be necessary to insure that such persons receive no allowances without good cause with respect to periods during which they are failing to participate in such programs, training, or instruction as prescribed herein. Notwithstanding the preceding provisions of this subsection, the Secretary may, in accordance with such regulations as he shall prescribe, make such adjustments which take into account the amount of time per week spent by the individual participating in such programs and adjustments to reflect the special economic circumstances which exist in the area in which the program is to be conducted. Allowances shall not be paid for any course of training having a duration in excess of one hundred and four weeks.

(f) All persons employed under programs assisted under this Act shall be paid wages which shall be equal to whichever is the highest of (A) the minimum wage which would be applicable to the employment 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, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay in the same labor market area for persons employed in similar occupations.

DEFINITIONS

SEC. 13. As used in this Act, the term—

(1) "Board" means the Federal Full Employment Board established under section 3;

(2) "Secretary" means the Secretary of Labor;

(3) "State" means the several States and the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands;

(4) "Unemployed persons" means—

(A) persons who are without jobs and who want and are available for work; and

(B) adults who or whose families receive money payments pursuant to a State plan approved under title I, IV, X, or XVI of the Social Security Act or food stamps or surplus commodities under the Agriculture Act of 1949 or the Food Stamp Act of 1964 (1) who are determined by the Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, to be available for work, and (2) who are either (i) persons without jobs, or (ii) persons working in jobs providing insufficient income to enable such persons and their families to be self-supporting without welfare assistance; and the determination of whether persons are without jobs shall be made in accordance with the criteria used by the Bureau of Labor Statistics of the Department of Labor in defining persons as unemployed;

(5) "public service job development program" shall include programs providing employment in the public or nonprofit private sectors 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, disaster relief, and other fields of human betterment and community improvement; and

(6) "nonprofit" as applied to any foundation, corporation, or association means a foundation, corporation, or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

EFFECTIVE DATE

SEC. 14. Except as otherwise provided, this Act shall take effect upon enactment. Rules, regulations, guidelines, and other published interpretations or orders may be issued by the Secretary at any time after the date of its enactment.

By Mr. MOSS:

S. 1964. A bill to amend the Federal Trade Commission Act to regulate commerce and to assure adequate and stable supplies of petroleum products at the lowest cost to the consumer, and for other purposes. Referred to the Committee on Commerce.

FAIR MARKETING OF PETROLEUM PRODUCTS ACT

Mr. MOSS. Mr. President, I introduce for appropriate reference the Fair Marketing of Petroleum Products Act.

Several months ago, after hearing of widespread manipulations in marketing of gasoline and other refined petroleum products, I directed the Senate Consumer Subcommittee staff to undertake a review of existing and developing practices. This investigation uncovered a variety of disturbing findings which were exposed at a March 17 hearing in Salt Lake City, Utah.

Current stocks of refined petroleum products are at an all-time low. Refinery operations have been directed mainly at solving short-term demands, that is, production was extremely heavy in order to provide heating oils and ancillary fuels during the winter.

But we found that the distribution of refined products and crude oil was being allocated in a curiously anticompetitive way. Independent inland refiners were finding that their supplies of crude oil were being cut back. Thus, a number of these refineries were unable to operate at capacity. Next, we found that independent jobbers and retailers of gasoline were being cut off from supply and forced out of the marketplace. These independents are the critical natural economic forces which keep consumer prices down and stimulate competition in the marketplace. Next, independent businessmen running branded gasoline service stations, who were willing to invest their capital, work long and hard hours, and build a business by paying personal attention and providing service to the consumer, were having their leases arbitrarily canceled and were forced to cease operations.

At the same time, these hard-working people, who had long operated branded retail service stations were finding the physical plant taken over by the major oil company supplier and converted to self-service gasoline-only stations or alternatively to secondary brand or "fighting" brand stations.

Thus, the branded dealer who had built his reputation on service was being thrown out and the oil company supplier was taking over the station and artificially reducing prices. Whether by design or coincidence, this results in the elimination from competition of those remaining gasoline retailers who still had supplies of refined products available. Previous experience tells us that the "fighting" brand is used by the major oil company to undercut the independent retailer. After the independent is forced to terminate his business, the low price of this secondary brand is dropped and a noncompetitive high pricing structure is reinstated.

It is thus critical for us to insure that equity prevails in the allocation and the pricing of gasoline and fuel oils. To treat one type of petroleum product without the other—that is, to regulate just gasoline—would be foolish as refineries would produce gasoline in sufficient quantities to meet the short-term demand, but would fail to deliver to market the increasingly greater quantities of fuel oil needed next winter.

Furthermore, fuels are needed for a variety of agricultural purposes critical to our national interest as well as products for supplying the public during the heavy motoring and recreation season which is just beginning.

We must insure that independent brand gasoline and fuel distributors have an adequate supply, equal to their market share during earlier periods of time. We must insure that branded dealers of gasoline and fuel oils have protection from arbitrary cancellation and termination of their leases and franchises. These are men who have invested time and money in building a business to serve the local community. They are an endangered species.

Furthermore, we must create a system of monitoring the allocation of gasoline, refined fuels, and crude oil so that refinery capacity is kept at an optimum, and that production is directed to serve national needs and priorities.

And finally, we need to know whether the current vertical integration of production, refining, and marketing of petroleum products has inhibited competition and thus fostered the current crisis.

The Cost of Living Council rules for price controls for petroleum products have had the untoward effect of decreasing competition and raising consumer prices. I have received information from one of my constituents, a jobber who purchases petroleum products for sale to retail gasoline outlets and his own retail outlets, that his supplier has increased the price of petroleum products by more than 22.5 percent. Apparently, because of the method of computation of prices under the COLC regulations, this increase has not been deemed excessive. And now, because that jobber has been able to roll with the punch and take on this increased price, passing only a portion on to consumers, the refinery has informed him that it would be more profitable to sell products to sources in other locations. Current law must be altered to make it explicitly clear that any operator in the chain of oil production refining and marketing, who sells to his own subsidiaries at the next lower step of the distribution system, cannot refuse to sell to all comers on equal terms.

Another jobber constituent of mine, Bill Roderick, Inc., supplied the Granite School District in Salt Lake City with 180,000 gallons of fuel oil during our bitter cold winter. If it were not for the service that he had provided to the four high schools and six junior high schools using No. 2 fuel oil as a standby fuel when the natural gas supply was curtailed, these schools would have closed. Now it is certain that he will close; his

supplier, the American Oil Co., has terminated his buying contract. And no new supplier has been found.

Mr. President, these comments and the bill which I have introduced are an outgrowth of this investigation and hearings. It is critical that Congress move ahead to straighten out the destructive situation which prevails in the marketing of petroleum products. I will urge the chairman of the Committee on Commerce to expedite our consideration of this and other measures so that the motoring public can be assured of fairness and equity in the availability and pricing of refined products over the next few years.

I ask unanimous consent that the text of the Fair Marketing of Petroleum Products Act be printed in the RECORD at the conclusion of my remarks.

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

S. 1694

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 "Fair Marketing of Petroleum Products Act".

FINDINGS

SEC. 2. Congress finds and declares that:

(1) Current practices have harmed marketing competition in the gasoline and petroleum products industry.

(2) Independent businessmen willing to risk their personal savings and assets and to work long and hard hours to build and maintain a business by paying personal attention and providing service to the consumer are being unfairly punished by arbitrary control of refined petroleum products by suppliers.

(3) Winter shortages of fuel oils have had a deleterious effect on the availability of fuel supplies to heat American homes and to dry grain crops.

(4) Projected shortages of gasoline and propane will damage the consumer during the summer months by higher prices, shortages of supply, and the possibility of rationing in some areas.

(5) Independent jobbers and retailers of petroleum products have been cut off from sources of supply of such products and pressured out of the marketplace to the great disadvantage of the consumer.

(6) Independent jobbers and retailers of petroleum products who have made substantial personal investments in their businesses and who employ or have employed large numbers of citizens find themselves earning subsistence wages or unemployed.

(7) Apparently unnatural economic forces prevail in the marketing of petroleum products.

(8) Excessive and distorted market power which is enjoyed by major integrated oil companies is harming the consumer.

DECLARATION OF POLICY

SEC. 3. Competition, equal access to supplies for all retailers, and nondiscriminatory practices are essential to the fair and efficient functioning of a free market economy. Gasoline and other petroleum products should be produced, distributed, and marketed in the manner most beneficial to the consumer. Therefore, it is declared to be the policy of the Congress to assist consumers and retailers to reach these goals.

DEFINITIONS

SEC. 4. As used in this Act—

(1) "Commerce" means commerce among the several States or with foreign nations or in any State or between any State and foreign nation.

(2) "Commission" means the Federal Trade Commission.

(3) "Corporation" means any corporation, joint-stock company, partnership, association, business trust, or organized group of persons, whether incorporated or not.

(4) "Franchise" means any agreement or contract between a petroleum producer or petroleum distributor and a petroleum retailer under which such retailer is granted authority to use a trademark, trade name, service mark, or other identifying symbol or name owned by such producer or distributor, or any agreement or contract between such parties under which such retailer is granted authority to occupy premises owned, leased, or in any way controlled by such producer or distributor, for the purpose of engaging in the sale at retail of petroleum products of such producer or distributor.

(5) "Includes" should be read as if the phrase "but is not limited to" were also set forth.

(6) "Person" means an individual or a corporation.

(7) "Petroleum distributor" means any person engaged in the sale, consignment, or distribution of petroleum products to retail outlets which it owns, leases, or in any way controls.

(8) "Petroleum producer" means any person engaged in the production, importation, or refining of petroleum and in the sale of petroleum or petroleum products in commerce for resale.

(9) "Petroleum product" includes any substance refined from petroleum.

(10) "Petroleum retailer" means any person engaged in the sale at retail of a petroleum product in any State, either under a franchise or independent of any franchise.

(11) "Retail" means the sale of a product for purposes other than resale.

(12) "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, and any organized territory or possession of the United States.

DUTY TO DEAL EQUITABLY

SEC. 5. The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by adding at the end thereof the following new section:

"MARKETING OF PETROLEUM PRODUCTS

"SEC. 19. (a) UNLAWFULNESS.—It shall be unlawful for any person engaged in commerce in the business of refining petroleum into gasoline and other petroleum products and furnishing such products to petroleum distributors for sale at retail to fail to furnish gasoline or any other petroleum product to a petroleum retailer, whether or not such retailer is under a franchise to such person, at wholesale prices and in reasonable quantities so long as such person continues to furnish gasoline or any other petroleum product to petroleum retailers who are under a franchise to such person.

"(b) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—Violation of subsection (a) of this section shall be an unfair or deceptive act or practice in commerce within the meaning of section 5(a)(1) of this Act.

"(c) PRIMA FACIE EVIDENCE.—It is prima facie evidence of a violation of subsection (a) of the section that a person engaged in commerce in the business of refining petroleum and furnishing petroleum products to petroleum distributors—

"(1) delivers, during any calendar month, to petroleum retailers who are independent of any franchise a lower percentage of the total number of gallons of gasoline or other petroleum products delivered by him to all petroleum retailers than the percentage so delivered during the period July 1, 1971, through June 30, 1972, or

"(2) sells gasoline or other petroleum products to petroleum retailers who are independent of any franchise at a price, during any calendar month, which is greater than:

"(A) the average price at which he sold such product during the period July 1, 1971 through June 30, 1972, increased by

"(B) a percentage equal to the percentage by which the average price at which such product was sold during such month to petroleum retailers under franchise to him exceeds the average price for such product sold to such retailers during the period July 1, 1971, through June 30, 1972."

CAUSE OF ACTION

SEC. 6. (a) Except as otherwise provided, a petroleum distributor whose actions affect commerce shall be liable to a petroleum retailer who sells the products of such distributor under a franchise for actual damages resulting from the termination, cancellation, or failure to renew such franchise, together with such equitable relief including interim equitable relief, as the court deems proper and costs including a reasonable attorney's fee. No such action may be brought if the terms of such franchise provide for binding arbitration of disputes arising under such franchise, includng disputes related to the termination, cancellation, or failure to renew such franchise, in accordance with the rules of the American Arbitration Association.

(b) An action under subsection (a) of this section may be brought in the district court of the United States for the district in which the petroleum distributor against whom such action is brought resides, is found, or is doing business, without regard to the amount in controversy.

(c) It shall be a defense to any action brought under this section that the franchise was terminated, canceled, or not renewed because—

(1) the petroleum retailer failed to comply substantially with essential and reasonable requirements of such franchise;

(2) the petroleum retailer failed to act in good faith in carrying out the terms of the franchise; or

(3) No such petroleum products are available provided the petroleum distributor is not also a petroleum producer or: *Provided further,* That if such distributor is also a petroleum producer such producer is unable to meet the demands of such distributor because of apportionment priorities established by the Commission.

No defense under this subsection may be raised by a petroleum distributor unless he gave written notiec to such retailer of intent to terminate, cancel, or not to renew such franchise not less than ninety days prior to the date on which he terminated, canceled, or failed to renew.

(d) No action may be brought under this section for a cause of action which arose more than three years prior to the date such action is filed.

CONFORMING AMENDMENT

SEC. 7. Sections 1 and 3 of the Robinson-Patman Price Discrimination Act (15 U.S.C. 13, 13a) are hereby amended by striking out "engaged in commerce" wherever such term is used and inserting in lieu thereof "engaged in commerce or affecting commerce".

REPORT

SEC. 8. The Commission shall cause to be conducted a study of economic forces, market power, and practices in the marketing of gasoline and other petroleum products to the American consumer including the effects of petroleum producers being directly or indirectly operating as petroleum distributors and petroleum retailers and shall report thereon, including recommendations for legislation, to the President and the Congress simultaneously not later than two years after the date of enactment of this Act.

By Mr. KENNEDY (for himself, Mr. CRANSTON, Mr. HATHAWAY, Mr. PASTORE, Mr. PELL, Mr. TUNNEY, Mr. BROOKE, and Mr. MUSKIE):

S. 1695. A bill to provide readjustment allowance, opportunities, early retirement benefits, health benefits, public service employment and job counseling and training opportunities, and relocation benefits to adversely affected workers separated from their employment because of defense installation and activity realinements. Referred to the Committee on Labor and Public Welfare; and, if and when reported by that committee, be referred to the Committee on Post Office and Civil Service for consideration of parts under its jurisdiction, by unanimous consent order.

Mr. KENNEDY. Mr. Presdent, I ask unanimous consent that a bill I introduced on providing readjustment allowance, opportunities, early retirement benefits, health benefits, public service employment and job counseling and training opportunities, and relocation benefits to adversely affected workers separated from their employment because of defense installation and activity realinements be referred to the Committee on Labor and Public Welfare, and that, if and when it should be reported, it be referred to the Committee on Post Office and Civil Service for its consideration of provisions therein falling withn its jurisdiction.

Mr. GRIFFIN. Mr. President, reserving the right to object, I ask the distinguished Senator from Massachusetts whether this measure would ordinarily go to the Committee on Post Office and Civil Service.

Mr. KENNEDY. The Senator is correct, as I understand the procedure. If the Parliamentarian would correct me, I understand that would be an appropriate reference if left up to the discretion of the Parliamentarian. Mr. President, I make a parliamentary inquiry as to whether my understanding is correct.

The PRESIDING OFFICER. The request is in keeping with previous precedent.

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

By Mr. DOLE:

S. 1696. A bill to amend section 4491 of the Internal Revenue Code of 1954 to provide that the weight portion of the excise tax on the use of civil aircraft shall apply to piston-engined aircraft only if they have a maximum certificated takeoff weight of more than 6,000 pounds, and for other purposes. Referred to the Committee on Finance.

FAIR TAXATION FOR PRIVATE AIRCRAFT

Mr. DOLE. Mr. President, the Airport and Airways Development Act of 1970, imposed a use tax on all piston-engine civil aircraft. This tax requires a yearly payment of $25 for each aircraft, plus a surcharge of 2 cents per pound for weight above 2,500 pounds.

I believe the use tax surcharge for weight in excess of 2,500 pounds places an inordinate financial burden on the owners of small and primarily noncommercial aircraft without providing any benefits to them in return. Therefore, in an effort to provide a more reasonable tax base and a fairer tax burden, I am introducing a bill to raise the surcharge exemption for piston-engine civil aircraft from 2,500 pounds to 6,000 pounds. The 6,000 pound figure is appropriate, because aircraft weighing less are generally used for private business and pleasure while those weighing more are used mostly for commercial purposes.

This legislation would exempt approximately 117,346 aircraft of the 125,365 general aviation fleet; whereas, the present law exempts only 80,000. The provisions of this bill would not affect the basic $25 use tax levied on every aircraft, nor would it alter the surcharge payment for weight in excess of 2,500 pounds on planes not qualifying for the exemption.

This legislation will reduce the tax burden for private aircraft operators by approximately $3.4 million, but about $60 million will still be brought in from general aviation by aviation use taxes.

The present 2-cent surcharge is unfair to light aircraft operators, because the bulk of this revenue is not used for the improvement of aviation facilities and services which benefit them; instead, it goes to airports used primarily by larger commercial planes. Of the 10,000 airports used by these aircraft only 800 are receiving any Federal assistance.

Private aircraft under 6,000 pounds generally operate under visual flight rules and impose little or no load upon the air traffic control system. When the weather requires the use of such systems, these small planes usually stay on the ground, for only some 10 percent are even equipped to fly by instruments.

The 2,500-pound limitation for the present use-tax surcharge exemption is especially burdensome in light of the fact that small aircraft owners are being hit with increased taxes and fees from several directions simultaneously. The Federal gasoline tax on aircraft increased by 350 percent on July 1, 1970, and many State and local governments have been imposing private aircraft taxes and fees as a means of raising local funds; and, as an indication of things to come, the Federal Aviation Administration is checking every aspect of aircraft activity in an effort to find new and increased sources of revenue. The prospect of new taxes and fees is causing increasing apprehension in the general aviation community.

This bill will help to insure continued strength in the aviation industry. It will also promote the use of small aircraft which are so important to many small, rural communities which cannot support scheduled airline service.

Mr. President, it is time to limit the taxation of this important class of aircraft. I urge early consideration of this measure and 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. 1696

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4491(a)(2)(A) of the Internal Revenue Code of 1954 (relating to tax on use of civil aircraft) is amended by striking out clause (A) and inserting in lieu thereof "(A) in the case of an aircraft (other than a turbine-engine-powered aircraft) having a maximum certificated takeoff weight of more than 6,000 pounds, 2 cents a pound for each pound of the maximum certificated takeoff weight in excess of 2,500 pounds, or".

SEC. 2. (a) The amendment made by the first section of this Act shall take effect on July 1, 1973.

(b) Section 305 of the Excise, Estate, and Gift Tax Adjustment Act of 1970 is repealed.

By Mr. HUMPHREY (for himself and Mr. MONDALE):

S. 1698. A bill to amend the Rural Development Act of 1972 (Public Law 92-419), and for other purposes. Referred to the Committee on Agriculture and Forestry.

NATIONAL RURAL DEVELOPMENT BANK ACT—AN AMENDMENT TO THE RURAL DEVELOPMENT ACT OF 1972

Mr. HUMPHREY. Mr. President, rural America has nearly half of this Nation's poverty, 60 percent of its substandard housing, rates of unemployment and underemployment well above the national average, continuing substantial outmigration—particularly of the young—inadequate public facilities and services—especially in the health, education, and public utilities areas, and a severe flight of rural capital to the metropolitan areas. The economy of rural America today is far from healthy.

The impact of these problems is not limited to our rural areas alone. Every city in America has felt their consequences. Substantial immigration has, at least in part, been responsible for overcrowded housing, high rates of joblessness, unanticipated demands for health, education, and other public services, rising crime rates, swollen welfare rolls, and urban congestion in general.

This relationship between rural and urban problems has been recognized, in recent years, by Federal legislation aimed at bringing some sanity to national growth patterns.

With the enactment of title IX of the Agriculture Act of 1970, Congress and the President committed themselves to a national policy of "sound balance between rural and urban America. The Congress considers this balance so essential to the peace, prosperity, and welfare of all our citizens that the highest priority must be given to the revitalization and development of rural areas."

A similar commitment to the balanced growth of rural and urban America was echoed in title VII of the Housing and Urban Development Act of 1970.

Last year, the first major step in implementing this rural America growth policy was taken with the passage of the Rural Development Act of 1972. It contains bold new programs designed to help rural America prosper. It is a good, solid bill and one that, I believe, ought to be fully funded and implemented without delay.

Despite enactment of the Rural Development Act of 1972, which, I think, most people will now agree was truly a historic piece of legislation, rural America still lacks the basic investment and financial system which, I and many others feel, is essential to stimulate development in the rural areas of our Nation. What I am referring to is the kind

of credit and financial system which Senator TALMADGE, chairman of the Agriculture and Forestry Committee, and I proposed last year as part of the Rural Development Act. Regrettably, that proposal fell out of the bill during debate on the Senate floor.

The United States has capitalized development financing institutions in Asia, Africa, and Latin America. While I am not adverse to providing such assistance to our foreign friends, I think it is time we did the same for our own people.

Such a financial institution, channeling additional capital into rural areas of the United States for nonfarm development purposes, is essential to the economic revival of rural America. History clearly shows that, because of the way the financial system works in this country, funds tend not to revolve within rural communities. Instead, they normally flow to the largest national population centers. They flow into bond markets, stock markets, insurance companies, corporate bank accounts, and trust funds—all of which are uniquely metropolitan. The reverse flow of capital—urban to rural—is much more modest.

Smalltown banks are limited by small reserves from making large loans. The regulations under which they operate force them to lend money for short periods of time to those who represent virtually no risk whatsoever. Often small banks' reserves are invested in Government bonds instead of being loaned out, once again reducing the availability of capital for use in developing rural areas. This lack of investment power by rural banks and of venture capital by rural entrepreneurs is a crucial deficiency in rural economic development efforts. Even though many local development efforts are led by bankers, they have very limited means at their disposal to accomplish their economic development objectives.

Often, small rural communities are prevented from doing those things which attract economic development because they do not need enough money. Few bond houses, for example, will handle issues of less than $500,000. As a result, nonrevenue producing services are completely neglected by rural communities, and even credit for self-liquidating, or partially self-liquidating, activities, such as water and sewer lines, is hard to come by.

In addition, small rural banks are severely limited in the amount of credit they can dedicate to any individual rural development project or borrower. Yet many individual projects, if we are really serious, are going to cost a lot of money. Even when the Federal Government guarantees 90 percent of a $7 million loan, the remaining $700,000 is more than most small banks can handle alone.

Of course, most small rural banks have developed good cooperative working relationships with other larger banks, usually in metropolitan areas. Such banks are helpful to local banks in meeting rural credit needs. But this line of credit is limited and the small bank also has problems of liquidity and flexibility to think about in drawing on this source of capital. Moreover, experience shows that, during periods of rapid national economic expansion, many of these large financial institutions themselves need somewhere to turn for asistance with their rural development credit and investment portfolios.

In 1971 President Nixon's Task Force on Rural Development recognized this need for additional financial resources in rural areas to stop and reverse the ongoing trend of outmigration. It stated in its final report—

> The Task Force recommends a new credit institution to provide rural areas with greater access to private capital.

The bill I have introduced today responds to this recommendation and would go a long way toward meeting the additional capital needs of rural America. And it would meet them in an effective and timely manner.

In general, the national rural development bank bill would establish a National Rural Development Bank to serve as a basic source of financial assistance to institutions that have purchased, refinanced, discounted or rediscounted nonfarm rural development loans made by local rural banks and other local financial institutions, or to these institutions themselves, when the need arises.

It would also set up a Board for the Bank composed of 11 Presidential appointees, 3 ex officio members, and 10 members elected by the bank stockholders to set bank policy and procedures; and

In addition, it would authorize the appropriation of not more than $200 million annually for 10 years for the purchase of capital stock in the bank by the Secretary of the Treasury.

In its organization and operations, the proposed bank would:

First, rely on the existing private rural banking and financial system and not create a major new bureaucracy to administer the bank's operations;

Second, be owned and controlled by the independent rural investment institutions themselves;

Third, create an additional independent source of capital for nonfarm rural development that can be utilized by rural financial institutions and now required to operate within the constraints of the Federal and State political structure;

Fourth, work with correspondent banks of rural banks and with rural banks themselves to increase the liquidity and security of rural development loans;

Fifth, join with local banks and other investors to make joint-venture equity investments in rural development projects on a limited basis; and

Sixth, require the purchase of bank stock by borrowers who are rural development project sponsors and joint venture cosponsors.

The proposed National Rural Development Bank has a greatly simplified organizational structure compared to last year's proposal. The current proposal would eliminate the 10 regional banks by establishing one national bank;

It would eliminate the district rural development finance agencies by authorizing the national bank to deal directly with local private banks and other financial institutions.

It would eliminate the Rural Development Credit Agency giving some of its duties to the National Board and some to the bank itself.

It would eliminate the capital and interest rate supplementing grants and the Rural Development Investment Agency that would administer them, since the direct grant component was already included, in another form, in the Rural Development Act of 1972.

As things now stand, control of nonfarm rural development credit rests in the executive branch of the Federal Government—nowhere else. The administration's action on the Rural Development Act provisions for guaranteed and insured loans for rural industrial development and community facilities forces reliance on the rural development insurance fund for virtually all nonfarm rural credit.

The decision by the Office of Management and Budget to set a ceiling on these guaranteed and insured loans and to make them subject to the present budgetary and appropriations process, coupled with the administration's proposed cutbacking in personnel of the Farmers Home Administration, reinforces the need for an independent, nonfarm rural capital generating institution like the proposed National Rural Development Bank.

In conclusion, unless more credit is made available for projects which can pay at least part of their own way, small towns will never be able to use local tax dollars for those things which improve the quality of rural life; make communities attractive for commercial and industrial expansion; and are part of the American way of living which most nonrural residents take for granted.

I ask unanimous consent that the detailed section-by-section analysis of the proposed National Rural Development Bank bill be printed in the RECORD.

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

SECTION-BY-SECTION ANALYSIS OF S. 1698

A Bill to amend the Rural Development Act of 1972 (Public Law 92-419) and for other purposes.

The bill amends the Rural Development Act of 1972 by adding a new Title VII to be cited as the "Rural Development Act Amendments of 1973."

SUBTITLE A

Subtitle A sets forth the findings of Congress, states the policy and purpose of Congress, and provides the definition of terms used in the bill.

Section 701—Title

Section 701 states the title, and findings, and purpose.

Subsection (a) states the title as the "Rural Development Act Amendments of 1973".

Findings

Subsection (b) sets forth the following findings:

1. Farming and forestry form the backbone of the rural economy; yet the community services and facilities and the income earning opportunities needed by farm and forestry people to increase their incomes and raise their quality of life are shared with all other residents living in rural areas and rural communities who must participate in their financial support.

2. Adequately raise farm family and for-

estry income and increase the accessibility to farm and rural residents of high-quality community facilities and services, require all the resources in local rural communities to be used at maximum effectiveness and efficiency.

3. The conduct of industry, business, and commerce, as well as farming and forestry, contributes to the jobs and income earning opportunities needed to provide the tax base to establish and maintain adequate rural facilities and services; the same circumstances are essential to expanding the service loads and hence the ability of rural electrification and telephone systems to pay overhead costs for service for farmers and other rural residents and repay indebtedness on Government and Government insured and guaranteed loans.

4. Prosperous, productive, and attractive rural communities are essential to the well-being of farm and other rural families and of a free nation because a more general, better balanced geographic distribution of the Nation's population is essential to the prosperity, general welfare, and domestic tranquility of the urban as well as the rural communities of the United States.

5. To attain a more general, better balanced geographic distribution of the Nation's population requires a reversal of the long-term trend of migration from rural to urban areas.

6. To reverse the flow of population from rural to urban areas and achieve a more general, better balanced geographic distribution of the Nation's population requires a more general, better balanced geographic distribution of profitable private economic enterprises, income earning opportunities, and high-quality public community facilities, services, and public works.

7. Additional capital investment and finanical resources in rural areas are essential to enable them to establish and operate the private economic enterprises, public works, and community facilities and services necessary to achieve a more uniform geographic distribution of economic enterprises, jobs, and increased rural income.

8. Much of the needed investment must come from outside of rural areas and communities.

9. Much of the outside investment and credit needed by rural areas will be made available by the Nation's existing network of commercial and investment banks, the Farm Credit System, and other local rural financial institutions, and by other private enterprise and local and State governments buttressed and supplemented by the direct, insured, and guaranteed loans, technical assistance, and grants provided by the Consolidated Farm and Rural Development Act and other titles of the Rural Revelopment Act of 1972.

10. However, because the size of investment or credit required by the sponsors of significant rural development projects often exceeds the regulated lending limits and investment standards of existing local rural financial institutions and individuals even when a part of the loan is insured or guaranteed under the Consolidated Farm and Rural Development Act, existing arrangements do not fully provide to local rural investors and financial institutions the liquidity, flexibility, and usable financial resources they require to be fully responsive to expanding rural development investment and credit needs.

11. Moreover, the individual potential investor, public or private, who wishes to construct and operate a significant rural development project does not have an independent access to investment funds and capital, if these are not currently available from existing credit and investment individuals and institutions.

Policy

Subsection (c) states that it is the policy of Congress to meet this need by establishing a local-lender-and-borrower-owned facility that will make equity investments along with sponsors of rural development projects and extend financial assistance to local lenders and those with whom loans extended by local lenders are refinanced, discounted, rediscounted, or to whom such loans are sold.

Purpose

Subsection (d) states it is the purpose of this Act to provide for a permanent rural development investment and financial institution that will organize and make available a stable, continuous, and dependable source of financial resources that will provide equity investments, extend loans, and provide discounting, rediscounting, refinancing and purchase of loans extended by local rural financial institutions to the residents of rural areas, rural corporations, agricultural producers' organizations and other cooperatives (except where able to obtain needed credit from the banks for cooperatives under the Farm Credit Act of 1971), rural industrial and business enterprises, quasi-public bodies in rural areas, rural counties and municipalities, Indian tribes on Federal and State reservations or other federally recognized Indian tribal groups, and other units of rural local general and Special purposes government that will establish, construct, and operate private and public facilities, works, and services in rural areas and will provide remunerative employment to increasing numbers of rural residents.

Section 702—Definitions

Section 702 sets forth the following definitions:

"Rural area" is defined to mean all the territory of a State, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam that (1) is not within the outer boundary of any standard metropolitan statistical area, as designated by the Office of Management and Budget plus (2) all territory within [any standard metropolitan statistical area that is, also, within counties, towns, plantations in Maine]) and townships having a population density of less than two hundred persons per square mile, as determined by the Secretary of Agriculture according to the latest decennial census of the United States.

"Rural development purpose" is defined to mean any project undertaken by any private industrial or business enterprise or by any multistate region, State, multijurisdictional district, or local government or instrumentality thereof, that contributes or will contribute to giving highest priority to attainment of the objectives of the revitalization and development of rural areas as provided in section 901(a) of the Agricultural Act of 1970 (Public Law 91–524), or the enhancement of any rural community or rural area as a place to live and make a living. Rural development purpose is defined to include activities that provide increased employment or income for or directly benefit rural residents and that—

1. establish or improve public works or community services, or facilities;

2. encourage private investment in, or promote the establishment and expansion of, industrial or commercial enterprises, including but not limited to, investor-owned and cooperative marketing and other service associations and enterprises;

3. provide manpower development and training;

4. improve the quality and accessibility of rural community facilities and services;

5. promote the conservation, development and proper utilization of natural resources;

6. establish and improve public educational facilities, including but not limited to community and junior colleges, vocational and technical schools and other institutions of higher education, and encourage the development of improved educational methods;

7. establish and improve land, water, and air transportation systems and services for goods and passengers;

8. assist in the solution of problems related to law enforcement activities;

9. establish decent, safe, sanitary, and comfortable housing;

10. establish and improve health care and preventative practice facilities and services, including but not limited to facilities for vocational rehabilitation and generally promote improved health and nutrition of residents of rural areas;

11. provide direct financial incentives to industry to create jobs in rural areas; and

12. establish and improve facilities and services that will enhance the quality of the environment and provide abatement and control of pollution.

"Rural development project" is defined to mean an organized proposal or activity with an identifiable legal sponsor that will or does contribute to the attainment of one or more rural development purposes.

"Local general government" is defined to mean the government of a municipality, county, town, or township as such terms are defined and used by the United States Bureau of the Census.

"Regional office" is defined to mean the office that serves the rural part of the geographical area located within a uniform region established by the President of the United States for coordination of Federal agencies.

"Board" is defined to mean the National Rural Development Bank Board.

"Bank" is defined to mean the National Rural Development Bank.

"Participant" is any local rural bank or other local rural financial institution designated as a Participating Rural Development Financial Institution under the Act.

A *"supporting financial institution"* is any person or financial institution within the United States that has purchased, discounted, rediscounted, or refinanced all or part of a rural development loan extended to an eligible sponsor by a Participant.

A *"rural development loan"* is a unit of credit or other financial assitance extended to an eligible sponsor to construct and operate a rural development project.

The *"Governor"* is the executive officer of the National Bank.

"Financial assistance" means (1) the purchase of legal obligations and the discount, rediscount, or refinancing of any note, draft, or other obligation and similar legal instruments evidencing and securing the repayment of a secured rural development loan advanced by a local rural financial institution for the establishment or operation of any rural development project irrespective of whether such loan is insured or guaranteed in whole or in part by an instrumentality of the Federal Government; (2) the providing of funds for joint-venture equity investment in rural development projects; and (3) the extending of loans to sponsors of rural development projects who are unable to obtain needed credit from other existing financial institutions.

"Joint-venture equity investment" means the investment of funds jointly with another private or public rural development project sponsor to establish and operate a rural development project.

"Eligible sponsor" is defined to mean—

1. Any of the following who propose to or are engaged in establishing or operating a rural development project, if they meet the requirements specified in paragraph (2):

Public and quasi-public bodies;

Cooperative associations as defined in the Agricultural Marketing Act (42 Stat. 388; 12 U.S.C. 1141j(a), if such associations are

unable to borrow from the banks for cooperatives; other cooperatives;

Corporations;

Partnerships;

Individual proprietors;

Multijurisdictional substate general purposes planning and development districts established by the legislature or Governor of a State;

Persons and firms;

Owners or potential owners of rural homes;

Municipalities;

Resource conservation and development project sponsors under title III of the Bankhead-Jones Farm Tenant Act;

Sponsoring associations carrying out projects under the Watershed Protection and Flood Prevention Act;

Corporate entities established by sponsors of concerted education and training service projects carried out jointly by the Department of Agriculture, the Department of Health, Education, and Welfare, and the Department of Labor;

Cooperative associations furnishing to farmers and rural residents services and facilities for harvesting, storing, processing (including preservation or preparation of edible products for market), transporting or marketing agricultural commodities or products, consumer purchasing services, or the processing or marketing of other products of farmers or rural residents, or other cooperatives or self-help enterprises;

Councils of government established under State law if rural areas are included within their jurisdiction;

Private associations;

Local development districts organized under the Appalachian Development Act;

Economic Development Districts organized under the Economic Development Act of 1965;

Technical vocational schools; and

Indian tribes on Federal and State reservations or other federally recognized Indian tribal groups.

2. To be eligible the proposed or operating project would have to be declared eligible based upon the following:

A review of the proposed project by the governing body of the multijurisdictional, areawide, general purpose planning and development district, if any, established by the legislature or Governor of the State concerned and a certification by such body that the proposed private or public facility, work or service is not inconsistent with the current areawide general purpose development plan, if any, for the multijurisdictional district;

A determination that the private or public facility, work, or service provided by the project will be located in and operate primarily in a rural area to increase the employment of or for the benefit of rural residents and that the proposed project promises to make a net increase in the number of jobs, quality of life, or median family income in the rural area served;

A determination that the proposed undertaking covered by the loan is not inconsistent with the Federal, State, or local laws or regulations relating to protecting the quality of the environment.

"Voting stockholders" include all Participants, all borrowers, and all Joint-venture-cosponsors who have purchased and own voting stock in the Bank.

A "Joint-venture-cosponsor" is an eligible sponsor who joins with the Bank in making a joint-venture equity investment in a rural development project.

SUBTITLE B—NATIONAL RURAL DEVELOPMENT BANK BOARD

Section 801—Establishment

Section 801 establishes a National Rural Development Bank Board (hereinafter referred to as the "Board") composed of eleven appointed, three ex officio, and ten elected members. The appointed members are to be appointed by the President, by and with the advice and consent of the Senate, not more than six of whom shall be from the same political party nor more than one of whom shall be from any State. In making appointments to the Board the President must select persons who are especially qualified to serve on the Board because of their education, training, and experience, shall attempt to provide a fair representation on the Board of the different geographic regions of the United States and the several economic interests in rural development-farming, labor, business, banking, cooperatives, local government, and private economic enterprises both for profit and nonprofit. The representative of the Secretary of Agriculture on the Farm Credit Board, the Governor of the Farm Credit Administration, and the Governor of the Bank shall be ex officio members of the Board and shall not be eligible to vote. One elected member shall be chosen by voting stockholders of the rural area served by each regional office.

All members of the Federal Board must be citizens of the United States and not less than seventeen members, exclusive of ex officio members, must be legal residents of rural areas in which the Bank is authorized by this Act to extend financial assistance for rural development projects.

The Board shall elect a chairman and vice chairman from among its appointed and elected members. The Board shall elect a Secretary from among its members or from outside its membership. Such officers shall be elected for terms of one year and shall hold office until their successors have been elected.

No member of the Board, other than the ex officio members shall, while serving as a member of the Board, be an officer or employee of the United States or of any State or of the Rural Development Bank or of the Farm Credit System.

Appointed and elected members of the Board will serve for terms of six years, except that (1) a person appointed to fill an unexpired term will serve only for the remainder of the term for which his predecessor was appointed, and (2) with respect to the first members appointed and elected to such Board, four will be appointed and four elected for terms of six years, four will be appointed and four elected for terms of four years, and three will be appointed and two elected for terms of two years.

The bill provides that a vacancy on the Board will not affect the power of the Board to act. A vacancy will be filled in the same manner as originally filled, and members serve until their successors are appointed and qualified.

The Board is authorized to establish its own rules of procedure for conducting its business, except that a majority of all members of such Board shall constitute a quorum for the transaction of its business.

Each appointed and elected member of the Board shall receive $200 a day for not more than one hundred days of meetings each year and all members shall be reimbursed for travel and reasonable expenses incurred in attending meetings of such Board and in discharge of their official duties without regard to laws with respect to allowances which may be made on account of travel and subsistence expenses of officers and employed personnel of the United States. Nothing in the preceding sentence shall be construed to limit the number of days of meeting each year to one hundred days.

The Board shall hold at least six regularly scheduled meetings a year and such additional meetings at such times and places as it may determine. Special meetings shall be held at any time at the call of the chairman or by any three members of such Board.

Section 802—Powers of the Board

Section 802 empowers the Board to establish the general policy for the guidance of the Bank in carrying out this Act. It may require such reports as it deems necessary from the Bank. The Board must provide for the examination of the condition of and general supervision over the performance of the powers, functions, and duties vested in the Bank and in Participants, which, in the judgment of the Board, relate to matters of board and general supervisory, advisory, or policy nature. The Board is required to function as a unit without delegating any of its functions to individual members, but is allowed to appoint committees and subcommittees for studies and reports for consideration by such Board. It shall not operate in an administrative capacity.

Section 803—Reports

Section 803 provides for the Board making an annual report to the Congress on the condition of the Bank, including analytical program evaluation and cost effectiveness studies, and recommendations to improve the operation of the Bank in providing supplementary investment required to attain rural development purposes.

SUBTITLE C—NATIONAL RURAL DEVELOPMENT BANK

Section 901 establishes a National Rural Development Bank (herein called Bank) as a federally chartered instrumentality of the United States subject to policies of the Board. Its charter may be modified from time to time by the Board in any manner not inconsistent with the Act.

Section 902—Corporate powers

Section 902 provides for the corporate existence of the Bank and for its general corporate powers.—The Bank is given the following general powers:

Adopt and use a corporate seal;

Have succession until dissolved under the provisions of this Act or other Acts of Congress;

Make contracts;

Sue and be sued;

Acquire, hold, dispose, and otherwise exercise all the usual incidents of ownership of real and personal, tangible and intangible property necessary or convenient for its business;

Operate under the policy direction of the Board;

Prepare and disseminate information to the general public on use, organization, and functions of the Bank and to investors on merits of its securities;

Require appropriate bonds or other provision for protection of the assets of the Bank against losses occasioned by employees;

Prescribe rules and regulations necessary or appropriate for carrying out the provisions of this Act;

Prescribe its bylaws, subject to approval of the National Board;

Provide in the bylaws for

The classes of its stocks and the manner in which such stock shall be issued, transferred, and retired;

The election or appointment of its officers and executive employees;

Property acquired, held, or transferred;

The conduct of its general business; and

The exercise and enjoyment of the privileges granted to it by law.

Deposit its securities and its current funds with any member bank of the Federal Reserve System, and pay fees therefor and receive interest thereon as may be agreed. When designated for that purpose by the Secretary of the Treasury, it shall be a depository of public money, except receipts from customs, upon such regulations as may be prescribed by the Secretary; may be employed as fiscal agent of the Government, and shall perform all such reasonable duties as a depository of public money or financial agent of the Government as may be required of it. No Government funds deposited under provisions of this subsection shall be invested in loans or bonds or other obligations of the Bank;

Buy and sell obligations of, or insured or guaranteed by, the United States or of any agency thereof, or securities backed by the full faith and credit of such agency, and make such other investments as may be authorized by the Board;

Delegate to Participants and Joint-venture-cosponsors such functions vested in the Bank, as it may determine appropriate;

Exercise by its authorized officers, employees, or agents all such incidental powers as may be necessary or expedient to carry out the business of the Bank;

Purchase, refinance, or discount rural development loans and participations in such loans made by local rural financial institutions from such institutions and from other financial institutions that have purchased, discounted, or refinanced such loans; and

Make joint-venture equity investment in rural development projects.

Section 903—Governor

Section 903 provides for the appointment of the Governor, his salary, and his expense allowance.

The Governor is appointed by the Board subject to confirmation by the Senate.

The compensation of the Governor is set at the rate prescribed for positions in level IV of the Executive Pay Schedule under subchapter II of chapter 53 of title 5, United States Code. The Federal Board shall fix the allowance for his necessary travel and subsistence expenses or per diem in lieu thereof.

Section 904—Duties

Section 904 provides that the Governor shall be responsible, subject to the supervision and control of the Board, for carrying out the functions of the Bank and the policies of such Board. He is required to carry out all orders and directives received by him from the Board.

Section 905—Powers of Governor

Section 905 authorizes the Governor to carry out the powers and duties now or hereafter vested in him by the Act and Acts supplementary thereto, to establish and to fix the powers and duties of such officer to serve within regional offices, divisions, and instrumentalities as he may deem necessary to insure the proper and efficient administration. The Governor is given authority to appoint and employ such personnel as may be necessary to carry out the functions of the Bank, including the appointment, with the approval of the Federal Board, of a Deputy Governor who shall receive compensation at the rate prescribed for positions in level V of the Executive Pay Schedules. The powers of the Governor may be exercised by him through such officers and employees of the Bank as he may designate. The Governor shall provide on a reimbursable basis such administrative management services, other than public information for the Federal Board as shall be mutually agreed upon by the two parties.

Section 906—Administrative

Section 906 allows the Bank within the limits of funds available therefor, to make necessary expenditures for personnel, services, and rent at the seat of Government and elsewhere; for contract stenographic reporting services; for purchase and exchange of law books, books of reference, periodicals, and newspapers; for expenses of attendance at meetings and conferences; for purchases, operation, and maintenance at the seat of Government and elsewhere of motor-propelled, passenger-carrying vehicles and other vehicles; for printing and binding; and for such other facilities and services, including temporary employment by contract or otherwise, as may from time to time be necessary for proper administration.

Section 907—Enumerated powers

Section 907 provides to the Bank in addition to the corporate powers enumerated above the following powers, functions, and responsibilities in connection with the provision of financial assistance to Participants, to Joint-venture-cosponsors, and to those who have purchased, discounted, or refinanced rural development loans extended by Participants:

—to make studies of rural lending and investment needs, the need for better geographic distribution of population and economic opportunity, appraisal and credit standards, and credit requirements of rural industrial and commercial enterprise; to develop acceptable national and regional standards, procedures, and appraisal forms; and to prescribe price and cost levels to be used in such standards, joint-venture investment, appraisals, and lending.

Section 908—Policies and regulations

Section 908 requires Board to establish and promulgate policies and regulations, not inconsistent with provisions of this Act, to govern the policies, programs and procedures of the Bank.

The policies of Bank, for so long as the Secretary of the Treasury holds stock in such Bank for the United States will be subject to prior approval by the Secretary of the Treasury.

Section 909—Financial examinations

Section 909 subjects the Bank, Participants, and Joint-venture-cosponsors to the supervision of the Farm Credit Administration with respect to all procedures relating to financial examinations, including audits. The section requires the Board to arrange with the Federal Farm Credit Board to utilize the services of the Farm Credit Administration examiners for investigative, accounting, and administrative auditing of the work of the Bank in an orderly, efficient, and effective manner. The Farm Credit Administration is authorized to provide such services on a mutually agreeable reimbursable basis.

Section 910—Examination and audit

Section 910 provides that except as otherwise provided the Bank, Participants, and Joint-venture-cosponsors, at such times as the Board may determine, shall be examined and audited by examiners of the Farm Credit Administration on a reimbursable basis but that in no event shall any such institution be examined and audited less frequently than once a year. If the Board determines it to be necessary or appropriate, the section provides that the required examinations and audits may be made by independent certified public accountants, certified by a regulatory authority of a State, in accordance with generally accepted auditing standards. Upon request of the Governor of the Bank, credit examiners shall also make examinations of any organization, other than a national bank, to which, or with which, the Bank contemplates extending financial assistance or delegating authority. Examiners of the Farm Credit Administration are made subject to the same requirements, responsibilities, and penalties as are applicable to examiners under the National Bank Act, the Federal Reserve Act, the Federal Deposit Insurance Act, and other provisions of law and shall have the same powers and privileges as are vested in such examiners by law. The section provides that a report of each audit of the Bank or other institution for any fiscal year shall be made by the Farm Credit Administration through the Board to the President of the United States and to the Congress not later than six months following the close of such fiscal year. The section requires the Bank to reimburse the Farm Credit Administration for the cost of performing the audits.

The Bank, Participants, and Joint-venture-cosponsors are made subject to audit by the General Accounting Office at such times and to such extent as the Comptroller General shall determine.

Section 911—Comptroller of Currency

Section 911 authorizes and directs the Comptroller of the Currency, upon request of the Farm Credit Administration, to furnish for the exclusive and confidential use of the Board such reports, records, and other information as he may have available relating to the financial condition of national banks through, for, or with which the Bank has made or contemplates making discounts, loans, or delegations of power.

Section 912—Consent to examination

Section 912 requires any organization, other than State banks, trust companies, and savings associations shall, as condition precedent to security discount privileges or delegated powers with the Bank for its exclusive and confidential use, to file with such bank its written consent to examination by Farm Credit Administration examiners. State banks, trust companies, and savings associations may be required in like manner to file a written consent that reports of their examination by constituted State authorities may be furnished by such authorities upon the request of the Farm Credit Administration.

Section 913—Executive departments and Federal Reserve information

Section 913 authorizes the executive departments, boards, commissions, and independent establishments of the Government of the United States, the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Board of Governors of the Federal Reserve banks, under such conditions as they may prescribe, upon request of the Farm Credit Administration, to make available to the Board in confidence all reports, records, files, or other information relating to the conditions of any Participant or Joint-venture-cosponsor to which the Bank has or is contemplating extending financial assistance or for which it has or contemplates using as a custodian of securities or other credit instruments, or which is using as or contemplates using as a depository, or to which it contemplates delegating powers under this Act. The Federal Reserve banks in their capacity as depositories, agents, and other obligations issued by the banks of the Rural Development Credit System or book entries thereof are also authorized and directed, upon request of the Board, to make available for audit all appropriate books, accounts, financial records, files, and other papers.

Section 914—Jurisdiction

Section 914 provides that the Bank, Participants, and Joint-venture-cosponsors shall, for the purposes of jurisdiction, be deemed to be a citizen of the State, commonwealth, or District of Columbia in which its principal office is located. No district court of the United States shall have jurisdiction of any action or suit by or against any private financial institution exercising delegated powers under the Act, upon the ground that it was incorporated under the Act or that the United States owns any stock thereof, nor shall any district court of the United States have jurisdiction, by removal or otherwise, of any suit by or against the United States or by or against any officer of the United States and except in cases by or against any receiver or conservator of any such institution appointed in accordance with the provisions of this Act.

Section 915—Stock and franchise tax

Section 915 allows the Bank to issue stock which may be purchased by the Secretary of the Treasury on behalf of the United States as an initial investment in the stock of the Bank to help it to inaugurate financial assistance operations. During the time the stock is outstanding, the pertinent provisions of the Government Corporation Control Act will be applicable to the Bank. Notwithstanding the requirements for annual

audits and annual reports to the Congress contained in sections 202 and 203 of the Government Corporation Control Act the section provides that the operations of the Bank shall also be subject to audit by the General Accounting Office at such times and to such extent as the Comptroller General shall determine.

Moreover, for any year or part thereof in which the Secretary of the Treasury holds any stock in the National Bank, the Bank, before declaring any dividends shall pay to the United States as a franchise tax a sum equal to the lower of (1) 25 per centum of its net earnings for the year, or (2) a rate of return on such investment calculated at a rate determined by the Secretary of the Treasury equal to the average annual rate of interest on all public issues of debt obligations of the United States issued during the fiscal year ending next before such tax is due, multiplied by the percentage that the number of days such stock is outstanding is of three hundred and sixty-five days. Such payments shall be deposited in the miscellaneous receipts of the Treasury.

Section 916—Government Purchases of Stock

Section 916 directs the Secretary of the Treasury to purchase stock of the Bank on behalf of the United States in the amount appropriated by Congress.

Section 917—Limit on stock issued

Section 917 authorizes the Governor subject to the provisions of the Act, and approval of the Board, to issue from time to time and to have outstanding voting and nonvoting capital stock of an aggregate par value of not to exceed the par value of stock purchased by the Secretary of the Treasury plus not to exceed two per centum of the amount of outstanding financial assistance and joint-venture equity investment.

Section 918—Classes of stock and redemption of stock

Section 918 provides that the capital stock of the Bank shall be divided into shares of par value of $5 each and may be of such classes as may be determined by the Board. The voting stock of the Bank shall be held only by such Participants as obtain financial assistance from such Banks and Joint-venture-cosponsors, which stock may not be transferred, pledged, or hypothecated except as authorized pursuant to the Act. Any Participant is allowed to elect to receive nonvoting stock in lieu of voting stock.

Nonvoting stock may be issued to the Secretary of the Treasury and may also be issued to Participants. When a Participant reduces its total outstanding indebtedness to the Bank, or when a Joint-venture-cosponsor has retired the Bank's investment, its voting stock may be converted at par value, or such greater value as the Bank may from time to time determine, into nonvoting stock, or may be redeemed in cash or as a credit to extinguish final indebtedness at such value as the Bank may from time to time determine. Nonvoting stock or other evidences of indebtedness of the Bank held by the Secretary of the Treasury may be retired at any time, subject to approval of the Board, and shall be retired each year to the extent of the availability of earnings in accordance with the provisions of this Act.

DETERMINATION OF EARNINGS

The earnings of the Bank shall be determined in accordance with approved accounting principles and practices, as established by the Board subject to examination under policies of the General Accounting Office.

Earnings shall be distributed as follows:

First, not less than 10 per centum of net earnings for the year shall be paid into the reserve fund of the Bank until said reserve fund shall equal 150 per centum of outstanding stock.

Second, not less than 10 per centum of net earnings for the year shall be paid into the capital surplus fund of the Bank.

Third, the franchise tax shall be paid as required by section 915 for any year in which any stock is held by the Secretary of the Treasury.

Fourth, not less than 10 per centum of net earnings shall be used for retirement of nonvoting stock and other evidences of indebtedness of the Bank held by the Secretary of the Treasury.

Fifth, dividends shall be paid on nonvoting stock held by investors other than the Secretary of the Treasury at a rate not exceeding the average cost to the Bank of funds obtained through issuance of bonds, debentures, and other evidences of indebtedness in its funding operations.

Sixth, dividends shall be paid on voting stock of the Bank as determined by Board.

Dividends shall not be payable on any stock held by the Secretary of the Treasury.

Section 919—Issuance of notes, bonds, debentures, and other obligations

Section 919 authorizes the Bank, subject to supervision of the Board, to issue its own notes, bonds, debentures, or other similar obligations, fully collateralized by the notes, mortgages, joint-venture equities and security instruments it holds in the performance of its functions in such sums, maturities, rate of interest, and terms and conditions of each issue as it may determine.

Section 920—Limitations on amount of obligations

Section 920 sets the maximum amount of long-term notes, bonds, debentures, or other obligations the Bank may issue at an amount which, when added to the amount of other bonds, debentures, long-term notes, or other similar obligations issued and outstanding, will not exceed twenty times the capital and surplus of the Bank, or such lesser amount as the Board shall establish by regulation.

The section also requires that the Bank have on hand at the time of issuance of any long-term notes, bonds, debentures, or other similar obligations, and at all times thereafter maintain, free from any lien or other pledge, notes, and other obligations representing rural development loans made, refinanced, rediscounted, or purchased under the authority of this Act, equities in joint-venture investments obligations of the United States or any agency thereof direct or fully guaranteed, other readily marketable securities approved by the Board, or cash, in an aggregate value equal to the total amount of long-term notes, bonds, debentures, or other similar obligations outstanding for which the Bank is primarily liable.

Section 921—Liability of the bank

Section 921 requires the Bank to be fully liable on all notes, bonds, debentures, or other obligations issued by it.

The section provides that the United States shall not be liable or assume any liability directly or indirectly on obligations issued by the Bank.

Section 922—Lawful investments

Section 922 provides that the bonds and other similar obligations issued under the authority of the Act shall be lawful investments for all fiduciary and trust funds and may be accepted as security for all public deposits. It also provides that any obligation issued by the Bank pursuant to the Act shall be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission, to the same extent as securities which are direct obligations guaranteed as to principal or interest by the United States.

Section 923—Federal reserve system

Section 923 authorizes any member of the Federal Reserve System to buy and sell bonds, debentures, or other similar obligations issued under the authority of the Act, and authorizes any Federal Reserve Bank to buy and sell such obligations to the same extent and subject to the same limitations placed upon the purchase and sale by said banks of State, county, district, and municipal bonds under section 14(b) of the Federal Reserve Act (12 U.S.C. 355).

Section 924—Fiscal agent

Section 924 authorizes the Bank to purchase its own obligations and to provide for the sale of obligations issued by it, through a fiscal agent or agents, by negotiation, offer, bid, or syndicate sale, and to deliver such obligations by book entry, wire transfer, or such other means as may be appropriate.

Section 925—Investments and guarantees

Section 925 authorizes the Bank to:

Buy and sell securities it has guaranteed or whose mortgages it has insured or in which it has invested;

Invest funds not needed in its financing operations in such property and obligations as it may determine;

Guarantee securities in which it has invested for the purpose of facilitating their sale; and

Guarantee and insure rural development loans made by other lenders.

Section 926—Liquidation

Section 926 prohibits the Bank from going into voluntary liquidation without the consent of the Board. With such consent it may liquidate only in accordance with regulations prescribed by the Board. Upon default of any obligation by the Bank, it may be declared insolvent and placed in the hand of a conservator or a receiver appointed by the Board and the proceedings thereon shall be in accordance with regulations of the Board regarding such insolvencies.

Section 927—Financial assistance provided

Section 927 authorizes the Bank to extend financial assistance to eligible sponsors, to Participants, and to such other financial institutions as have extended financial assistance to Participants in accordance with provisions of the Act.

Section 927—Joint-venture investments; limitations

Section 927 also authorizes the Bank to invest its funds in joint-venture equity investments in rural development projects.

The section also requires the Bank to develop criteria to assure that projects assisted by it are not inconsistent with the comprehensive planning, if any, for the development of the general purpose substate multi-jurisdictional planning and development districts in which such projects are proposed to be located.

Financial assistance extended under this section may not exceed the total capital cost of the project to be financed.

Section 927—Special handling of public bodies credit

Section 927 provides for special handling in any case in which the Bank undertakes to provide assistance to a State or local government under subsection (a) for the construction of a project for which any other department or agency of the Federal Government (under another law of the United States) will also provide funds.

The assistance provided by the Bank under this section may be in the full amount needed by the State or local government to finance such project (including the amount of the funds which will be provided by such other department or agency), but the funds to be provided by such other department or agency with respect to such project shall become payable (notwithstanding any contrary provision in the law under which they are payable) to the Bank in lieu of being paid directly to such government; and

The Bank may accept in return (A) an obligation or obligations of such State or local government covering only the difference

between such full amount and the amount of the funds which are payable with respect to such project by such other department or agency, plus (B) a commitment from such other department or agency to pay the funds which are to be provided by it and are payable to the Bank as described in paragraph (1), in order to insure that such State or local government will not have to include within its debt limit that portion of the indebtedness incurred for the financing of such construction which is attributable to funds provided by such other department or agency.

Section 928—Interest rates

Section 928 requires that financial assistance provided by the Bank bear interest at a rate or rates, and on such terms and conditions, as may be determined by the Board from time to time. The section provides that rates and charges will be set to provide the types of financial assistance needed on a sound business basis at the lowest reasonable cost, taking into account the cost of money to the Bank, the necessary reserves, capital surpluses, and expenses of the Bank, and the orderly retirement of the capital subscriptions of the United States, with provision for the interest rate or rates to vary from time to time during the period of the assistance in accordance with the rate or rates currently being charged by the Bank.

Section 929—Security

Section 929 requires that the financial assistance extended by the Regional Bank shall be secured by all of the best available security owned or to be acquired by the beneficiary as may be required adequately to secure the obligation.

Section 930—Delegation of powers

Section 930 authorizes the Bank, by order, rule, or regulation to delegate to any Participant, Joint-venture-cosponsor, or supporting financial institution such of the duties, powers, and authority of the Bank with respect to such Participant or the officers and employees thereof, in the rural area wherein such Participant is located, as may be determined to be in the interest of effective administration. Any Participant, or other person to which any such duties, powers, or authority may be delegated, is authorized and empowered to accept, perform, and exercise such duties, powers, and authority as may be so delegated to it.

Section 931—Sharing of gains and losses

Section 931 authorizes the Bank to enter into agreements with Participants, Joint-venture-cosponsors, and eligible sponsors for sharing the gains and losses on financed assistance extended and on joint-venture equity investments.

Section 932—Lawful investments

Section 932, in defining the nature of obligations, designates all obligations issued by the Bank, as lawful investments, that may be accepted as security, for all fiduciary, trust, and public funds the investment or deposit of which shall be under the authority or control of the United States or of any officer or employee thereof.

Section 933—Tax status

Section 933, defines the tax status. The Bank is made subject to Federal, State, and local taxes as follows:

(a) The real property and tangible personal property of such Bank shall be subject to Federal, State, and local taxation to the same extent, according to its value, as other similar property held by other persons is taxed.

(b) The income of the Bank and from any obligations purchased by such Bank from any Federal, State, or local governmental or quasi-governmental body and any obligation issued by such Bank shall be subject to Federal, State, and local taxation to the same extent as the income obligations of private corporations are taxed.

(c) The Bank shall be liable for the franchise tax as provided by section 915.

(d) Notwithstanding the foregoing provisions, the Bank shall not be subject to Federal, State, or local income taxes for any period in which capital stock in such Bank is held by the Secretary of the Treasury for the United States.

SUBTITLE D—PARTICIPATING RURAL DEVELOPMENT FINANCIAL INSTITUTIONS

Section 1001—Designation of participants

Section 1001 provides for the designation of any National or State bank, savings institution, credit union, or other financial institution making loans in rural areas for rural development purposes, upon application, be considered for designation as a Participating Rural Development Financial Institution, referred to in this Act as a "Participant."

Section 1002—Powers of participant

Section 1002 authorizes a Participant or a supporting financial institution, subject to provisions of this Act, to obtain financial assistance from the Bank and to issue obligations for purchase by the Bank and to perform such other duties as the Bank may delegate and the Participant agrees to undertake.

Section 1003—Capital stock purchase

Section 1003 establishes the following rules for acquiring capital stock of the Bank:

(a) The Participant may purchase voting capital stock in the Bank in an amount (at par value) equal to not less than 1 per centum and not more than 10 per centum of the amount of the financial assistance received from the Bank.

(b) Any of the institutions which qualify as Participants are authorized to purchase voting stock of the Bank.

(c) Any of the institutions that are eligible for designating as a Participant may purchase nonvoting stock in the Bank equal to at least 1 per centum and not more than 10 per centum of the financial assistance received.

Section 1004—Governance of participants; appeals

Section 1004 provides that with respect to all evidence of financial assistance and other obligations which a Participant shall present to the Bank, the policies, rules, regulations, and procedures followed shall be in accordance with the rules and regulations established by the Board. The designation of any institution as a Participant may be canceled by the Banks.

Any Participant whose designation has been canceled under this section may appeal the cancellation to the Board. The decision of the Board shall be final. The Board shall establish appropriate rules and regulations and review bodies to implement expeditious, orderly, and fair consideration of appeals filed by Participants objecting to canceled designations or other matters related to their relationship to the Bank.

Section 1005—Requirements

Section 1005 requires that the terms and conditions under which financial assistance may be made available to Participants, directly or through other financial institutions, be established by the Board. Such terms and conditions are allowed to vary depending on the rural development purpose for which such assistance is to be used and the customary practices of the supporting regional financial institutions serving rural areas within the jurisdiction of different regional offices.

Section 1006—Rural activity required

Section 1006 permits only those financial institutions whose volume of loans in rural areas is more than one-half of the total volume of all its loans shall be eligible to purchase voting stock of the Bank.

Section 1007—Required purchase of stock

Section 1007 requires a Participant, as a condition of eligibility for financial assistance with respect to any rural development loan it has extended, to require the deposit by the borrower of 5 per centum of the amount of that part of the loan for which the financial assistance of the Bank is requested.

This amount shall be utilized by the Participant to purchase, on behalf of the borrower, voting capital stock of the Bank. The Participant is required to transmit such stock to the borrower.

SUBTITLE E—JOINT VENTURE EQUITY INVESTMENT IN RURAL DEVELOPMENT PROJECTS

Section 1101—Equity investments

Section 1101 authorizes the Bank, subject to regulations approved by the Board, to make investments in rural development projects proposed or established by eligible sponsors, directly, or through a Participant, in accordance with standards ad criteria to govern the making of investments in joint-ventures with eligible sponsors established by the Board.

Section 1102—Division of profits

Section 1102 specifies that the Bank and the eligible sponsor with whom the Bank has entered into a joint equity investment in a rural development project shall share in the profits of the project in the same ratio as the amounts of their several investments.

Section 1103—Taxes

Section 1103 makes joint-venture rural development projects subject to all Federal, State, and local taxes.

Section 1104—Limitation

Section 1104 prohibits Bank investment in any project than can obtain necessary credit or investment for the full amount of the investment from any other source on reasonable terms.

Section 1105—Additional limitation

Section 1105 prohibits the investment made by the Bank in joint-venture projects from exceeding the amount that cannot be obtained elsewhere on reasonable terms.

Section 1106—Joint-venture agreement

Section 1106 requires that the joint-venture agreement between an eligible sponsor and the Bank provide:

That the eligible sponsor will, as soon as financially able, purchase the investment of the Bank, and that

The control over the joint-venture shall be apportioned between the Bank and the eligible sponsor in accordance with the relative amounts of investment of each in the project.

SUBTITLE F—GENERAL

Section 1201—Amendments of other laws

Section 1201 includes amendments to other laws as follows:

Subsection (a)

Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"(95) Governor of the National Rural Development Bank."

Subsection (b)

Section 5316 of title 5, United States Code is amended by adding at the end thereof the following:

"(132) Deputy Governor of the Federal Rural Development Credit Agency."

Subsection (c)

Paragraph "seventh" of section 5136 of the Revised Statutes (12 U.S.C. 24) is amended by adding at the end thereof a new sentence as follows: "Notwithstanding any other provision in this paragraph, the association may purchase the stock, bonds or other obligations of the National Rural Development

Bank created pursuant to the authority of the Rural Development Act Amendments of 1973."

Section 1202—Separability

Section 1202 is the usual separability clause.

Section 1203—Reservation

Section 1203 reserves the right to alter, amend, or repeal. The right to alter, amend, or repeal any provision or all of this title is expressly reserved.

Section 1204—Appropriation authorization

Section 1204 authorizes appropriation to the Secretary of the Treasury of not to exceed $200,000,000 annually for not to exceed ten years for the purchase of capital stock of the Bank.

By Mr. INOUYE:

S. 1700. A bill to amend the Clean Air Act and the Solid Waste Disposal Act in order to include the Trust Territory of the Pacific Islands within the definition of the term State. Referred to the Committee on Public Works.

Mr. INOUYE. Mr. President, Congress has advanced the cause of the preservation of our natural environment through the enactment of both the Clean Air Act and the Solid Waste Act.

By its action, Congress lent Federal financial assistance and leadership to the prevention and control of air pollution and to the effective management of solid wastes.

Today, I am introducing a bill that will correct an oversight which effectively excluded the Trust Territory of the Pacific Islands from the definition of "State" in both acts.

For too long we have shirked our responsibility in failing to adequately provide for this trusteeship. As a result, the territory has suffered from our indifference.

As this area begins to develop its natural resources, the actual need for Federal assistance in conserving these islands will significantly increase. Thus, coverage under these acts will effectively enable the trust territory to carefully manage its growth.

As they are American lands which deserve our sympathetic attention. I hope that Congress will move expeditiously to correct this oversight by passing this legislation.

By Mr. RANDOLPH:

S. 1702. A bill to provide for an investigation by the General Services Administration of various problems involved in providing toll-free telephone numbers for incoming calls at each regional office of most executive agencies. Referred to the Committee on Government Operations.

Mr. RANDOLPH. Mr. President, I introduce for appropriate reference a bill to authorize the General Services Administration to investigate the economic and operational feasibility of providing toll-free telephone service for incoming calls at each regional office of most executive agencies. Several governmental agencies do provide such a service to Federal offices located within a State. These include the Civil Service Federal Job Information Centers and the Internal Revenue Service Tax Assistance Office. Also Federal information centers are located in 36 cities in the country, which serve mostly as referral services. Citizens in 37 other cities can call at least one, and in some cases two or three of the 36 centers on toll-free telephone lines.

The Congress is an extension of the citizenry of this country. We are elected by the people and we must not only report to them what we, their elected representatives, are doing in Washington, but also to receive their responses to our efforts and their ideas about what else we should be doing. Members of Congress, I feel, try to respond to the wishes and needs of the American people. We in the legislative branch are attempting to correct the attitude by many that causes distrust and lack of confidence in the Federal Government.

The executive branch shares with the Congress the serious responsibility of making Government more responsive to citizens and their needs. While people have increasing opportunity to bring their needs and problems to the Congress, such opportunity does not exist when it comes to the Executive.

This toll-free telephone service would help bring the people to the executive branch. Mr. President, in 1970, over 90 percent of the households in the United States were equipped with telephone service. There were over 58 telephones per 100 population and 86,850,000 residences had telephones. In my own State of West Virginia more than 80 percent of the homes have telephones. Such a communication carrier as the telephone could aid in ridding the "disease of large government." Phone service to the regional government agencies would serve as a "focal point" in helping the citizen to find the ultimate goal—how to eliminate the "government run-around."

We are now witnessing the beginning of a shift away from Washington to the State houses and city halls—a shift in authority from the Federal level back to State and local governments. The correct mix or responses to the needs of the people must be sought. Government cannot and must not be static. To be effective it must be dynamic. The Federal Government must be flexible and capable of meeting changing conditions. If the American democratic system is to function effectively, government officials cannot sit isolated in ivory towers. This is why I strongly believe in maximum contact between Members of Congress, the administration, and the electorate.

I agree with Commissioner Nicholas Johnson of the Federal Communications Commission, "We simply must open new channels of communication between the public and Washington." Parade magazine wrote:

> Johnson reports that the response to his proposal (for a toll-free telephone line to the Federal Government) shows "the citizens are for all for it, while some bureaucrats think it would require too many people to answer the phones."

A study by the General Services Administration will help solve such questions.

The administration must assist people with their questions on unemployment, drug abuse, taxation, education, and many other important issues. This legislation will aid the disadvantaged person, the person on welfare, the aged on social security, the miner with a black lung problem, the confused immigrant, and others to have easy accessibility to their Federal Government. Thomas Mann said:

> Speech is civilization itself. The word, even the most contradictory word, preserves contact—it is silence which isolates.

Mr. President, Government must not isolate the American public. We must assure that their voices will be heard and that their questions will be answered.

I ask unanimous consent that an article by Commissioner Nicholas Johnson of the Federal Communications Commission; an article about West Virginia's toll-free line to the Office of the Governor; and also a listing of the cities which have Federal information centers and their respective toll-free telephone tielines be printed in the RECORD.

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

[From Parade magazine, April 8, 1973]

IF THE GOVERNOR ANSWERS, DON'T HANG UP

(By Larry Jackson)

CHARLESTON, W. VA.—Last September Nicholas Johnson of the Federal Communications Commission explained in a Parade article why this country needs a single toll-free telephone line to the Federal Government.

He said that because Congress and the Executive Branch administer programs crucial to the lives of many Americans, citizens should be able to call free to seek information or to complain. "We simply must open new channels of communication between the public and Washington," he wrote.

Johnson reports that the response to his proposal shows "the citizens are all for it, while some bureaucrats think it would require too many people to answer the phones."

While so far, little has been done to implement Johnson's idea, on the state level a similar plan has been working well in West Virginia since 1971. The system, much like the toll-free reservation lines operated by national hotel chains, allows free calls from any phone in the state to the office of Gov. Arch A. Moore Jr.

The governor said the telephone hookup came about largely because of West Virginia's geography—the state has two long panhandles surrounded by other states on three sides.

FLOODS TO TAXES

"There are many towns in West Virginia that are closer to other state capitals than to our own," Moore said. "People couldn't afford to travel to Charleston or pay for long-distance calls every time they had a problem. And the problems are many, ranging from roads, in disrepair since floods washed them out last summer, to tax claims.

"People want answers," said Moore, who developed the idea. "They don't want to call up one state official who pushes them off to another official and so on until they give up."

Telephones are manned by members of the governor's staff, but occasionally Moore himself answers.

"Sometimes I surprise the hell out of callers when they ask for the governor and I tell them, 'This is the governor.' They don't always believe me at first."

Moore claims that 90 percent of the calls (they average 45 a day) are handled the day they're received. "Speed is a must if our system is to work," he said. "If people have no confidence that you will go to bat for them right away, they won't call. Then you have discontent."

Typical of the fast action is the experience

of Pauline Chapman who phoned last winter to complain of a crumbling stone road in front of her home near Clarksburg.

"I called at 9:45 on a Monday morning," she said. "Later that day someone in the governor's office notified me the road would be fixed. I had already complained to the local highway department office and hadn't gotten too far, so I didn't know what to expect.

"But early the next day a crew began fixing the road. It still isn't as good as new, but at least you can drive on it."

Or take the case of Carlon Hill, who suffered an injury on his job and was unable to work. He applied for welfare and received food stamps, but no relief check. A call to the governor's office sped payment.

"MY W-2 FORM"

Some of the problems seem minor, except to the people directly involved.

Pete Toth, a tavern owner in Mount Gay, near Logan, wanted a statement of his earning from an extra job with the State Highway Department.

"I had lost my W-2 form, and I needed it right away to file my income tax," said Toth. "I called the highway people, and they told me it would take a while. So I phoned the governor and got the W-2 form right quick."

BENDING THE RULES

Some calls do not deal with state services at all, but they receive answers, too.

Last year a man phoned and pleaded for help because his wife was dying of internal bleeding in a small hospital. She needed emergency treatment from specialists on the other end of the state, but the man couldn't afford to pay for an ambulance.

"I arranged for a helicopter to rush the woman to West Virginia University Medical Center where her life was saved," Moore said.

"That case, and many others, are not necessarily the function of state government," he said, "but if we are to make government more responsive to the citizens that pay for it, we have to bend the rules a little. They appreciate it when the government treats them as human beings."

[From Parade Magazine, September 24, 1972]

DO YOU AGREE? WE NEED A FREE PHONE LINK TO OUR GOVERNMENT

(By Nicholas Johnson)

WASHINGTON, D.C.—Do you have a question or complaint about the way the country is being run?

Try telling it to the government. You'll find it isn't easy.

A large corporation, of course, can hire a $100,000 a year lobbyist to do its talking. But the average citizen can't afford such expensive errand boys. To obtain information or redress from a federal agency, he must write to Washington, where his letter winds up on the desk of some low-level bureaucrat. When he receives a reply, it's often drafted in hopelessly garbled officialese.

If he calls instead—assuming he can figure out whom to call—he does so at his own expense. The further away he lives from Washington, or the longer the call takes, the more money he pays.

Yet the technology to correct this phone problem already exists. In fact, it's being used right now by private industry and a handful of government offices. It's called inward WATS—Wide Area Telephone Service—or, more simply, the 800 number.

Actually, WATS has been in existence for some time. Its original purpose was to permit large firms to place *outgoing* long distance phone calls without charge, in return for a fixed monthly payment.

But inward WATS—the system which enables subscribers to *receive* calls toll-free—came somewhat later. It really began with the development of nationwide motel chains and credit systems. The motels needed a fast, efficient way to coordinate reservations. And credit card companies also needed some method to relay up-to-the-minute information from member banks and stores to a central credit office. If the phone company could provide an outgoing phone service at a fixed rate, why couldn't it provide an incoming service as well? And so, early in 1967, inward WATS was born.

POPULAR AD

One of the first customers to advertise its toll-free reservations service was the Sheraton Hotel chain. Its number—800-325-3535—became a household jingle, and the music from the ad was recorded by the Boston Pops Orchestra and performed by a dog on the *Tonight Show*.

The idea caught on. There are now approximately 11,000 such numbers in the United States, with more being added every day. By calling, you can find out which store in your area sells your brand of clothes, where to rent a car, or where to buy insurance. The telephone company has its own 800 number, a directory to every other 800 number: 800-555-1212.

You can even call some federal agencies for special purposes. You can complain about housing discrimination to the Department of Housing and Urban Development (800-424-8590); report drug offenders anonymously to the Justice Department (800-363-5363); or join the Air Force (800-631-1972). In Pennsylvania, the State Public Utilities Commission has instituted a statewide 800 number to receive complaints about utility service. And Congresswoman Ella Grasso of Connecticut has installed a district-wide inward WATS line in her office in New Britain.

But you still can't call Uncle Sam himself.

Throughout the federal government—with a few scattered exceptions, like the ones just noted—the rule seems to be, "Don't call us, we'll call you." Federal officials have a nationwide outward WATS network at their disposal. But a taxpayer can't call them, unless he foots the bill.

What can be done about it?

It seems to me that the United States Government ought to institute the 800 number. Federal offices—Congress, the Executive branch, and administrative agencies—operate so many important programs which affect people's lives that we simply must open up new channels of communication between the public and Washington.

In fact, businessmen already can write off calls to the government as a tax-deductible business expense. This creates an unfair disparity between the private citizen, whose affairs may be every bit as important, and industry. With 800 numbers, anyone could call for free.

Granted, there are obstacles. But they could be overcome. For instance, the federal government is bigger than any private enterprise. How could we establish a system capable of handling all incoming calls?

There are several ways to do this. We could connect several nationwide lines to a sophisticated directory service, consisting of operators who could listen to callers and tell them whom to contact for information. Or, the service could be broad enough to provide experts who would actually answer questions. A third alternative is a switchboard, which would simply direct calls to whatever administrative agency or Congressional office the party requests.

Another problem is money. The 800 service is expensive. A single nationwide inward WATS line costs almost $23,000 a year. National Data Corporation, which supplies reservation services and credit information to its clients, has more than 170 lines to accommodate its 100,000 daily calls. The annual price tag: roughly $2.5 million. The government would have to spend even more money than this.

But think, also, of how much money would be saved. A written reply to a citizen's letter may cost $10 to $20 by the time it has been drafted, reviewed up and down the line by supervisors, and typed a few times. A single WATS call, prorated, costs only a fraction as much. Moreover, the letter might not be satisfactory, and this could trigger several more rounds of correspondence. In a phone conversation, the parties could talk until the matter is resolved.

BIG SPENDER

The Defense Department alone spends $400 million a year on its communications, foreign and domestic, and this figure doesn't even include the salaries of the military personnel—some 3000 of them—who service and repair the phones. If we're willing to devote so many dollars and people to one government department, surely we can spare an additional amount to service the rest.

What should the new number be? All sorts of exciting possibilities suggest themselves, once you start playing with the letter equivalents of the numbers on your telephone dial. 800-872-1776 becomes 800-USA-1776. 800-373-3366 reads 800-Freedom. Or try: 800-468-6368 (800-Govment); 800-333-3725 (800-Federal); or 800-263-7422 (800-America.)

The last seven digits, though, aren't as important as the first three. Those are the ones we need.

UNITED STATES OF AMERICA, FEDERAL, INFORMATION CENTERS, OPERATED BY THE GENERAL SERVICES ADMINISTRATION

Albuquerque, N.M., telephone no. 505-843-3091, address Federal Building, U.S. Courthouse, 500 Gold Avenue, SW 87101.

Atlanta, Ga., 404-526-6891, Federal Building, 275 Peachtree St., NE 30303.

Baltimore, Md., 301-962-4980, Federal Building, 31 Hopkins Plaza 21201.

Boston, Mass., 617-223-7121, John Fitzgerald Kennedy, Federal Building, Government Center 02203.

Buffalo, N.Y., 716-842-5770, Federal Building, 111 West Huron St. 14202.

Chicago, Ill., 312-353-4242, Everett McKinley Dirksen Bldg., 219 South Dearborn St. 60604.

Cincinnati, Ohio, 513-684-2801, Federal Building, 550 Main St. 45202.

Cleveland, Ohio, 216-522-4040, Federal Building, 1240 East Ninth St. 44199.

Denver, Colo., 303-837-3602, Federal Building, U.S. Courthouse, 1961 Stout St. 80202.

Detroit, Mich., 313-226-7016, Federal Building, U.S. Courthouse, 231 West Lafayette St. 48226.

Fort Worth, Tex., 817-334-3624, Fritz Garland Lanham, Federal Building, 819 Taylor St. 76102.

Honolulu, Hawaii, 808-546-8620, U.S. Post Office, Courthouse and Customhouse, 335 Merchant St. 96813.

Houston, Tex., 713-226-5711, Federal Building, U.S. Courthouse, 515 Rusk Ave. 77002.

Indianapolis, Ind., 317-633-8484, Federal Building—U.S. Courthouse, 46 East Ohio St. 46204.

Kansas City, Mo., 816-374-2466, Federal Building, 601 East Twelfth St. 64106.

Los Angeles, Calif., 213-688-3800, Federal Building, 300 North Los Angeles St. 90012.

Louisville, Ky., 502-582-6261, Federal Building, 600 Federal Place 40202.

Memphis, Tenn., 901-534-3285, Clifford Davis Federal Bldg., 167 N. Main St. 38103.

Miami, Fla., 305-350-4155, Federal Building, 51 Southwest First Ave. 33130.

Minneapolis, Minn., 612-725-2073, Federal Building, U.S. Courthouse, 110 South Fourth St. 55401.

New Orleans, La., 504-527-6696, Federal Building, Room 1210, 701 Loyola Avenue 70113.

New York N.Y., 212–264–4464, Federal Office Building, U.S. Customs Court, 26 Federal Plaza 10007.

Newark, N.J., 201–645–3600, Federal Building, 970 Broad St. 07102.

Oklahoma City, Ok., 405–231–4868, U.S. Post Office and Federal Office Building, 201 NW. 3rd St. 73102.

Omaha, Neb., 402–221–3353, Federal Building, U.S. Post Office and Courthouse, 215 North 17th St. 68102.

Philadelphia, Pa., 215–597–7042, One East Penn Square Bldg., 17 North Juniper St. 19107.

Phoenix, Ariz., 602–261–3313, Federal Building, 230 N. First Ave., 85025.

Pittsburgh, Pa., 412–644–3456, Federal Building, 1000 Liberty Ave. 15222.

Portland, Ore., 503–221–2222, 208 U.S. Courthouse, 620 Southwest Main St. 97205.

St. Louis, Mo., 314–622–4106, Federal Building, 1520 Market St. 63103.

St. Petersburg, Fla., 813–893–3495, William C. Cramer Federal Bldg., 144 First Ave., S. 33701.

Sacramento, Calif., 916–449–3344, Federal Building, U.S. Courthouse, 650 Capitol Mall 95814.

Salt Lake City, Utah, 801–524–5353, Federal Building, U.S. Post Office, Courthouse, 125 So. State St. 84111.

San Diego, Calif., 714–293–6030, 202 C Street, San Diego, Calif. 92101.

San Francisco, Calif., 415–556–6600, Federal Building, U.S. Courthouse, 450 Golden Gate Ave. 94102.

Seattle, Wash., 206–442–0507, Arcade Plaza, 1321 Second Ave. 98101.

TELEPHONE TIELINES

If you are in the following cities you can dial the center—toll free:

Santa Fe, N. Mex., Albuquerque, 983–7743.
Birmingham, Ala., Atlanta, 322–8591.
Charlotte, N.C., Atlanta, 376–3600.
Providence, R.I., Boston, 331–5565.
Rochester, N.Y., Buffalo, 546–5075.
Syracuse, N.Y., Buffalo, 476–8545.
Milwaukee, Wisc., Chicago, 271–2273.
Columbus, Ohio, Cincinnati, 221–1014.
Dayton, Ohio, Cincinnati, 223–7377.
Akron, Ohio, Cleveland, 375–5475.
Toledo, Ohio, Cleveland, 244–8625.
Colorado Springs, Colo., Denver, 471–9491.
Pueblo, Colo., Denver, 544–9523.
Dallas, Tex., Fort Worth, 749–2131.
Austin, Tex., Houston, 472–5494.
San Antonio, Houston, 224–4471.
St. Joseph, Mo., Kansas City, 233–8206.
Topeka, Kans., Kansas City, 232–7229.
Wichita, Kans., Kansas City, 263–6931.
Chattanooga, Tenn., Memphis, 265–8231.
Little Rock, Ark., Memphis, 378–6177.
Fort Lauderdale, Fla., Miami, 522–8531.
West Palm Beach, Fla., Miami, 833–7566.
Trenton, N.J., Newark, 396–4400.
Mobile, Ala., New Orleans, 438–1421.
Albany, N.Y., New York, 463–4421.
Hartford, Conn., New York, 527–2617.
New Haven, Conn., New York, 624–4720.
Tulsa, Okla., Oklahoma City, 584–4193.
Des Moines, Iowa, Omaha, 282–9091.
Scranton, Pa., Philedelphia, 346–7081.
Tucson, Ariz., Phoenix, 622–1511.
Jacksonville, Fla., St. Petersburg, 354–4756.
Tampa, Fla., St. Petersburg, 229–7911.
Ogden, Utah, Salt Lake City, 399–1347.
San Jose Calif., San Francisco, 275–7422.
Tacoma, Wash., Seattle, 383–5230.

By Mr. MONDALE:

S. 1703. A bill to amend the Agricultural Act of 1949, to require the Secretary of Agriculture to make advance payments to producers under the feed grain program with respect to crops of wheat. Referred to the Committee on Agriculture and Forestry.

Mr. MONDALE. Mr. President, I am introducing a bill to require the Secretary of Agriculture to make advance payments to producers under the wheat and feed grain programs.

The Secretary of Agriculture in 1970 decided to abandon the advance payments program although it had been working well for 7 years. Under the program, wheat and feed grain producers received an advance on diversion payments in the spring with the balance paid in August.

This is a fair and sensible approach, for farm production costs fall heavily in the spring when the planting season begins. When payments for participating in the wheat and feed grain programs are delayed until mid-summer, farmers are often forced to borrow money at high interest rates in order to operate.

Elimination of advance payments does not offer a real savings to the Department of Agriculture. Rather, it results in an on paper savings that simply shifts funding to the next fiscal year.

Without advanced payments farmers must pay high interest charges to pay for seed, fertilizer, and other operating expenses. For 1973 it is estimated that interest charges on short term loans to farmers will total more than $2.3 billion, compared with $1.7 billion in 1969 before advance payments were discontinued.

With or without advance payments, interest charges paid by farmers have been mounting at a tremendous rate over the past few years. But the absence of such payments has certainly contributed to the credit squeeze that continues to plague rural America. Without advance payments, rural merchants and tradesmen, as well as farmers, are hurt economically since they must either suspend transactions or carry over credit until program payments are made.

The farmer of course bears the major cost of abandoning advance payments. This year we have seen a great deal of attention directed toward improved farm income. However, income received by farmers still falls far below nonfarm income, and inflation continues to drive up farm production costs.

Under Government policies designed to expand production, operating costs will this year increase substantially, yet there is no guarantee that prices received by farmers will not fall far below current levels. The President has announced his intention to phase out price suport and acreage adjustment payments. This decision is apparently based on the assumption that increased exports of agricultural commodities will enable farmers to greatly expand production. However, the administration would offer virtually no protection against a disastrous drop in farm prices. Thus farmers are expected to increase substantially their investment in producing food to feed the world with no guarantee that they would be able to earn a fair and decent income.

Congress should firmly reject the administration's proposal to dismantle Federal price support and acreage adjustment machinery. The legislation I introduce today will make payments to farmers under the wheat and feed grain programs mandatory within 60 days following sign-up. Advance payments would be equal to not less than 50 percent of the total payments to be made.

Good sense calls for a restoration of advance payments. Moreover, we already give this type of advance in the form of progress payments to defense contractors before their work is completed. Surely, if we can afford such payments for defense construction, we can afford this needed advance on payments to which farmers are already entitled.

This is a matter of priorities. The administration has chosen paper savings over the very real costs incurred by producers in the absence of advance payments.

As the Senate Agriculture Committee begins to put together the basic elements in the 1973 farm bill, I hope consideration will be given to this approach and that the Congress will adopt such legislation.

Mr. President, I ask unanimous consent that the full text of my 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. 1703

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 105 of the Agricultural Act of 1949 is amended by striking out subsection (g) and inserting in lieu thereof the following:

"(g) The Secretary shall make a preliminary payment to producers, within sixty days following signup for the program, and such payment shall not be less than 50 per centum of any payments to such producers under the feed grain program."

SEC. 2. The first sentence of section 107(f) of the Agricultural Act of 1949 is amended by striking out "as soon as practicable after July 1 of the year in which the crop is harvested" and inserting in lieu thereof "within sixty days following signup for the program".

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

S. 1705. A bill to amend the Federal Aviation Act of 1958 and the Interstate Commerce Act in order to authorize reduced rate transportation for handicapped persons and for persons who are 65 years of age or older or 21 years of age or younger. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, on behalf of the distinguished chairman of the Labor and Public Welfare Committee, Mr. WILLIAMS and myself, I rise to introduce legislation that would permit airlines as well as interstate bus companies and Amtrak to grant reduced fares to senior citizens, the blind, the handicapped, and youths.

This legislation would amend the Federal Aviation Act of 1958 to allow airlines to offer price service—on a space available basis—to persons 65 or older and 21 or younger. Additionally it would permit the airlines to sell reserved seats at reduced prices to the blind and handicapped. Finally, this bill would also amend the Interstate Commerce Act to allow interstate buslines and Amtrak to offer reduced fares, with or without reservations, to those same groups. I have ordered hearings on this bill before my Commerce Committee which begin next week.

At the outset, I wish to bring to the Senate's attention two important features of this bill.

First, it should be emphasized that this is permissive, rather than mandatory, legislation and would not require any carrier to offer any reduced fare to any category of passengers. Instead, it would simply provide the federally regulated airlines, bus companies, and Amtrak the legal discretion to offer reduced fares to those groups. Presumably, the companies would exercise that discretion wherever it would prove economically advantageous by enabling them to fill seats that would otherwise go unsold. That, of course, has been the prime economic motivation for the various youth fares and there is reason to believe that by reducing fares for the aged or handicapped the companies would profit by attracting additional new passengers who would otherwise not travel. In Commerce Committee hearings last year, for example, we learned that only about 5 percent of the airline passengers flying interstate in 1970 were 65 or older although that group comprises about 10 percent of the Nation's population and generally has far more leisure time for travel than do younger persons. The experience of city bus companies that have offered reduced fares for the aged is also instructive. One study made in New York City, for instance, showed that bus passengers increased by 26 percent after reduced fares for the elderly were instituted.

Second, it should be emphasized that this bill would provide no subsidy of any kind and therefore would not require the expenditure of any Federal dollars. For the same reason, persons who availed themselves of these reduced fares would be accepting neither a Federal dole nor charity from the carriers. On the contrary, they would be providing the carriers with additional business.

Before I go into the justifications for permitting the elderly, blind, and handicapped to travel at reduced prices. I wish to explain why this legislation has now become legally necessary. Recently the Civil Aeronautics Board issued a ruling which will have the effect of denying airlines the prerogative of offering special youth fares unless the Congress provides otherwise. Since there is widespread support for those fares, we believe the airlines should be permitted to continue them if they so desire. However, we feel even more strongly that if youth fares are allowed to continue then the same benefits should be extended to the aged, blind, and handicapped. Additionally, equity and efficiency require that all interstate carriers be given basically the same opportunities to offer reduced fares for these persons. And in this connection it should be noted that Amtrak already provides reduced fares for the blind.

Mr. President, the best available estimate is that between 76 and 86 percent of Americans 65 or older do not have drivers licenses. Consequently, the great majority of our senior citizens must rely upon public transportation. Regrettably, however, their generally low incomes severely restrict their access to that transportation.

Census data shows that in July 1972, there were approximately 20.9 million Americans aged 65 or older. Of that group, about 5.2 million—or 1 out of every 4—had incomes below the federally established poverty line. And 1971 figures showed that the average income in that year for all senior citizens was only $2,466.

Consequently, just the taxi fare to the supermarket is frequently out of the older person's reach let alone round trip air fare between, say, Seattle and Omaha which costs $164.73 or even bus fare to and from Los Angeles that costs $90. It is not surprising, then, that in 1970 for example, only about 5 percent of the elderly population traveled across a State line.

It is cruelly ironic that a person's financial ability to travel so often dramatically declines or disappears altogether at retirement, the very time when, finally after years of working, he has the leisure time to travel. It is impossible to really measure the effect this has upon the elderly or the benefits which would accrue to them if travel were made possible through the reduced fares this legislation would authorize. However, it is not difficult to imagine how depressing it must be for a man or woman who is suddenly forced to sit at home in a society so deeply wedded to the automobile and the mobility it makes possible. Nor is it difficult to understand how an occasional visit to see grandchildren or to visit another city could immeasureably improve the quality of many older Americans' lives. And the opportunity to travel is, if anything, probably even more important to the millions of blind and handicapped persons. If those of us who are more fortunate become bored with our everyday surroundings and yearn for a trip across the country or around the world, how much more intense must be those same feelings for the person who is, for example, confined to a wheelchair?

Mr. President, reduced fare transportation is certainly not the most pressing need of either the handicapped or the elderly, and in proposing this legislation I do not mean to suggest otherwise.

The Vocational Rehabilitation Act which we twice passed and which the President twice vetoed would, for example, have offered far more important assistance to the blind and the handicapped. And the need for that legislation has in no way diminished.

For the elderly there is no replacement for a livable retirement income. Since 1968 the Congress has increased social security benefits by 58 percent. Last year, alone, we provided a 20-percent increase despite the President's objections and for the first time authorized automatic cost-of-living increases that will become possible in 1975. In this Congress any number of proposals have been introduced to further improve the financial status of older citizens. The distinguished chairman of the Special Committee on Aging, Mr. CHURCH, and I, for example, have jointly introduced bills to raise the social security earnings ceiling, to provide property tax relief for the aged, and to extend medicare coverage to out-of-hospital prescription drugs. And, of course, the private pension plan reform measure that has been proposed by Senator WILLIAMS could well become a legislative landmark, and I am pleased to be a cosponsor of that bill.

National health insurance remains critically important to all Americans, but particularly for the elderly, and we must press toward its enactment even as we carry on a rearguard action against the President's efforts to severely curtail medicare coverage.

Those are just some of the items on Congress' agenda that are far more crucial to the handicapped and the elderly than is the matter of reduced-fare transportation. We must push forward on all of these fronts, and I am confident we will. However, this bill could, at no cost to the Treasury and without depleting available resources for those more critical needs, bring some brightness into many otherwise somber lives. That might be a small achievement, but it most assuredly is a worthy objective.

By Mr. BELLMON:

S. 1706. A bill to authorize the Secretary of Agriculture to conduct a program of research into the substantial losses of animals sustained through disease and injury while such animals are being transported to market, and for other purposes. Referred to the Committee on Agriculture and Forestry.

Mr. BELLMON. Mr. President, today I am introducing a bill to authorize the Secretary of Agriculture to conduct a program of research into the reasons which are presently causing substantial losses of animals sustained through disease and injury while such animals are being transported to market, and for other purposes. The purpose of this bill is to promote efficient and humane transportation of livestock. The urgent need for this bill is obvious today, because of the high prices of beef which are caused, in part, to the net losses of cattle caused by a complexity of factors during the marketing process.

The state of our knowledge today is so fragmented that it is impossible accurately to determine on a comprehensive basis the full scope of the losses to the American people of animal deaths from transferring and marketing. The last attempt at a definitive study of the problem was made in 1956 by the Department of Agriculture. The dollar loss represented by the dead and crippled animals actually observed during their study was $7,671. The Department concluded that if all the livestock received by motor truck at the 60 major public stockyards in the United States during 1956 had been subjected to the same loss rates per 10,000 head of cattle, the dollar loss nationally would have approximated $100 million. That was in 1956. Today, we are transporting probably twice the number of animals. Obviously, the loss is much greater today in dollar terms and net cattle losses. Recently, an across-the-board survey has shown that there is a $10 to $15 loss per feeder calf per year in the United States. The integrated program of study is necessary to isolate the problems, to determine the causes of the

problem and to develop a practical solution through research which will be made available to those who are involved, and to also set up a system on a national basis to learn how effective the solutions prove to be.

The bill I am introducing would authorize the Secretary of Agriculture to set up a definitive study to include all segments of the industries involved in the marketing and transportation of cattle and to combine their knowledge in an effort to improve the situation. The support for this study is strong in all segments of the industries involved.

The complexity of the issues and problems involved is enormous and the causation factors which have been suggested are many. Therefore, it is necessary that the Secretary of Agriculture have broad discretion to study the overall problem and ample time to come up with workable solutions.

My bill would authorize and direct the Secretary of Agriculture to conduct an intensive research program for the purpose of developing measures that can be taken to reduce materially the number of animals lost through injury and disease during transportation for commercial purposes. Several problematic areas are mentioned in the bill, but this is not intended to limit the Secretary's discretion in his search and evaluation of the problem. I feel that this is one of the greatest controllable factors in livestock production costs and, given reasonable support through research, dramatic improvements can quickly follow. The results from this kind of improvement will flow to the consumer, and we will all benefit through lower prices of food as well as in having more abundant supplies. The producers will benefit through lower costs of production.

That is the purpose of this bill and I would urge my fellow Senators to give full consideration to the early adoption of this bill.

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

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

S. 1706

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized and directed to carry out a comprehensive study and investigation to determine the reasons for the extensive loss of livestock sustained each year, through injury and disease, while such livestock is being transported in interstate commerce for commercial purposes. The Secretary is also authorized and directed to conduct, in connection with such study and investigation, and intensive research program for the purpose of developing measures that can be taken to reduce materially the number of animals lost, through injury and disease, during transportation for commercial purposes. In carrying out such study and investigation and such research, the Secretary shall devote special attention to—

(1) the incidence of respiratory diseases among animals transported in interstate commerce;

(2) the effects of diesel fumes on animals transported in vehicles using diesel fuel;

(3) the adequacy of current laws and regulations pertaining to the transportation of livestock;

(4) whether sufficient preconditioning procedures are required and enforced in connection with the transportation of livestock in interstate commerce;

(5) the instances in which livestock is unable to withstand long hauls because of insufficient maturity;

(6) the adequacy of ventilation and other design requirements of the vehicle or other containers in which livestock is transported;

(7) the effect of mixing livestock that has been properly preconditioned with livestock that has not been properly preconditioned or that is sick or diseased;

(8) whether livestock transported in interstate commerce should be identified in such a manner as to permit instant identification of the transportation origin of such livestock and provide other pertinent information;

(9) the methods and techniques of loading and unloading livestock, the care and treatment given livestock during transportation, the effect of time and weather conditions on livestock during transportation, requirements with respect to the crowding of livestock during transportation, and the care and treatment of livestock at stock yards and other places at which livestock may be held during the course of transporting livestock;

(10) any other stresses to which livestock may be subjected during transportation that may result in the sickness or death of such livestock; and

(11) such other matters as he deems pertinent to the study and investigation and research authorized by this Act.

SEC. 2. The Secretary of Agriculture shall submit to the Congress not more than four years after the date of enactment of this Act a final report on the results of his study and investigation and research together with such recommendations for administrative and legislative action as he deems appropriate. He shall submit such interim reports to the Congress as he deems advisable, but at least one at the end of each twelve month period following the date of enactment of this Act.

SEC. 3. There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not more than $500,000 in any fiscal year.

By Mr. SCHWEIKER:

S. 1707. A bill to establish the Federal Bureau of Investigation as an independent agency of the executive branch of the Government, responsible to the Congress, and to provide for the term and succession of the Director and Deputy Director. Referred to the Committee on the Judiciary.

Mr. SCHWEIKER. Mr. President, I am introducing a bill to establish the Federal Bureau of Investigation as an independent agency of the executive branch, with direct responsibility to Congress and, even more important, to provide for the insulation of the Director and Deputy Director of the FBI from political pressures.

Mr. President, I regret to say that at this point in our history, no one needs to explain to this distinguished body the critical need for an independent Federal Bureau of Investigation. The evidence is before us daily, in the newspapers and in the media, and in the deluge of mail which we are all receiving from our constituents expressing outrage over the apparent involvement of the FBI in the Watergate mess.

Several of my distinguished colleagues, the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from Tennessee (Mr. BROCK), and the Senator from Washington (Mr. JACKSON), have also responded to this situation, and I commend their efforts.

With all respect, however, I think that the developing FBI crisis has passed the point where it can be dealt with by simply appointing the Director for a fixed term, although that is certainly an essential first step, and it is included in my bill. Recent disclosures have made it clear that the FBI will not be truly independent until its Director and Deputy Director and any interim or acting Directors, are fully insulated from political pressure.

The FBI as an institution has rendered great service to this Nation over the years. Individual FBI agents, as well as the administrators and executives of the FBI, have performed ably and courageously in the overwhelming majority of cases, and they have been a great credit to their country.

To insure that this record of unselfish public service can continue, I have prepared legislation which will insulate the Director and Deputy Director from political pressure. It will insure that no Acting or Deputy Director will ever again be subjected to pressures to perform acts for political purposes, in order to gain promotion within the Bureau. The bill which I am now introducing will accomplish this in the following ways:

First, the Director and Deputy Director will be appointed by the President, with the advice and consent of the Senate, for a term of 10 years, and no Director or Acting Director can succeed himself, or serve as Director more than 12 years during any 22-year period.

Second, my bill provides that if the President desires to appoint the Deputy Director to succeed a Director, he must do so within 20 days following the termination of the Director's service. It would make any Acting Director ineligible to be appointed Director. This will eliminate the situation where the Deputy or Acting Director waits in limbo for his promotion, under great pressure to perform any chore requested by the executive branch.

Third, the FBI will be established as an independent agency of the executive branch, but with direct accountability to Congress. An annual report, including detailed financial data, will be required to be filed by the Director simultaneously with the President and with the Congress, and the Director will be required, if requested by one-third of the members of either the House or Senate Judiciary Committees, to appear in person and expand upon the written report.

Finally, my bill provides that the President shall dismiss a Director for malfeasance in office or neglect of duty or permanent incapacity, but it specifically provides that the failure of the Director to follow directives from the executive or legislative branches shall not be grounds for dismissal, unless such failure constitutes malfeasance in office or neglect of duty.

It is high time that we place the FBI above politics, and free the Director from the kind of carrot-and-stick pressures which we have recently witnessed. Under the present law, the carrot of possible appointment as Director has proved to be irresistible, and it has allowed the ex-

ecutive branch to apply the stick and demand obedience. This must stop, and the bill which I now introduce will stop it.

Mr. President, I ask unanimous consent that the text of my 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. 1707

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 "Independent Federal Bureau of Investigation Act".

ESTABLISHMENT

SEC. 2. (a) There is established as an independent establishment of the executive branch of the United States Government, the Federal Bureau of Investigation (referred to in this Act as the "Bureau").

(b)(1) The Bureau shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate. There shall be in the Bureau a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) The term of the Director and the Deputy Director shall be ten years, except that any Director or Deputy Director appointed to fill a vacancy occuring prior to the expiration of the term to which his predecessor was appointed shall be appointed for the remainder of such term. Upon the expiration of his term, the Director and the Deputy Director shall continue to serve until his successor has been appointed and has qualified, except that neither the Director nor the Deputy Director may serve under the authority of this sentence for a period longer than sixty days after the expiration of that term.

(3) The Deputy Director may be appointed to a full term as Director: *Provided,* That such nomination is made within twenty days after the expiration of the termination of service of the prior Director. If after the expiration of twenty days following the termination of the prior Director's service, the Deputy Director has not been appointed to succeed as Director he shall be ineligible for the office of Director for a period of ten years thereafter. No individual serving as Director may be appointed to succeeed himself, regardless of the period of time he has served as Director. No acting Director shall be eligible for appointment as Director. No individual may hold the office of Director more than twelve years during any twenty-two year period.

(4) The President shall remove the Director or Deputy Director from office, prior to the expiration of their respective terms, for malfeasance in office, neglect of their duties, or permanent incapacity. Failure to follow a directive from any member of the executive branch or legislative branch of government shall not constitute grounds for removal from office unless such failure constitutes a dereliction of the lawful duties of the Director or Deputy Director.

(5) The Deputy Director shall perform such functions as the Director may prescribe and shall be the acting Director during the absence or disability of the Director or in the event of a vacancy in the position of Director.

(c) The President, by and with the advice and consent of the Senate, is authorized to appoint within the Bureau not to exceed twelve Assistant Directors.

FUNCTIONS

SEC. 3. (a) There are transferred to the Bureau and the Bureau shall perform all functions carried out by the Federal Bureau of Investigation, Department of Justice.

(b) There are transferred to the Bureau, and the Bureau shall perform, all functions of the Attorney General, with respect to, and being administered through, the Federal Bureau of Investigation, Department of Justice.

(c) The Bureau is authorized to—

(1) detect and investigate crimes against the United States:

(2) assist in the protection of the President; and

(3) upon the request of the President, conduct such other investigations regarding official matters under the control of the Department of Justice and the Department of State as he may direct.

This subsection does not limit the authority of departments and agencies to investigate crimes against the United States when investigative jurisdiction has been assigned by law to such departments and agencies.

(d) The Director shall cooperate fully with the Attorney General with respect to the investigation and prosecution of crimes against the United States.

(e) The Director shall—

(1) acquire, collect, classify, and preserve identification, criminal identification, crime, and other records; and

(2) exchange these records with, and for the official use of authorized officials of the Federal Government, the States, cities, and penal and other institutions.

The exchange of records authorized by clause (2) of this subsection is subject to cancellation if dissemination is made outside the receiving departments or related agencies.

(f)(1) The Director and the Bureau may investigate any violation of title 18, United States Code, involving Government officers and employees—

(A) notwithstanding any other provision of law; and

(B) without limiting the authority to investigate any matter which is conferred on them or on a department or agency of the Government.

(2) Any information, allegation, or complaint received in a department or agency of the executive branch of the Government relating to violations of such title 18 involving Government officers and employees shall be expeditiously reported to the Director by the head of the department or agency, unless—

(A) the responsibility to perform an investigation with respect thereto is specifically assigned otherwise by any other provision of law; or

(B) as to any department or agency of the Government, the Director directs otherwise with respect to a specified class of information, allegation, or complaint.

(3) This section does not limit—

(A) the authority of the military departments to investigate persons or offenses over which the armed forces have jurisdiction under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice); or

(B) the primary authority of the United States Postal Service to investigate postal offenses.

PERSONNEL OF THE BUREAU

SEC. 4. (a) The Director may appoint such personnel as may be necessary to carry out the provisions of this Act without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(b)(1) Section 5313 of title 5, United States Code, relating to level II of the Executive Schedule, is amended by adding at the end thereof the following new paragraph:

"(22) Director, Federal Bureau of Investigation."

(2) Section 5314 of such title, relating to level III of the Executive Schedule, is amended by adding at the end thereof the following new paragraph:

"(60) Deputy Director, Federal Bureau of Investigation."

(3) Section 5315 of such title, relating to level IV of the Executive Schedule, is amended by adding at the end thereof the following new paragraph:

"(98) Assistant Director, Federal Bureau of Investigation (12)."

(c) The Director is authorized to fix the compensation of the personnel of the Bureau and to prescribe their functions and duties.

(d) The Director may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

TRANSFERS

SEC. 5. (a) All personnel, assets, liabilities, contracts, property, and records as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function transferred under the provisions of section 3, are transferred to the Bureau.

(b) All personnel transferred by this Act shall remain in the excepted service.

ADMINISTRATIVE PROVISIONS

SEC. 6. (a) The Director may, in addition to the authority to delegate and redelegate contained in any other Act in the exercise of the functions transferred to the Bureau by this Act, delegate any of his functions to such officers and employees of the Bureau as the Director may designate, and may authorize such successive redelegations of such functions as he may deem desirable.

(b) In order to carry out the provisions of this Act, the Bureau is authorized—

(1) to adopt, alter, and use a seal;

(2) to adopt, amend, and repeal rules and regulations governing the manner of its operations, organization, and personnel, and the performance of the powers and duties granted to or imposed upon it by law;

(3) to accept gifts or donations of services, money, or property, real, personal, or mixed, tangible, or intangible;

(4) to enter into contracts or other arrangements or modifications thereof, with any agency or department of the United States, or with any State or political subdivision thereof, or with any person, firm, association, or corporation, and such contracts or other arrangements, or modifications thereof, may be entered into without legal consideration, without performance or other bonds, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5);

(5) to make advance, progress, and other payments which the Director deems necessary under this Act without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529);

(6) to utilize, with their consent, the services, equipment, personnel, and facilities of any other department or agency of the United States, with or without reimbursement;

(7) to accept and utilize the services of voluntary and uncompensated personnel and reimburse them for travel expenses including per diem, as authorized by section 5703 of title 5, United States Code;

(8) to make other necessary expenditures; and

(9) to take such other action as may be necessary to carry out the provisions of this Act.

(c) Upon request made by the Director each Federal department and 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 the laws to the Bureau in the performance of its functions.

EXPENSES OF UNFORESEEN EMERGENCIES OF A CONFIDENTIAL CHARACTER

SEC. 7. Appropriations for the Bureau are available for expenses of unforeseen emergencies of a confidential character, when so specified in the appropriation concerned, to

be spent under the direction of the Director. The Director shall certify the amount spent that he considers advisable not to specify, and his certification is a sufficient voucher for the amount therein expressed to have been spent.

ANNUAL REPORT

SEC. 8. The Director shall, as soon as practicable after the end of each fiscal year, make a report in writing, to be delivered simultaneously to the President and to the Congress, on the activities of the Bureau during the preceding fiscal year, including a complete financial statement describing all expenses of the Bureau including confidential expenses as certified by the Director under section 7 of this Act. Upon the request of one-third of the members of the Judiciary Committee of either the House of Representatives or the Senate, the Director shall appear in person, during a closed session of either such Committee, or both, and shall respond to any questions concerning the operation of the Bureau, and shall, upon request, disclose all details concerning any expenses certified as confidential under any such report.

SAVINGS PROVISIONS

SEC. 9. (a) All orders, determinations, rules, regulations, permit, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this Act, by (A) any department or agency, any functions of which are transferred by this Act, or (B) any court of competent jurisdiction; and

(2) which are in effect at the time this Act takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Director, by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any department or agency, or part thereof, functions of which are transferred by this Act, except that such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Bureau. Such proceedings, to the extent they do not relate to functions so transferred, shall be continued before the department or agency, or part thereof, before which they were pending at the time of such transfer. In either case orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or repealed by the Bureau, by a court of competent jurisdiction, or by operation of law.

(c) (1) Except as provided in paragraph (2)—

(A) the provisions of this Act shall not affect suits commenced prior to the date this section takes effect; and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manned and effect as if this Act had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any department or agency, or part thereof, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any department or agency, or part thereof, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such official of the Bureau as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

(2) if before the date on which this Act takes effect, any department or agency, or officer thereof in his official capacity, is a party to a suit, and under this Act—

(A) such department or agency, or any part thereof, is transferred to the Bureau; or

(B) any function of such department or agency, or part thereof, or officer is transferred to the Bureau,

then such suit shall be continued by the Bureau.

(d) With respect to any function transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any department or agency, or part thereof, or officer so transferred or functions of which are so transferred shall be deemed to mean the Bureau or the officer in which such function is vested pursuant to this Act.

(e) This Act shall not have the effect of releasing or extinguishing any criminal prosecution, penalty, forfeiture, or liability incurred as a result of any function transferred under this Act.

(f) Orders and actions of the Bureau in the exercise of functions transferred under this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the department or agency, or part thereof, exercising such functions, immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the exercise of such function by the Bureau.

(g) In the exercise of the functions transferred under this Act, the Bureau shall have the same authority as that vested in the department or agency, or part thereof, exercising such functions immediately preceding their transfer, and actions of the Bureau in exercising such functions shall have the same force and effect as when exercised by such department or agency.

REPEALER

SEC. 10. (a) (1) Chapter 33 of title 28, United States Code, is repealed.

(2) The table of chapters of part II of such title is amended by striking out

"33. Federal Bureau of Investigation.. 531".

(b) Title VI of the Omnibus Crime Control and Safe Streets Act of 1968 is repealed.

EFFECTIVE DATE: INITIAL APPOINTMENT OF OFFICERS

SEC. 11. (a) This Act, and amendments made by this Act, other than this section and section 9, shall take effect 90 days after the enactment of this Act, or on such prior date after enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) Notwithstanding subsection (a) of this section, any of the officers provided for in section 2 of this Act may be appointed in the manner provided for in this Act, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the appropriate rates provided for in this Act or amendments made by this Act. Such compensation and related expenses of such officers shall be paid from funds available for the functions to be transferred to the Bureau under this Act.

By Mr. CRANSTON (for himself, Mr. TAFT, Mr. WILLIAMS, Mr. BAKER, Mr. BAYH, Mr. BROOKE, Mr. CASE, Mr. GOLDWATER, Mr. HART, Mr. INOUYE, Mr. JACKSON, Mr. MCGEE, Mr. MCGOVERN, Mr. METCALF, Mr. MOSS, Mr. PACKWOOD, and Mr. STEVENSON):

S. 1708. A bill to amend title X of the Public Health Service Act to extend appropriations authorizations for 3 fiscal years and to revise and improve authorities in such title for family planning services programs, planning, training and public information activities, and population research. Referred to the Committee on Labor and Public Welfare.

S. 1708: FAMILY PLANNING SERVICES AND POPULATION RESEARCH AMENDMENTS OF 1973

Mr. CRANSTON. Mr. President, I am pleased to introduce S. 1708, the proposed "Family Planning Services and Population Research Amendments of 1973," and am gratified to be joined in introducing this legislation by the Senator from Ohio (Mr. TAFT), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Tennessee (Mr. BAKER), the Senator from Indiana (Mr. BAYH), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Jersey (Mr. CASE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. HART), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. MOSS), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Illinois (Mr. STEVENSON). The breadth of support for this measure and the title X family planning programs is illustrated by the 16 cosponsors, divided among both parties and all political philosophies.

FAMILY PLANNING SERVICES AND POPULATION RESEARCH ACT OF 1970—PUBLIC LAW 91-572

Mr. President, the original passage of the Family Planing Services and Population Research Act of 1970 (Public Law 91-572) was the culmination of years of effort on the part of many groups and individuals to make family planning services available to all those who wanted but could not afford them, as well as to improve our knowledge in the field of human reproduction and population dynamics so that each individual family could determine its size by choice rather than by force of circumstances.

Public Law 91-572 created a new title X in the Public Health Service Act, providing for grants and contracts to assist in the establishment and operation of voluntary family planning projects; to provide training for personnel to carry out such programs; to promote research in the biomedical, contraceptive development, behavioral, and program implementation fields related to family planning and population, and to train researchers for such fields; and to assist in developing and making available family planning and population information to all those individuals desiring such information. The legislation carried clear expressions of congressional intent that—

First, priority would be given in furnishing such services to persons from low-income families, and that no charge would be made to such individuals, except to the extent payment would be made by a third party;

Second, acceptance of any services or information must be voluntary and cannot be made a prerequisite to eligibility for or receipt of services; and

Third, no funds appropriated under title X are to be used in programs where abortion is a method of family planning. All of these concepts are continued in the bill I introduce today.

In addition, Public Law 91-572 provided for the establishment in the Department of Health, Education, and Welfare, of an Office of Population Affairs, directed by a Deputy Assistant Secretary for Population Affairs, whose functions were described in the law as being responsible for creating liaison and coordination among all Federal programs relating to population research and family planning, and being responsible for the administration, coordination, and evaluation of all programs in the Department of Health, Education, and Welfare related to population research and family planning.

The law further required the Secretary of Health, Education, and Welfare, to make a report to Congress setting forth a plan to be implemented over a period of 5 years to carry out the purposes set forth in the act, and to report annually to Congress on its progress in reaching the objectives outlined in the plan.

THE 5-YEAR PLAN

This plan was submitted to Congress in October of 1971 and outlined the goals as follows:

In research, the plan described three areas requiring attention: The development of improved methods of fertility regulation, including the improvement of contraceptive technology and the control of infertility; studies of biologic and genetic implications of contraceptive use; and investigations of the social science aspects of population problems.

In services, the plan projected as its goal making family planning services available by 1975 to the estimated 6.6 million women who wanted such services, but could not afford them.

In training, the plan estimated 90,000 family planning personnel would be needed by fiscal year 1975, and in addition 6,000 to 8,000 physicians.

In education, the plan defined the goal as an educational program which would help individuals to plan their families effectively and to be aware of the effects of population change on the individual and on society.

ACHIEVING 5-YEAR PLAN GOALS

Mr. President to date, we have not made enough headway in the research field. Today, there is as yet no completely safe and effective means of contraception available to any woman, rich or poor. Research is urgently needed to develop a means of voluntary control of reproduction. There is much scientific opinion that the technology is there to make this breakthrough if adequate funding is provided.

In the field of education, some steps have been taken to assess the information development and dissemination resources available, but sufficient staff and budget have not been made available to the Office of Population Affairs to really make a perceptible impact on the expansion of such programs or the development of new ones.

In the field of services, Mr. President, organized programs receiving support under the authorities of title X have developed the capacity to reach some 45 percent of HEW's announced objective of reaching 6.6 million women who want family planning services, but are unable to afford them. The Department estimates that by June of this year, only 2,981,000 women will be reached through organized family planning programs. This is a level approximately 1 year behind the projection in the 5-year plan.

In the field of training, Mr. President, nearly 5,000 personnel were trained in fiscal year 1972 as a result of funds made available through the National Center for Family Planning Services. This is a beginning, but unless this program is given increased attention and emphasis it will not be able to achieve the objective that has been set in the 5-year plan to train a total of 98,000 individuals by 1975.

PROVISIONS OF S. 1708

The legislation we are introducing today—S. 1708—extends and consolidates the provisions of the Family Planning Services and Population Research Act of 1970 and generally approves and tightens up its provisions to more clearly reflect the original congressional intent in the 91st Congress, and to insure that programs can be implemented in accordance with this intent.

In general, the bill would consolidate the provisions of the existing title X of the Public Health Service Act with the provisions of Public Law 91-5572, the Family Planning Services and Population Research Act of 1970. This consolidation places in the Public Health Service Act the statutory authority for reports on implementation and achievements of the programs mandated by that title, as well as the organizational structure of the Office of Family Planning and Population Science, to be headed by an Assistant Secretary rather than a deputy assistant secretary. The functions and responsibilities of the Assistant Secretary are clearly defined, and two centers are established directly under his office—a National Center for Family Planning Services, and a National Center for Population Science—with directors appointed by the Assistant Secretary.

In addition, a National Advisory Council on Family Planning and Population Science is established which would exercise peer review authority on research programs supported in the fields of human reproduction, the provision of family planning services, and population dynamics, and would make recommendations with respect to the establishment of policies and implementing regulations to carry out all the provisions of title X, as it would be amended by S. 1708.

The grant and contract authorities currently in title X are maintained with the exception of the State formula grant provision for services, which has never been funded and has been opposed by the administration. Appropriations authorizations for the four programs—services, research, training, and education—are extended for 3 fiscal years, through fiscal years 1976 with modest increases in the amounts authorized. In each case, congressional intent is clearly stated as to the necessity of implementing these appropriations, authorities, and for the purpose of carrying out the objectives in the 5-year plan and its updates.

New requirements are added which will safeguard the rights of individual recipients of services, encourage the provision of family planning services as part of comprehensive child and maternal services, include infertility services as a specific service for which support may be provided, and require the participation of those individuals served by the programs to participate in the decisionmaking process of such programs.

Also, the requirements for the 5-year plan are revised and refocused, an amended plan to meet these requirements is mandated, and the information to be included in the annual updated reports is specified with greater particularity. Finally, to try to insure a more timely submission of the plan and annual updates—which have traditionally been presented months after they were due by law—the bill calls for submission to the Congress of the version submitted by HEW to the Office of Management and Budget, and places statutory responsibility for preparation and submission directly on the Assistant Secretary.

Mr. President, the Special Subcommittee on Human Resources, which I am privileged to chair, of the Labor and Public Welfare Committee will hold hearings on S. 1708 and Federal family planning and population research programs next week on Tuesday, Wednesday and Thursday, May 8–10.

Mr. President, I ask unanimous consent to insert in the RECORD at this point a summary of the individual provisions of S. 1708, to be followed by the full text of the bill.

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

SUMMARY OF PROVISIONS OF S. 1708: THE FAMILY PLANNING SERVICES AND POPULATION RESEARCH AMENDMENTS OF 1973

SEC. 1000. Declaration of Purpose. Establishes as purposes of the title, assistance in: making comprehensive voluntary family planning services readily available to all persons desiring such services; strengthening domestic research in the fields of human reproduction, the provision of family planning services, and population dynamics; improving administration and operation of such programs; developing and making readily available information on family planning services and population dynamics; evaluating and improving the effectiveness of programs; providing trained manpower to effectively carry out such programs; and establishing an Office of Family Planning and Population Science.

SEC. 1001. Plans and Reports. Requires the Assistant Secretary for Family Planning and Population Science to report (through the Secretary) to Congress not later than six months after enactment of the section on: the number of individuals in need of family planning services—organized and otherwise—and a timetable for serving them, the number who can be served by HEW programs, the types of information and educa-

tional materials to be developed, research goals to be established and a timetable for their achievement, and the manpower required to meet these objectives, as well as steps taken to maintain the reporting system which would yield data on which service projections and program evaluations will be based. This revised report would also include the January 1, 1974, updated report pursuant to section 5(b) of Public Law 91–572. In addition to the report required six months after the date of enactment, the Assistant Secretary is required to submit progress reports annually on specific achievements made in reaching goals established by the six-month report.

SEC. 1002. Voluntary Family Planning Services Grants and Contracts. Authorizes grants to assist in the establishment and operation of voluntary family planning programs and projects. Appropriations are authorized for an additional three-year period—fiscal years 1974 ($159.5 million), 1975 ($207.5 million) and 1976 ($255.5 million). The increase in authorization of appropriations for each year (over the current $111.5 million—of which $107 million was requested in the President's FY 1973 budget) represents the cost of providing services to the approximately 800,000 additional individuals the Department's five-year plan for family planning services (submitted pursuant to P.L. 91–572) projected will have to be served each year in order to meet by 1976 the five-year goal of reaching 6.6 million women from low-income families desiring services.

This section would further change existing law by specifying that grants and contracts awarded under this section must be made with the concurrence of the Assistant Secretary for Family Planning and Population Science and be carried out through the new National Center for Family Planning Services in the Assistant Secretary's Office and in consultation with the new National Advisory Council established by new section 1009. Language is also added clarifying that in determining the relative need of the applicant, the Secretary shall take into consideration the availability of third party payments to finance services, but only to the extent that the Secretary determines that the applicant has, in the past, been able to obtain such payments on a timely and continuing basis.

In addition, the section is amended to specify that the amount authorized to be appropriated for the grant and contract authority is to meet the objectives set forth in the revised and updated plan submitted by the Secretary pursuant to section 1001.

SEC. 1003. Training Grants and Contracts. Extends appropriations authorizations for an additional three-year period—fiscal years 1974 ($5 million), 1975 ($7.5 million), and 1976 ($10 million)—for training grants and contracts for the training of such personnel to carry out family planning services programs eligible for support under title X as are needed to meet program objectives specified in the plan. The FY 1973 authorization and budget request are $4 million and $3 million, respectively, for this item. This section would, again, amend existing law by specifying that grants and contracts awarded under this section must be made with the concurrence of the Assistant Secretary for Family Planning and Population Science and be carried on through the new National Center for Family Planning Services and in consultation with the new National Advisory Council. The necessity of training nurse midwives to carry out family planning services programs is also stressed.

In addition, existing law is changed to specify that the amount authorized to be appropriated for the grant and contract authority is to meet the objectives set forth in the revised and updated plan submitted by the Secretary, and that in determining the amount of funds to be provided under any grant or contract, the Secretary shall ensure that assistance under title X is provided only to the extent such training is not supported by a sufficient amount of Federal assistance under other titles of the Public Health Service Act or other provisions of law. The section further requires the Assistant Secretary to concur in the awarding of any grants for the training of personnel in the field of family planning which training would be authorized under this section.

SEC. 1004. Research Grants and Contracts. Extends appropriations authorizations for an additional three-year period—fiscal years 1974 ($65 million), 1975 ($75 million) and 1976 ($80 million)—for grants and contracts for research in biomedical, contraceptive development, social science and program implementation fields related to family planning and population dynamics. The present FY 1973 authorization is $65 million. The FY 1973 budget includes $39.8 million for contraceptive development carried out under the National Institute for Child Health and Human Development, not under title X. To remedy this, the section also gives the Assistant Secretary authority to utilize any other population research authority and appropriations thereunder to carry out research goals under this section. Any Federal support for contraceptive development research carried out by a profit-making entity is limited to 50 per cent of the total cost of such research. This section would, again, amend existing law by specifying that grants and contracts awarded under this section must be made with the concurrence of the Assistant Secretary for Family Planning and Population Science and carried out through the new National Center for Population Science and after peer-review consultation with the new National Advisory Council. In addition, the section would change the existing law to specify that the amount authorized to be appropriated for the grant and contract authority is to meet the objectives set forth in revised and updated plan submitted by the Secretary. Grants for the establishment of university-based research centers are stressed.

SEC. 1005. Informational and Educational Material Grants and Contracts. Extends appropriations authorizations for an additional three-year period—fiscal years 1974 ($1.5 million), 1975 ($2 million) and 1976 ($3 million)—for grants and contracts for informational and educational materials on family planning and on the causes and consequences of demographic characteristics and trends, as well as for the distribution of such materials. The present FY 1973 authorization is $1.25 million and $700,000 is included in the FY 73 budget. The section gives the Assistant Secretary authority to sign off on population education or information assistance provided under any other law which would be authorized under this section. This section would, again, amend existing law by specifying that grants and contracts awarded under this section must be made with the concurrence of the Assistant Secretary for Family Planning and Population Science in consultation with the new National Advisory Council. The section would also change existing law to specify that the amount authorized to be appropriated for the grant and contract authority is to meet the objectives set forth in the plan submitted by the Secretary.

SEC. 1006. Regulations, Payments, and Special Conditions. Requires projects or programs receiving assistance under section 1002 to be located so as to be most accessible to persons from low-income families rather than to express this thought as a priority to low-income persons in the provision of services, as in present law. The section also prohibits charges for such services except to the extent that payment will be made by a third party, and requires wherever feasible, such projects or programs to make arrangements, either directly or through linkages, for a comprehensive range of child and maternal health services, including infertility services, to individuals to whom family planning services are made available. The section further requires that those persons served by such projects and programs participate in the decision-making process for such projects or programs; requires opportunity for review and (non-binding) comment by the 314(a) and (b) (comprehensive health planning) agencies on applications for family planning services support under section 1002; prohibits research programs involving human subjects at risk unless projects or programs have assured the Secretary that the rights and welfare of any individuals involved are fully protected; and limits provision of drugs to individuals to only those uses indicated in the official labeling for such drugs approved by the Food and Drug Administration (except in the case of the use of investigational new drugs where such use is in compliance with requirements prescribed by the Secretary, or where use for another purpose is approved by a peer review committee in accordance with regulations prescribed by the Secretary, or where two physicians certify that such use is necessary in a life-threatening situation). The term "low-income family" is defined as the Department of Labor lower living standard budget ($7,214) and the questioning of any individual as to his income level is prohibited in services projects and programs assisted under title X. Finally, a State health authority in order to receive support under section 1002 is required to submit a statewide plan for a comprehensive program of family planning services, with requirements for subsequent periodic reporting on achievements in reaching goals outlined in the plan.

SEC. 1007. Voluntary Participation. Requires that acceptance of any service or information provided through financial assistance under title X must be on a totally voluntary basis and cannot be made a condition for the receipt of any other service or benefit. (Identical to the present title X language.)

SEC. 1008. Prohibition of abortion. Prohibits use of funds under title X in programs where abortion is a method of family planning. (Identical to the present title X language.)

SEC. 1009. Office of Family Planning and Population Science. Establishes within the Office of the Secretary of HEW an Office of Family Planning and Population Science, to be directed by an Assistant Secretary for Family Planning and Population Science appointed by the President by and with the advice and consent of the Senate, and establishes within the Office of Family Planning and Population Science a National Center for Family Planning Services (currently existing under the Health Services and Mental Health Administration in HEW) and a National Center for Population Science (currently existing under the NIH Institute of Child Health and Human Development). The section also establishes a National Family Planning and Population Science Advisory Council consisting of the Secretary, the Assistant Secretary, the Directors of the two new Centers, and fifteen (eight technical/scientific/programmatic and seven general public) members appointed by the Secretary. Functions of the Council shall be to advise, consult with, and make (peer-review-type) recommendations to the Secretary on applications for grants and contracts for research under section 1004, and to make recommendations to the Secretary with respect to the establishment of policies and implementing regulations to carry out all the provisions of title X, including the preparation and review of the annual budget estimate for all programs under title X, and of the plan and reports required by title X.

SEC. 1010. Functions of the Assistant Secretary for Family Planning and Population

Science. Requires the Secretary to utilize the Assistant Secretary: to administer and be responsible for grants and contracts related to family planning services and research in the fields of human reproduction, the provision of family planning services, and population dynamics, including training of necessary manpower for such programs and evaluation of all such programs; to concur in the operation of programs providing any other Federal assistance for such purposes (including consultation with the FDA Commissioner on the testing, evaluation and approval of contraceptive methods under the Federal Food, Drug and Cosmetic Act); to act as a clearinghouse for information pertaining to such programs; and to provide liaison with activities carried on by other agencies of the Federal Government relating to such programs. The Assistant Secretary is also given responsibility for preparing the budgets for carryingout the programs of the National Center for Family Planning Services and the National Center for Population Science, as well as the responsibility for appointing the Directors of such Centers.

Miscellaneous Provisions. Amend Public Law 91–516, the Environmental Education Act, to add the Assistant Secretary as a member of the Advisory Council on Environmental Education; and to require, wherever feasible, that grants or contracts supported under that Act include programs for consideration of the relation of population to the total human environment and require that grants and contracts including such a component or any other component related to population education have the concurrence of the Assistant Secretary.

S. 1708

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 "Family Planning Services and Population Research Amendments of 1973".

SEC. 2. Title X of the Public Health Service Act is amended to read as follows:

"TITLE X—VOLUNTARY FAMILY PLANNING AND POPULATION SCIENCE PROGRAMS

"DECLARATION OF PURPOSE

"SEC. 1000. It is the purpose of this title to provide for—

"(1) assistance in making comprehensive voluntary family planning services readily available to all persons desiring such services, particularly persons from low-income families.

"(2) assistance in strengthening domestic research in the fields of human reproduction, the provision of family planning services, and population dynamics, and coordination of such research with the present and future needs of family planning programs;

"(3) improvement of administrative and operational supervision of domestic family planning programs and of domestic research programs in the fields of human reproduction, the provision of family planning services, and population dynamics;

"(4) assistance to enable public and nonprofit private entities to plan and develop comprehensive programs of family planning services;

"(5) assistance to develop and make readily available information (including educational materials) on family planning services and population dynamics to all persons desiring such information;

"(6) evaluation and improvement of the effectiveness of family planning services programs and of research programs in the fields of human reproduction, the provision family planning services, and population dynamics;

"(7) assistance in providing trained manpower needed to effectively carry out family planning services program and research programs in the fields of human reproduction, the provision family planning services, and population dynamics; and

"(8) establishment of an Office of Family Planning and Population Science in the Office of the Secretary of the Department of Health, Education, and Welfare to carry out or exercise concurrent responsibility for and coordiwithin the Federal Government all Federal programs pertaining to family planning services and to research in the fields of human reproduction, the provision family planning services, and population dynamics.

"PLANS AND REPORTS

"SEC. 1001. (a) The plan (to be carried out over a five-year period for extension of family planning services to all persons desiring such services, for family planning and population research programs, for training of necessary health manpower for programs authorized by this title and other Federal laws, and for carrying out other purposes in Public Law 91–572) submitted by the Secretary to the Congress pursuant to section 5(a) and (b) of Public Law 91–572 shall be revised and updated, and submitted, not later than six months after the date of enactment of this section, by the Assistant Secretary for Family Planning and Population Science, after consultation with the National Family Planning and Population Science Advisory Council established by section 1009(e), through the Secretary, to the Congress to specify, at a minimum, on a phased basis—

"(1)(A) the total number of individuals (and their family income levels) in the United States (i) in need of family planning services, (ii) who can be served by organized and comprehensive family planning services and (iii) who which can be served by family planning programs under this title and other Federal laws for which the Secretary has responsibiltiy and a timetable for providing services to all individuals in need of family planning services;

"(B) the types of family planning and population information and educational materials to be developed under this title, Public Law 91–516 (20 U.S.C. 153 et seq.), and other Federal laws and the ways in which such materials will be made available;

"(C) the research goals to be established under such laws and a timetable of the progress to be made toward achievement of such goals; and

"(D) the total manpower required to meet the objectives specified pursuant to subclauses (A), (B), and (C) of this subsection, with separate estimates of the manpower needed to be trained under this title and other laws for which the Secretary has responsibility;

"(2) an estimate of the total costs and personnel requirements needed to meet the objectives specified pursuant to clause (1) of this subsection, including an estimate of such costs and requirements to be met—

"(A) under this title and other Federal laws for which the Secretary has responsibility;

"(B) from nongovernmental and State and local government resources; and

"(C) the assumptions and authorities on which all such estimates are based; and

"(3) the steps taken to maintain and operate the reporting system (to yield comprehensive data on which service figures and program evaluations for the Department of Health, Education, and Welfare shall be based) required to be established by section 5(b)(3) of Public Law 91–572.

Such revised plan shall also include the specifications required by section 5(c) of Public Law 91–572 with respect to the objectives set forth in the plan submitted by the Secretary pursuant to section 5 (a) and (b) of such law.

"(b) On or before January 1, 1975, January 1, 1976, and January 1, 1977, respectively, the Assistant Secretary for Family Planning and Population Science, after consultation with the National Family Planning and Population Science Advisory Council established by section 1009(e), shall submit to the Congress, through the Secretary, a report which shall, at a minimum, specify—

"(1) projections and a comparison of accomplishments during the preceding fiscal year with the objectives established for such year under the plan submitted pursuant to subsection (a) of this section;

"(2) steps to be taken to achieve or maintain the service, manpower training research, and educational objectives during the remaining fiscal years of the plan and any revisions in such objectives and the schedule for achieving them necessary to meet or maintain these objectives;

"(3) a full explanation of any significant discrepancies between such objectives and actual accomplishments;

"(4) steps, and a timetable for their implementation, being taken to achieve the orderly integration of comprehensive, coordinated family planning services into existing comprehensive health care programs or systems by June 30, 1977; and

"(5) any recommendations with respect to additional legislation or administrative action necessary or desirable in carrying out such plan.

"(c) If the plan and subsequent reports to be submitted pursuant to subsections (a) and (b) of this section are submitted, prior to submission to the Congress, for review by the Office of Management and Budget or any other Federal department or agency or official thereof (1) the plan or report submitted to the Congress shall specify the changes and the reasons therefor made during any such review process, and (2) if any such review process delays the submission of such plan or report to the Congress beyond the date established for such submission by this section, the Assistant Secretary shall immediately on such date submit to the Congress the plan or report in exactly the form it was submitted to such review process.

"VOLUNTARY FAMILY PLANNING SERVICES GRANTS AND CONTRACTS

"SEC. 1002. (a) The Secretary, with the concurrence of the Assistant Secretary for Family Planning and Population Science and through a National Center for Family Planning Services, shall make grants to and enter into contracts with public or nonprofit entities to assist in the establishment and operation of voluntary family planning programs and projects.

"(b) In making grants and contracts to provide assistance under this section, the Secretary shall take into account the number of patients to be served, the extent to which family planning services are needed locally, the relative need of the applicant (taking into consideration the availability of third-party (including government agency) payments to finance such services but only to the extent that the Secretary determines that the applicant has been able to obtain such payments on a timely and continuing basis), and its capacity to make rapid and effective use of such assistance.

"(c) For the purposes of making grants and contracts under this section to meet the services objectives specified in (1) the plan and reports submitted pursuant to section 5(a) and (b) of Public Law 91–572 and (2) beginning six months after the date of enactment of this Act, the revised plan submitted pursuant to section 1001(a) and the subsequent reports submitted pursuant to section 1001(b), there are authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1971; $60,000,000 for the fiscal year ending June 30, 1972; $111,500,000 for the fiscal year ending June 30, 1973; $159,500,000 for the fiscal year ending June 30, 1974; $207,500,000 for the fiscal year ending June 30, 1975; and $255,500,000 for the fiscal year ending June 30, 1976.

"(d) For the purposes of this title, the terms 'State' and 'United States' include Guam, American Samoa, and the Trust Territory of the Pacific Islands.

"TRAINING GRANTS AND CONTRACTS

"SEC. 1003. (a) The Secretary, with the concurrence of the Assistant Secretary for Family Planning and Population Science and through a National Center for Family Planning Services, in consultation with the National Family Planning and Population Science Advisory Council established by section 1009(e), shall make grants to public or nonprofit private entities and enter into contracts with public or private entities and individuals to provide the training for personnel (including nurse midwives) to carry out family planning services programs eligible for assistance under section 1002.

"(b) In determining the amount of funds to be provided under any such grant or contract, the Secretary shall ensure that assistance under this title is provided only to the extent that such training is not supported by a sufficient amount of Federal assistance under other titles of this Act or other provisions of law to meet the manpower training objectives specified in (1) the plan and reports submitted pursuant to section 5(a) and (b) of Public Law 91–572 and (2) beginning six months after the date of enactment of this Act, the revised plan submitted under section 1001(a) and the subsequent reports submitted pursuant to section 1001(b). Notwithstanding any other provision of law, no funds other than those appropriated under this section shall be used for the training of family planning personnel authorized to be supported under this section unless the Assistant Secretary for Family Planning and Population Science shall have concurred in the terms and conditions governing the use of such funds.

"(c) For the purpose of making payments pursuant to grants and contracts under this section to meet the training objectives specified in clauses (1) and (2) of the first sentence of subsection (b), there are authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1971; $3,000,000 for the fiscal year ending June 30, 1972; $4,000,000 for the fiscal year ending June 30, 1973; $5,000,000 for the fiscal year ending June 30, 1974; $7,500,000 for the fiscal year ending June 30, 1975; and $10,000,000 for the fiscal year ending June 30, 1976.

"RESEARCH GRANTS AND CONTRACTS

"SEC. 1004. (a) In order to promote research in the biomedical, contraceptive development, social science, and program implementation fields related to family planning and population dynamics, the Secretary, with the concurrence of the Assistant Secretary for Family Planning and Population Science and through a National Center for Population Science, after consultation with the National Family Planning and Population Science Advisory Council established by section 1009(e), shall make grants to public or nonprofit entities and enter into contracts with public or private entities and individuals for projects for research and research training (including travel, subsistence expenses, and stipends) in such fields, including the establishment of university-based research centers.

"(b) Notwithstanding any other provision of law and except with respect to programs and activities authorized under the Foreign Assistance Act of 1962, as amended (22 U.S.C. 2151–2412), (1) no funds other than those appropriated under this section shall be used for research and research training in the biomedical and contraceptive development fields related to family planning, except that such funds authorized to be appropriated by such other provisions of law to support such development may, notwithstanding any other provision of law unless enacted in express limitation of this subsection, be expended and obligated by the Assistant Secretary for Family Planning and Population Science, in accordance with the provisions of this section, and (2) funds provided under this section or any other provision of law under any contract with a profit-making entity to support any contraceptive development research shall be limited to not more than 50 per centum of the total cost attributed to the research activity covered by such contract.

"(c) For the purpose of making payments pursuant to grants and contracts under this section to meet the research objectives specified in (1) the plan and reports submitted pursuant to section 5(a) and (b) of Public Law 91–572 and (2) beginning six months after the date of enactment of this Act, the revised plan submitted pursuant to section 1001 (a) and the subsequent reports submitted pursuant to section 1001 (b) there are authorized to be appropriated $30,000,000 for the fiscal year ending June 30, 1971; $50,000,000 for the fiscal year ending June 30, 1972; $65,000,000 for the fiscal year ending June 30, 1973; $65,000,000 for the fiscal year ending June 30, 1974; $75,000,000 for the fiscal year ending June 30, 1975; and $80,000,000 for the fiscal year ending June 30, 1976.

"INFORMATIONAL AND EDUCATIONAL MATERIALS GRANTS AND CONTRACTS

"SEC. 1005. (a) The Secretary, through the Assistant Secretary for Family Planning and Population Science, in consultation with the National Family Planning and Population Science Advisory Council established by section 1009(e), shall make grants to public or nonprofit private entities and enter into contracts with public or private entities and individuals for—

"(1) the development of educational and informational materials on voluntary family planning;

"(2) the development of educational and informational materials on the causes and consequences of demographic characteristics and trends; and

"(3) the distribution of such materials to all persons desiring such information and materials.

"(b) Notwithstanding any other provision of law, no funds other than those appropriated under this section shall be used for the development of educational and informational materials authorized to be supported under this section unless the Assistant Secretary for Family Planning and Population Science shall have concurred in the terms and conditions governing the use of such funds.

"(c) For the purpose of making payments pursuant to grants and contracts under this section to meet the public information and educational materials objectives specified in (1) the plan and reports submitted pursuant to section 5 (a) and (b) of Public Law 91–572 and (2) beginning six months after the date of enactment of this Act, the revised plan submitted pursuant to section 1001(a) and the subsequent reports submitted pursuant to section 1001(b), there are authorized to be appropriated $750,000 for the fiscal year ending June 30, 1971; $1,000,000 for the fiscal year ending June 30, 1972; $1,250,000 for the fiscal year ending June 30, 1973; $1,500,000 for the fiscal year ending June 30, 1974; $2,000,000 for the fiscal year ending June 30, 1975; and $3,000,000 for the fiscal year ending June 30, 1976.

"REGULATIONS, PAYMENTS, AND SPECIAL CONDITIONS

"SEC. 1006. (a) Grants and contracts made under this title shall be made in accordance with regulations which the Secretary shall prescribe.

"(b) Grants under this title shall be payable in such installments and subject to such conditions as the Secretary may determine to be appropriate to assure that such grants will be effectively utilized for the purposes for which made.

"(c) A grant may be made or contract entered into under section 1002 for a voluntary family planning services project or program only upon assurances satisfactory to the Secretary, in accordance with regulations which he shall prescribe, that—

"(1) projects or programs will be located so as to serve persons from low-income families;

"(2) no charge will be made in such projects or programs except to the extent that payment will be made by a third party (including a government agency) which is authorized or is under legal obligation to pay such charge;

"(3) wherever feasible, such projects or programs have made arrangements for the provision, either directly or through linkages with other health providers, of a comprehensive range of child and maternal health services, including infertility services, to those persons or families to whom voluntary family planning services under this title are made available;

"(4) substantial opportunities are provided for low-income persons served by or to be served by such projects or programs to participate in the decisionmaking process of such projects or programs;

"(5) the State comprehensive health planning agency established pursuant to section 314(a) and the areawide health planning agency (if any) established pursuant to section 314(b) have had an opportunity to comment thereon, within ninety days of the submission to those agencies of copies of such application, and the applicant has submitted to the Secretary a reply to any such comments with a view toward accommodating and resolving any differences with such agency or agencies;

"(6) no research activity in connection with such projects or programs which involves any human subjects at risk will be undertaken unless such projects or programs have, on the basis of a peer review procedure (including participation by consumer), submitted to the Secretary, in accordance with regulations which he shall prescribe, a certification based on such review that, in accordance with standards prescribed in such regulations, the rights and welfare of any human subjects involved are adequately protected, the risks to each such individual are outweighed by the potential benefits to him or by the importance of the knowledge to be gained, and the informed consent of such individual will be obtained by appropriate methods; and

"(7) any drugs provided individuals shall be prescribed only for uses indicated in the official labeling approved pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.), except when (1) in the case of the use of investigational new drugs as defined in such Act, the use is in compliance with requirements for investigational new drugs and procedures for human subjects at risk in accordance with regulations which the Secretary shall prescribe (including full and written disclosure of the investigational nature of the use, and the indications and contraindications associated with such use, to each prospective user), or (2) use for another purpose is approved by a peer review committee, in accordance with regulations which the Secretary shall prescribe, or (3) two physicians certify that such use is necessary in a life-threatening situation.

For the purposes of this subsection, the term 'low-income family' means a family with that income level (adjusted for regional and metropolitan, urban and rural differences and family size) determined annually by the Bureau of Labor Statistics of the Department of Labor and referred to by such Department as the 'lower living standard budget'. The comments procedure estab-

lished by clause (5) of this subsection shall not be administered in such a way as to delay the review and grant process carried out pursuant to section 1002.

"(d) In furnishing voluntary family planning services in projects or programs assisted under this title, no project or program, or any person working in such project or program, shall request or require any person to submit any information with respect to such person's or such person's family's income level.

"(e) No grant may be made to a State health authority under section 1002 unless such authority has submitted, and the Secretary has approved, a statewide plan, which shall be updated annually in connection with each such grant, for a coordinated and comprehensive program of voluntary family planning services, which shall specify at a minimum—

"(1) the number of individuals in such State (and the income levels of their families) estimated to be in need of and the number then receiving family planning services;

"(2) the types of services being and, with assistance under this section, to be provided;

"(3) the sources and levels of state funds to be made available for such services;

"(4) the geographical and program priorities which will govern the utilization of available Federal and State financial resources for such services; and

"(5) assurances that the requirements of subsection (b) (6) and (7) of this section will be met.

Such plans shall be made available and easily accessible to the Congress and to the public.

"VOLUNTARY PARTICIPATION

"SEC. 1007. The acceptance by any individual of family planning services or family planning or population information (including educational materials) provided through financial assistance under this title (whether by grant or contract) shall be voluntary and shall not be a prerequisite to eligibility for or receipt of any other service or assistance from, or to participation in, any other program of the entity or individual that provided such services or information.

"PROHIBITION OF ABORTION

"SEC. 1008. None of the funds appropriated under this title shall be used in programs where abortion is a method of family planning.

"OFFICE OF FAMILY PLANNING AND POPULATION SCIENCE

"SEC. 1009. (a) There is established within the Office of the Secretary an Office of Family Planning and Population Science to be directed by an Assistant Secretary for Family Planning and Population Science (hereinafter referred to as the 'Assistant Secretary') who shall be appointed by the President by and with the advice and consent of the Senate.

"(b) The Secretary shall provide such Office with such full-time professional and clerical staff and with the services of such consultants as may be necessary to assist the Assistant Secretary to carry out his function under this title.

"(c) The Secretary shall make available to the Assistant Secretary such sums as may be necessary for him to administer such Office and to carry out the functions of such Office under this title, including the costs of collecting the data necessary for carrying out the requirements of section 1001. In no event may such sums be greater than 1 per centum of the total sum appropriated or made available for expenditure under this title.

"(d) There is established within such Office a National Center for Family Planning Services and a National Center for Population Science, which shall, respectively, be assigned and carry out the functions assigned to such Centers by this title and such other duties and responsibilities as the Assistant Secretary may specify in regulations.

"(e) (1) The Secretary shall establish a National Family Planning and Population Science Advisory Council with which he and the Assistant Secretary shall consult on a continuing and regular basis in administering this title. The Council shall consist of the Secretary, the Assistant Secretary, the Directors of the National Center for Family Planning Services and the National Center for Population Science, respectively, established by subsection (d) of this section, all of whom shall serve as ex officio, nonvoting members thereof, and fifteen members appointed by the Secretary. Not more than ten of the appointed members of the Council shall be scientists, physicians, or persons representative of groups or organizations specializing in family planning or research in the fields of human reproduction, the provision of family planning services, and population dynamics, or both, and not less than five of the appointed members shall be representatives from the general public who are not directly related to the provisions of family planning services or the conduct of research in the fields of human reproduction the provision of family planning services, and population dynamics (except that one such member shall be a person who has been or is a recipient of services from a program or project supported under this title). The Secretary shall designate as Chairman of the Council one of the appointed members.

"(2) The functions of the Council shall be to advise, consult with, and make recommendations to, the Secretary (through appropriate subgroups which it shall appoint) on applications received for grants and contracts in excess of $35,000 under section 1004 of this Act, and to make recommendations to the Secretary with respect to the establishment of policies and implementing regulations to carry out all provisions of this title, including preparation and review (including any agency appeal thereof) of the annual budget estimate for the programs established under this title and of the plan and subsequent reports required to be submitted by section 1001.

"(3) Each appointed member of the Council shall be appointed for a term of four years, except that—

"(A) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term; and

"(B) of the members first appointed after the effective date of this title, five shall be appointed for a term of four years, five shall be appointed for a term of three years, and five shall be appointed for a term of one year, as designated by the Secretary at the time of the appointment, except that the initial terms of members appointed from the general public who are not directly related to the provision of family planning services or the conduct of research in the fields of human reproduction, the provision of family planning services, and population dynamics shall be not less than three years. Appointed members may serve after the expiration of their terms until their successors have taken office.

"(4) A vacancy in the Council shall not affect its activities, and nine voting members of the Council shall constitute a quorum for the purpose of making recommendations pursuant to paragraph (2) of this subsection.

"(5) Members of the Council who are not officers or employees of the United States shall receive for each day they are engaged in the performance of the functions of the Council compensation at rates not to exceed the daily equivalent of the annual rate in effect for grade GS–18 of the General Schedule, including traveltime; and all members, while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as such expenses are authorized by section 5703, title 5, United States Code, for persons in the Government service employed intermittently.

"(6) The Council shall meet at the call of the Chairman, but not less often than four times each year.

"FUNCTIONS OF THE ASSISTANT SECRETARY FOR FAMILY PLANNING AND POPULATION SCIENCE

"SEC. 1010. (a) The Secretary shall utilize the Assistant Secretary to—

"(1) administer all Federal laws for which the Secretary has administrative responsibility and which provide for or authorize the making of grants or contracts related to, and to exercise concurrent responsibility with respect to all other Federal laws providing support for family planning programs and research in the fields of human reproduction, the provision of family planning services, and population dynamics;

"(2) administer and be responsible for all research in the fields of human reproduction, the provision of family planning services, and population dynamics carried on directly by the Department of Health, Education, and Welfare or supported by the Department through grants to or contracts with entities and individuals, and consult with the Commissioner of the Food and Drug Administration in order to coordinate testing, evaluation, and approval of methods of contraception carried out under the provisions of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 321 et seq.) with similar activities carried out under this title;

"(3) act as a clearinghouse for information pertaining to domestic and international family planning services programs and research in the fields of human reproduction, the provision of family planning services, and population dynamics for use by all interested persons and public and private entities;

"(4) provide a liaison with the activities carried on by other agencies and instrumentalities of the Federal Government relating to research in the fields of human reproduction, the provision of family planning services, and population dynamics;

"(5) administer and be responsible for the training of necessary manpower for domestic family planning services programs and domestic programs of research in the fields of human reproduction, the provision of family planning services, and population dynamics;

"(6) coordinate, and be responsible for, the evaluation of the other Department of Health, Education, and Welfare programs relating to family planning and to research in the fields of human reproduction, the provision of family planning services, and population dynamics, and to make periodic recommendations to the Secretary;

"(7) submit to him directly, with appropriate opportunity for comments by the Assistant Secretary for Health and Scientific Affairs, after consultation with the National Family Planning and Population Science Advisory Council established by section 1009 (e), the budgets for carrying out programs of the National Center for Family Planning Services and the National Center for Population Science, after receiving such budget proposals from the directors of such respective centers; and

"(8) provide such staff and other support to the Advisory Council established by section 1009(e) and the National Centers established by section 1009(d) as is necessary to ensure the capacity of such Council and such Centers, respectively, to carry out their functions under this title effectively.

"(b) The Assistant Secretary shall appoint the Director of the National Center for Family Planning Services and the Director of the National Center for Population Science, established by section 1009(d), and such

Directors shall be directly responsible to him."

SEC. 3. Public Law 91-572 is repealed effective upon the date of enactment of this Act.

SEC. 4. (a) Section 3(c)(1) of Public Law 91-516 (22 U.S.C. 1532(c)(1)) is amended by adding after the first sentence the following new sentence: "The Assistant Secretary for Family Planning and Population Science, as established by section 1009(a) of the Public Health Service Act, shall serve as an ex officio, nonvoting member of the Council."

(b) Section 3(b)(3) of such Public Law (20 U.S.C. 1532(b)(3)) is amended by adding at the end thereof the following new sentence: "Such grants or contracts shall, wherever feasible, include provision and funding for consideration of the relation of population to the total human environment, and grants or contracts including such provision and any other provisions for population education shall not be entered into except with the concurrence of the Assistant Secretary for Family Planning and Population Science with respect to such provision or provisions."

By Mr. TUNNEY (for himself and Mr. CRANSTON):

S. 1709. A bill relating to the reduction of civilian personnel at military installations in the United States and the closing of military installations in the United States. Referred to the Committee on Armed Services.

Mr. TUNNEY. Mr. President, American workers should not be thrown out of jobs while we subsidize foreign nationals in shipyards and other installations overseas. That is the premise of legislation Senator CRANSTON and I are introducing today.

The bill would protect the jobs of civilian personnel in this country.

It would preserve defense installation in this country.

It would help assure the continued economic survival of many hard-pressed cities in this country.

In brief, it would keep American workers on the job instead of turning over their work to foreign-based installations, the only exception being cases where U.S. defense posture or the economy would be seriously and adversely effected.

The Defense Department used a meat axe to cut defense facilities in this country. It has done nothing to cut costly and duplicative facilities in other countries. Consequently, shipyard workers in the Philippines and Japan will be at work while those in San Francisco, Boston, and elsewhere in this Nation may be in unemployment lines.

The Defense Department acted without apparent concern for the economic hardships it is bringing upon thousands of working men and women in this country.

It acted without prior planning to alleviate difficulties that must now be faced by scores of affected communities.

It acted with the full knowledge that its economic assistance program is a sham. It has but one man permanently assigned in California to administer its entire program. This is equivalent to asking the man to stem a flood with a sponge.

In California, the Defense Department action will disrupt the lives of 60,000 persons. Some are servicemen who, along with their families, will be shifted to other bases. Many are civilians who will have to pull up roots and relocate, trying to find new homes at today's inflated prices. For 4,000 there are no other jobs slotted. The Defense Department admits that for the people it will be a "hard time."

Twice since the Defense Department announced the cutbacks, I have flown to California to meet with the men and women affected. One obvious and compelling conclusion emerged from these visits: cutbacks in military expenditures should begin with overseas bases, not with those in our own country.

Clearly, we should reduce defense spending, but American workers must not be the first victims.

Let us look at the bases I visited in California:

Hunter's Point Naval Shipyard in San Francisco performs repair, overhaul and conversion of surface ships. It employs 5,184 civilians. It is scheduled to be closed 30 June, 1974. The Defense Department has indicated it plans to transfer only 535 of the 5,184 civilians who will be displaced. All others will be terminated with the provision that, if they so desire, they can be added to the nationwide pool for possible rehire, not necessarily in equivalent positions.

Drydocking and other facilities at Hunter's Point are also performed at our overseas installations, such as Subic Bay in the Philippines, Yokosuka, in Japan, and Guam in the Marianas. I have asked the Department of the Navy for a complete accounting of all our overseas bases especially those which are classified as "Ship Repair Facilities."

Preliminary reports from the Navy are revealing. During the past year, seven of our ships were overhauled at Guam, and one at Yokosuka. Some 5,639 foreign nationals at Subic Bay remain on the Department of Defense payroll even though our fleets no longer operate off the coast of Vietnam, and our ships could be repaired in home waters.

The United States maintains a total of 2,300 foreign military installations at an annual cost of approximately $30 billion. Almost 200,000 civilians are employed by the United States at our foreign installations. Approximately 87 percent are foreign nationals. Many of these workers are working on assignments which could be performed at our own domestic installations.

I just learned today that at the same time the Department of Defense is planning to close Hunter's Point they are asking Congress to authorize $2,723,000 for new construction at Subic Bay, $8,376,000 for new construction at Guantanamo Bay, and $14,225,000 for new construction at Guam.

If the goal of the Defense Department is to cut costs and consolidate operations—a goal I support—the place to begin is overseas. We gain little by disrupting our own economy through aggrevating unemployment at home and exacerbating our international balance of payments.

Another heavily hit California installation is the Naval Station in Long Beach, one of the principal bases on the west coast. It provides for the construction, overhaul, repair and drydocking, conversion and outfitting of ships and crafts operating in the Pacific. The Defense Department's action will result in the reduction of over 17,000 military and 780 civilian personnel from the Long Beach area. The estimated savings to the Navy are $11.4 million annually. The city of Long Beach has, however, compiled a report which raises serious doubt as to the actual savings attributable to the movements projected under this action.

This report points out that 178 of the 456 military positions would have been eliminated anyway as a result of the disestablishment of the Navy Hospital given adequate consideration to the problems of housing shortages in the San Diego area where many of the service families will be transferred. While the city's report is not conclusive as to the wisdom of the Navy's decision, it strongly suggests that further study and justification are needed prior to the execution of any movement of such magnitude.

It is not the intent of my bill to tie the hands of the Defense Department to make reductions and cutbacks. On the contrary, my bill will promote further reductions, but it will require that they be made where they are needed most—in our overseas installations.

The situation in California is by no means unique. Communities across the Nation will be drastically affected by the recently announced cutbacks. Long Beach, for example, has estimated that the loss to the Long Beach-Los Angeles area alone will be between $43 million and $55 million annually. We can no longer tolerate reduction and cutback procedures which give no weight to the dramatic human dislocations which result from base closures. Their impact on people and local communities must be given every adequate consideration in the planning process. I have cosponsored Senator PELL's bill, S. 1548, which calls for the establishment of a commission to aid in the planning of base closings. More than that, however, is needed. I shall shortly introduce additional legislation providing for a stronger Office of Economic Adjustment with substantial funds and authority to alleviate the economic repercussions of base closings and installation cutbacks. Besides requiring advanced planning on the part of the Department of Defense through a greatly expanded Office of Economic Adjustment, this bill will provide substantial assistance to civilians adversely affected by DOD actions.

My distinguished colleagues, we all desire to reduce military expenditures wherever possible. But concurrent with that desire must be the recognition and assumption of our responsibility to provide meaningful help to American citizens affected by those reductions. I ask your support for this bill and for those Americans who are falling victim to the administration's lack of responsible planning.

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

There being no objection, the bill was

ordered to be printed in the RECORD, as follows:

S. 1709

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law and subject to the provisions of section 2 of this Act, no action may be taken by the Department of Defense which:

(1) results in the permanent reduction in the number of direct hire civilians of the United States employed at any military installation in the United States unless, prior to the date on which such termination is to become effective, there is a comparable reduction-in-force of foreign nationals employed by the United States at military installations overseas. The comparable reduction-in-force will constitute a per centum of the total number of foreign nationals employed by the United States overseas equal to or greater than the per centum of the total number of United States direct hire civilians employed at military installations within the United States who are being considered for reduction;

(2) results in the closing of any military installation in the United States, while there exists an equivalent United States installation overseas which performs a like function and that function can be performed at either the domestic or foreign installation.

SEC. 2. The prohibitions contained in the first section of this Act shall not apply in any case in which the Secretary of Defense makes a finding that a reduction in the civilian personnel overseas or the transfer of an activity from an overseas installation would seriously and adversely affect the defense posture or the economy of the United States and promptly reports such finding(s) in writing to the Congress.

SEC. 3. As used in this Act (1) the term "United States," when used in a geographical sense, means the several States and the District of Columbia, (2) the term "military installation" includes any facility that supplies or services a military function, operation, or activity, and (3) the term "foreign national" refers only to those foreign citizens who are employed by the United States Government and are paid out of Department of Defense appropriated funds.

SEC. 4. This Act shall be effective as of January 1, 1973.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 287

At the request of Mr. SCOTT of Virginia, the Senator from Oklahoma (Mr. BARTLETT), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Georgia (Mr. TALMADGE) were added as cosponsors of S. 287, to clarify the jurisdiction of certain Federal courts with respect to public schools and to confer such jurisdiction upon certain other courts.

S. 740

At the request of Mr. WILLIAMS, the Senator from Idaho (Mr. CHURCH) and the Senator from Missouri (Mr. EAGLETON) were added as cosponsors of S. 740, to extend the Migrant Health Act for 4 years.

S. 868

At the request of Mr. WILLIAMS, the Senator from South Dakota (Mr. MCGOVERN), the Senator from Rhode Island (Mr. PELL), and the Senator from Minnesota (Mr. HUMPHREY) were added as cosponsors of S. 868, to provide computation of social security benefits based on combined earnings of married couples.

S. 869

At the request of Mr. WILLIAMS, the Senator from South Dakota (Mr. MCGOVERN), the Senator from Rhode Island (Mr. PELL), and the Senator from Minnesota (Mr. HUMPHREY), were added as cosponsors of S. 869, to provide computation of social security benefits for men at age 62.

S. 904

At the request of Mr. WILLIAMS, the Senator from Iowa (Mr. HUGHES), and the Senator from Maine (Mr. MUSKIE), were added as cosponsors of S. 904, the Truth in Food Labeling Act.

S. 1123

At the request of Mr. Moss, the Senator from Michigan (Mr. HART), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Wyoming (Mr. MCGEE) were added as cosponsors of S. 1123, to amend title 5, United States Code, to provide for the reclassification of positions of Deputy U.S. Marshal, and for other purposes.

S. 1218

At the request of Mr. GRAVEL, the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of S. 1218, to amend title II of the Communications Act of 1934 to authorize common carriers subject to such title to provide certain free or reduced rate service for individuals who are deaf or hard of hearing.

S. 1283

At the request of Mr. JACKSON, the Senator from Ohio (Mr. TAFT) was added as a cosponsor of S. 1283. The National Energy Research and Development Policy Act of 1973.

S. 1543

At the request of Mr. MONDALE, the Senator from Missouri (Mr. EAGLETON) was added as a cosponsor of S. 1543, to amend the Social Security Act to provide for extension of authorization for special project grants under title V.

S. 1599

At the request of Mr. SAXBE, the Senator from South Dakota (Mr. ABOUREZK) and the Senator from Iowa (Mr. CLARK) were added as cosponsors of S. 1599, to provide for the continued sale of gasoline to independent gasoline retailers.

SENATE JOINT RESOLUTION 98

At the request of Mr. HUMPHREY, the Senator from South Dakota (Mr. ABOUREZK), the Senator from Iowa (Mr. CLARK), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. MONDALE), the Senator from Illinois (Mr. STEVENSON) and the Senator from Connecticut (Mr. RIBICOFF) were added as cosponsors of Senate Joint Resolution 98, a joint resolution relating to nationwide gasoline and oil shortages.

SENATE RESOLUTION 106—SUBMISSION OF A RESOLUTION RELATING TO APPOINTMENT OF A SPECIAL ASSISTANT IN CONNECTION WITH THE PRESIDENTIAL ELECTION OF 1972

(Ordered to lie over under the rule.)

Mr. BROOKE (for himself, Mr. SCOTT of Pennsylvania, Mr. DOMINICK, and Mr. HANSEN) submitted a resolution (S. Res. 106) urging the Attorney General to appoint a special assistant in connection with the Presidential election of 1972.

(The resolution and discussion thereof are printed in the RECORD at the time it was submitted and appear earlier in the RECORD.)

SENATE RESOLUTION 107—SUBMISSION OF A RESOLUTION RELATING TO FORMULATION OF THE FOREIGN AND MILITARY POLICY OF THE UNITED STATES

(Referred to the Committee on Foreign Relations, by unanimous consent.)

Mr. MATHIAS. Mr. President, I have sought this time today in order to submit a resolution that addresses itself to a constitutional and statutory issue and not to a foreign or military policy question. In effect, I am essentially asking whether due process of law has been observed in pursuing acts of war in Cambodia.

There are foreign policy questions that should be asked when we debate what our course in Indochina should be. These include a decision that the interests of the United States in the area justify the risk of breeding a whole new generation of American prisoners of war. Fliers who survive bomber crashes and are captured by the Khmer Rouge are not likely to find them significantly better hosts than the Viet Cong. The list of necessary determinations also demands assigning some priority to the great economic costs of the bombing. If we are making up to 200 bombing runs a day at a cost of $40,000 to $50,000 per raid for each plane, we are soon going to have a new unbudgeted item above the billion dollar level. These questions, and others equally pressing ought to be answered before the bombers take off from their bases.

But they are not the first questions to be asked under existing circumstances. We must first ask what is permissible under the Constitution, what statutory steps would be requisite before a given policy could be properly adopted and executed, whether the policy we are now pursuing is both constitutional and legal and what immediate policy changes are required to preserve the integrity of our political system.

So I am not talking today primarily about planes or bombs or soldiers, or of the wisdom of a particular military strategy; I am talking about the law.

I refer to military activities in Indochina only because they embody the particular issues and circumstances which the constitutional process ought to govern.

The present military activities in Indochina have challenged the integrity of our government of laws and these activities have not been approved through our constitutional processes. It is because I believe that our policies should be the result of proper constitutional process that I submit this resolution today.

The resolution expresses the formal advice of the Senate to the executive branch that the continuation of hostilities anywhere in Indochina, including Cambodia, unless specifically authorized

by Congress is contrary to both the Constitution and specific statutes prohibiting such hostilities enacted by Congress and signed by President Nixon. It is further the purpose of the resolution to specify the particular provisions of the Constitution and the law pertinent to the continued bombing of Cambodia and to advise that the President order an end to this action in Indochina.

I had prepared the resolution some weeks ago. I delayed submitting it because I wished to obtain from the executive branch the legal justification for continued bombing in Cambodia. At a meeting of the Foreign Operations Subcommittee of the Appropriations Committee on April 9, 1973, I made such a request. As of this hour I have not been notified of compliance with this request.

In the meantime, on Monday, April 30, the Secretary of State gave to the Foreign Relations Committee a 13-page memorandum giving the administration rationale. This statement came well over a month after it was originally requested. In my view, the State Department argument places Congress in an awkward, not to say impossible, position. We are offered no reasonable alternative to further inquiry. The Secretary maintained that article 20 of the executive agreement signed by the United States concerning ending of hostilities in Indochina was being violated, and that the United States was continuing bombing in Cambodia and elsewhere in order to encourage compliance with article 20. At this point, it appears that all parties including the United States are violating article 20. But even if it were being scrupulously observed, it could not supersede the Constitution or the statutes. It has never been submitted to Congress for its approval as a treaty, nor has there been a request for a formal resolution supporting the terms of the agreement.

In any event, Cambodia, at whose request and for whom the bombing activities by the United States are being carried out, is not a party to the Vietnam agreements, and so article 20 could not be operative in Cambodia. It was further said that U.S. air activities were simply a continuation of what we had been doing since the 1970 invasion of Cambodia. In accepting this argument, Congress is confronted wtih the difficulty of reconciling it with the President's statement made June 3, 1970, concerning U.S. activities in Cambodia and their purpose:

> The only remaining American activity in Cambodia after July 1 will be air missions to interdict the movement of enemy troops and material where I find that it is necessary to protect the lives and security of our men in South Vietnam.

These words by the President were an important part of the basis of an agreement worked out between Congress and the President when the final language of Cooper-Church was written in December 1970. The legislative history of the legal authority for the use of United States air power in Indochina is clear. The original Cooper-Church provisions passed by the Senate which prohibited the use of U.S. forces in support of Cambodia included an amendment by the Senator from Washington (Mr. JACKSON) that specified that U.S. airpower could not be used in direct support of the Government of Cambodia.

It was on the basis of this understanding that U.S. airpower could be used only for the protection of U.S. forces in Indochina that Congress adopted the Cooper-Church amendment that was signed into law by President Nixon on January 3, 1971.

In addition, the following sections were passed by Congress and signed by President Nixon: Section 7(b) of the Special Foreign Assistance Act of 1971, which reads:

> Military and economic assistance provided by the United States to Cambodia and authorized or appropriated pursuant to this or any other Act shall not be construed as a commitment by the United States to Cambodia for its defense.

And section 655(g) of the Foreign Assistance Act of 1961, which reads:

> Enactment of this section shall not be construed as a commitment by the United States to Cambodia for its defense.

These laws specifically exclude the use of U.S. funds for the purpose of supporting the Government of Cambodia.

A recent staff report by the Foreign Relations Committee, issued by the distinguished chairman of the Subcommittee on National Commitments, who is the acting chairman of the Armed Services Committee, the Senator from Wisconsin (Mr. SYMINGTON), strongly indicates that U.S. air activities are in direct support of the Government of Cambodia. The most searching study of the statutes and the Constitution does not reveal authority for the activities in the laws of the United States.

There are those who maintain that a Senate Resolution is a parliamentary gesture without force. It is my view that it is not only constitutionally proper but also constitutionally obligatory for the Senate to give its advice to the President—as this resolution does—and to request that the legal dilemma be resolved by the termination of the bombing.

It is my hope that this advisory action and a constructive response to it will make unnecessary legislation prohibiting the use of funds for hostilities in Indochina.

This resolution is a formal expression by the Senate that, in the judgment of the Senate, the laws of the land should be obeyed, and that the law should shape the policies and not the policies shape the law. This resolution is offered in fulfillment of the duty of the Senate to give its advice to the President when it is aware of facts so serious as the continued hostilities in Indochina which are proceeding without the specific authorization of Congress or without some clear legal basis for doing so.

While we all desire that the integrity of the U.S. position in Indochina should be maintained in every honorable way, yet I believe that it is even more important to preserve the integrity of the Constitution and the laws at home.

Mr. President, so that I may have the resolution submitted at this time, I will offer it on behalf of myself and Senators MANSFIELD, CASE, CHURCH, JAVITS, HART, SYMINGTON, HATFIELD, MONDALE, MCGOVERN, CRANSTON, HUMPHREY, and BAYH, and ask unanimous consent that it be referred to the Committee on Foreign Relations.

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

The text of the resolution is as follows:

Resolved, That it is the sense of the Senate that—

(1) the United States prisoners of war have been released;

(2) all United States combat forces have been withdrawn from Indochina; and

(3) the United States has no commitment to Cambodia to provide for its defense;

(4) the bombing of Cambodia and elsewhere in Indochina is an act of war and contrary to clause 11 of section 8 of article I of the Constitution which provides that the Congress only shall have the power "to declare war . . .";

(5) the territory of the United States or its vital national interests are not endangered by any nation in Indochina.

SEC. 2. It is further the sense of Congress that since—

(1) there has been no such declaration of war by Congress with respect to the hostilities in Indochina; and

(2) the United States has no commitment to assist in the defense of Cambodia and, by section 7(b) of the Special Foreign Assistance Act of 1971 and section 655(g) of the Foreign Assistance Act of 1961, the laws of the United States specifically provide that the United States has no commitment to the defense of Cambodia;

Any combat actions by the United States Armed Forces in, over, or off the shores of Indochina are contrary to the laws of the United States.

SEC. 3. The Senate affirms that continued hostilities in Cambodia and elsewhere in Indochina by the United States Armed Forces in the absence of specific congresssional authorization are not in accordance with the Constitution and statutes of the United States and are contrary to the lawful conduct of the United States Government. The Senate therefore advises the President (1) to cease immediately any hostilities in Indochina by United States Armed Forces, and (2) that any future engagement of United States Armed Forces in Indochina or any other part of the world hereafter only be undertaken in conformity with statutes and in accordance with constitutional processes.

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

Mr. MATHIAS. I am happy to yield.

Mr. JAVITS. I am extremely pleased to join the Senator from Maryland and the Senator from Montana (Mr. MANSFIELD) in offering the resolution.

The resolution is now clear in its terms and by the statement of the Senator from Maryland that we are talking now not about the power but the methodology. The methodology must be clear in order to get the power. There is no power, in my judgment, until it does.

But we are not talking about forbidding anything. What I think the Senator has made crystal clear is that the President may be permitted to do everything he wishes to do with our concurrence, but he may not do it without our concurrence.

I would like to make only one brief comment on the memorandum, relative to the constitutional justification. I am a member of the Committee on Foreign Relations and met with Secretary Rogers

when he was there. The Senator says the President bases his authority to continue the Cambodian bombardment on the fact that there is an agreement for a cease-fire. It seems to me that we cannot build a structure on no foundation, on the fact that the President has an executive agreement that is not a treaty, with no concurrence from us. That does not give him any more power than he had before, if we believe that he has no constitutional power to bomb in Cambodia.

I should like to have the comment of the Senator from Maryland on that point.

Mr. MATHIAS. I think the Senator from New York has stated the situation exactly. The agreement has the force and effect of a cease-fire. Cambodia is not a party to that agreement and never has been a party to it. So it is difficult to see how it could have any force and effect in the territories which constitute Cambodia.

It seems to me that even if there were agreement by Cambodia and even if there were agreement by all parties—which there clearly is not—it could not supersede the Constitution nor the acts or statutes of Congress.

Mr. JAVITS. The Senator is exactly correct. However, such a document does not give power that the President does not have. And we emphasize that he does not have that power.

Mr. President, may I emphasize the critical importance of this. The American people were devastated by the Vietnam war. They may find themselves devastated by a war in Cambodia or some other war. Until this question of power is laid to rest, the country is in too much peril. We cannot overemphasize the importance of such decision to the future of our Nation.

Mr. MATHIAS. Mr. President, the Senator from New York further said that we are not at this point debating what is being done. We are debating the fact that whatever course of action is to be adopted, it must be adopted in accordance with the system of law which has been so widely and wisely established. It gives the kind of balance which has made this Republic a great success for nearly two centuries.

Mr. JAVITS. Mr. President, I thank the Senator.

Mr. MANSFIELD. Mr. President, if the Senator would yield, I wish to commend the distinguished Senator from Maryland for introducing this resolution at this time.

I attest to the fact that this is something which he has had on his mind for more than a month to my personal knowledge and that he has not introduced it because of situations which arose in the meantime.

I am delighted that the Senator is addressing himself to the constitutional and statutory issues apart from the military and foreign policy issues, even though there is an interrelationship between all the factors involved.

I would express the hope and anticipate that action would be taken on this resolution in the Foreign Relations Committee very shortly and that it would be reported to the floor. I would hope that the Senate would then look at this matter not from the viewpoint of foreign policy or a military question, but primarily from the point of view of a constitutional question.

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

SENATE RESOLUTION 108—SUBMISSION OF A RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURES BY COMMITTEE ON COMMERCE

(Referred to the Committee on Commerce.)

Mr. MAGNUSON submitted the following resolution:

S. RES. 108

Resolved, That Senate Resolution 45 authorizing additional expenditures by the Committee on Commerce for inquiries and investigations, be amended so that the expenses of the committee under said resolution shall not exceed $1,300,000, of which amount not to exceed $40,000 instead of $10,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF STATE—AMENDMENT

AMENDMENT NO. 98

(Ordered to be printed, and referred to the Committee on Foreign Relations.)

Mr. EAGLETON. Mr. President, in recent days the subject of credibility in Government has been foremost in the minds of Americans. It is clearly time to act on a variety of fronts to cleanse our system and to revive the institutional and legal mechanisms that serve to protect and enhance the integrity of Government officials both with our own citizens and in the eyes of the world.

It is most important that we maintain the nonpartisan integrity of those within our Government who are assigned the important task of representing the United States to foreign governments. Our diplomats should be single-minded in their effort to espouse the policies of our Government. But under no circumstances should they become involved in the partisan controversies which serve to create those policies.

The amendment I submit today to the State Department authorization bill will assure that the integrity of our diplomats is protected by carefully restricting the improper activities of the few who would seek to undermine that integrity.

Last February, a constituent informed me that he had received an unsolicited letter from our Ambassador to London, Walter Annenberg. With this letter Ambassador Annenberg enclosed two editorials appearing in the British press which he said would "rebut the claims made in some quarters that our allies had turned against us in the day preceding the Vietnam cease-fire and were critical of the President." The Annenberg letter went on to say that the editorials "showed that the President's emphasis on the solid achievement of sensible and realistic goals is not only important to Americans at home, but to our allies as well."

In fact, these editorials were not only highly laudatory of President Nixon's first term in office, they were also highly critical of the Democratic administrations that had preceded Mr. Nixon as well as the 1972 Democratic candidate for President, Senator GEORGE MCGOVERN.

The editorial attack on Senator MCGOVERN was particularly intemperate and unfair. The use of such terms as "irresponsible" and "wishy-washy lefty-liberalism" left little doubt that Ambassador Annenberg was indirectly attempting to denigrate President Nixon's Democratic opponent in the last election. We cannot tolerate such partisan conduct on the part of our Ambassadors.

In a letter to the Secretary of State dated February 19, 1973, I expressed my concern that public money was being used for an activity that could lend itself to partisan interpretation. I told Secretary Rogers that while I may be in agreement with some of the favorable comments the editorials make about Mr. Nixon, the attack on the President's political adversaries, past and present, placed Ambassador Annenberg's letter in a very unfortunate partisan context.

The initial State Department reply to my inquiry came on April 6 and was signed by Acting Assistant Secretary for Congressional Relations Marshall Wright. In that letter he stated that—

> Ambassador Annenberg decided to send this letter to United States citizens, either known to him or suggested by his friends, to call attention to support in the United Kingdom for the President's policies.

Continuing, Mr. Wright stated that—

> We do not believe that Ambassador Annenberg's correspondence constitutes a partisan political activity. On the contrary, the Ambassador was concerned with calling attention to support received for policies of the United States Government. *It is not inappropriate for an Ambassador to engage in such correspondence.* (emphasis supplied)

It was greatly surprising to receive such a reply from an agency of Government which has traditionally observed the highest order of protocol by avoiding the improprieties of partisan associations. I began to have serious questions about the extent to which political activities had pervaded the U.S. Government. If an American Ambassador—a person chosen by the President and confirmed by the Senate to represent our country in a nonpartisan capacity—engages in such an obvious indiscretion, and then receives the support of the Department of State and the career Foreign Service, then the integrity of our governmental process has been compromised much more seriously than I first imagined.

I wrote to Secretary Rogers again saying that his initial response was "inadequate."

The State Department's reply to my second inquiry substantiated my deepest concerns. According to this response Ambassador Annenberg was asked to write his letter by Mr. Charles Colson, a former political operative of the White House. Although the details are unclear,

Colson then apparently took the letter, reproduced it and arranged for its distribution.

If there were doubts as to the partisan nature of the Annenberg letter previously, these doubts were dispelled by Ambassador Annenberg's more recent—and more forthright—description of the events that led to the distribution of his letter.

Ambassador Annenberg's letter represents a dangerous precedent. While the letter was written after the 1972 election, I am concerned over the possibility of a future attempt by American diplomats to use public funds to influence the political process. We must make every effort to avoid this possibility.

The first section of my amendment would prohibit the use of authorized appropriations for publicity or propaganda purposes designed to support or defeat legislation pending before Congress. Language similar to this is already embodied in the law in title VI, section 608(a) of Public Law 92-351 known as the "Treasury, Postal Service and General Government Appropriation Act of 1973."

Recent action by the administration in preparing materials for use in lobbying Congress on pending legislation has convinced me of the necessity to repeat this language in measures such as this. The difficulty we have had in obtaining information from the executive branch to fulfill our legitimate legislative function has long been a source of great frustration to Members of Congress. To combine the problem of limited access to information because of claims of executive privilege, with a lobbying effort to influence the legislative process with the use of Government funds would only further exacerbate the situation we now have.

The second section of my amendment would prohibit the use of authorized appropriations to influence in any way the outcome of a political election. State Department personnel have access to information concerning American foreign policy, some of which is, of course, politically sensitive. This provision would assure that Government funds could not be used to distribute this or any other type of information for the purpose of influencing a political campaign.

The third provision of my amendment goes directly to the problem raised by the Annenberg letter itself. The letter, as far as can be ascertained, was not being used to influence pending legislation, nor was it intended to influence the outcome of a political election. There can be little doubt, however, that Ambassador Annenberg and Mr. Colson were attempting to influence a certain segment of American public opinion for partisan purposes.

Mr. Annenberg's official duties as U.S. Ambassador to the United Kingdom are to represent the American Government and its policies in that country. If these duties require a strong advocacy of President Nixon's merits as a world leader to the British people, they do not also require taking that same advocacy to American citizens in the form of unsolicited mass mailings at Government expense. The taxpayer pays enough to have his Government lobby the British people on his behalf. He should not, at the same time, be burdened with the expense of being lobbied by officials of our own Government.

My amendment would prevent this activity in the future and would protect our diplomats from requests such as Mr. Colson made to involve the President's representatives in efforts which could lend themselves to partisan interpretation.

Those assigned to represent the United States to foreign governments must remain above political controversies and partisan debate. Involvement in this activity serves only to erode the confidence of foreign countries in the policies of the U.S. Government.

Mr. President, I ask unanimous consent that the following correspondence relevant to this matter be printed in the RECORD at this point; together with the amendment.

First. Ambassador Annenberg's letter of February 5, 1973 including the two editorials from the British press;

Second. My initial letter of February 19, 1973 to Secretary Rogers requesting information on the Annenberg letter;

Third. Acting Assistant Secretary Marshall Wright's response of April 6, 1973;

Fourth. My letter of April 23, 1973 to Secretary Rogers requesting a more adequate response to my inquiry;

Fifth. Acting Assistant Secretary Marshall Wright's response of April 30, 1973.

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

DEPARTMENT OF STATE,
Washington, D.C., February 5, 1973.

DEAR SIR: Just before the Vietnam peace agreement was announced, there were two editorials in the British press of such great interest that I am sending you personal copies.

One editorial was in the London *Sunday Express*, dated January 21, 1973, and the other in the London *Daily Telegraph*, dated January 22, 1973. In my judgment, these articles are significant not only in terms of their own merit—but because they rebut the claims made in some quarters that our allies had turned against us in the days preceding the ceasefire and were critical of the President.

In my judgment, these editorials also tend to reflect the opinions of large numbers of British people at this time.

Both editorials center attention on President Nixon's strong but quiet leadership. They also show that the President's emphasis on the solid achievement of sensible and realistic goals is not only important to Americans at home, but to our allies as well.

I trust that you will find this material of interest.

With every best wish,
Sincerely,

WALTER ANNENBERG.

FULL TEXT OF LONDON DAILY TELEGRAPH EDITORIAL OF JANUARY 22, 1973

Mr. Nixon has shown himself truly a great President in his conduct of the Vietnam war and of peace negotiations which gave strong signs of approaching their conclusion in Saigon and Paris as he delivered his Inaugural Address in Washington. There was greatness, too, in the leadership he gave for what the world prays will be a peaceful post-Vietnam war era, both in that region ravaged by Communist aggression, and elsewhere. No flamboyance, no political maneuvres, no hustling to get the cease-fire signed, regardless of known or unknown outstanding problems, in time for a complete Inaugural triumph. Mr. Nixon, rightly confident of the support of the vast majority—silent except on Election Day and in the opinion polls—could afford to allow the contrast between his own achievements and the empty spite of the domestic and foreign protesters to speak for itself.

It was deplorable that Senator McGovern, speaking at Oxford University, should have continued his abuse of the President in such irresponsible phrases as 'the Nixon destruction of Indo-China' and 'executive wars by whim.' At the same time, he confessed that Mr. Nixon's overwhelming victory last November remained 'something of a mystery' to him. This sounds like the boxer who regains consciousness still not knowing what hit him. In fact it was the straight right from the mass of the American people, whom Mr. Nixon has led back to psychological and economic health after an attack of Vietnamitis that in less capable hands might have been fatal, who emphatically rejected wishy-washy lefty-liberalism at home and abroad.

"Mr. Nixon's message, to his own people and to the rest of us, was clear and salutary. No more of John F. Kennedy's world-wide crusade for freedom and democracy. But solid gains for peace, he urged, must not be jettisoned by a post-war mood of isolationism in America. America would do her share towards defending peace and freedom, but others must do their share too. Europeans in particular should be grateful that Mr. Nixon is President for another four years, and heed his warning."

FULL TEXT OF LONDON SUNDAY EXPRESS EDITORIAL ON JANUARY 21, 1973

As Richard Milhous Nixon begins his second term, it is hard to recall an American president who has been more reviled. Trendies and left-wingers turn their venom on him as 'the tyrant in the White House.' With tears in their eyes the same individuals dream of the golden age when handsome Jack Kennedy made Washington into Camelot. Then, instead of Mr. Nixon's cottage cheese, there was salmon cooked in champagne. Instead of folk songs and baseball players there were Bach and philosophers. All that and Jackie, too.

Yet notice something curious. Mr. Nixon's critics rarely venture beyond the trappings. They do not try to contrast his actual record with that of Kennedy. Let us do just that. Vietnam? Kennedy began the war. Mr. Nixon by his albeit ruthless bombing policy, is about to bring it to an end. Universities? Remember the torchlight marches and the sit-ins under Kennedy? The ghettoes? Remember the dreadful riots when Kennedy and his brother Bobby made promises to the Blacks that could not be kept? Under Mr. Nixon the universities are as silent as the reading room at the British Museum. The ghettos are peaceful, too, because it is recognized that there is now a president who cannot be panicked into concessions. The economy? Kennedy faced recession and inflation and did nothing. Mr. Nixon courageously introduced one of the severest freezes in American history and the country is once more heading into prosperity.

His enemies sneer that Mr. Nixon is "ordinary," but this, in fact, is his greatest quality. He is ordinary in the sense that he seeks the substance rather than the shadow; that he is concerned not with cheap popularity but with promoting the real, mundane interest of his nation. The American voters recognized this when they re-elected him overwhelmingly. And people far from the United States should give thanks every day that this plain and sensible man sits in the White House. Would a progressive have kept America strong and prosperous? Would a

trendy have achieved peace except by surrender?

U.S. SENATE,
Washington, D.C., February 19, 1970.
The Honorable WILLIAM P. ROGERS,
Secretary of State,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: I am enclosing a copy of a letter received by a constituent from Ambasador Walter Anneberg which appears to be part of a mass mailing using the Department of State letterhead. Enclosed with this letter were two editorials from London newspapers concerning President Nixon.

As a member of the Appropriations Subcommittee for the State Department, I am concerned that public money would be used for an activity that could lend itself to partisan interpretation. I would appreciate knowing how many of these letters have been sent at government expense, the approximate cost in terms of manpower, material and postage and the mailing list used for this purpose. I would like to know whether other Ambassadors engage in this practice and whether it is permissible under Departmental regulations.

While I may be in agreement with some of the favorable comments the editorials make about Mr. Nixon, I feel that the attack on Mr. Nixon's political adversaries, past and present, places Ambasador Anneberg's letter in a very unfortunate partisan context. I am most disturbed that these editorials would be randomly mailed to a list of individuals within the United States by an American ambassador—a person who has been chosen by the President and confirmed by the Senate to represent our country in a non partisan capacity.

Sincerely,

THOMAS F. EAGLETON,
U.S. Senator.

DEPARTMENT OF STATE,
Washington, D.C., April 6, 1973.
Hon. THOMAS F. EAGLETON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR EAGLETON: Secretary Rogers has asked me to reply to your letter of February 19 about a letter from Ambassador Annenberg to one of your constituents.

As Ambassador Annenberg has indicated, he decided to send this letter to United States citizens, either known to him or suggested by his friends, to call attention to support in the United Kingdom for the President's policies. His purpose was to show that there is intelligent and articulate support for these policies in important sections of the British press.

We do not believe that Ambasador Annenberg's correspondence constitutes a partisan political activity. On the contrary, the Ambassador was concerned with calling attention to support received for policies of the United States Government. It is not inappropriate for an Ambassador to engage in such correspondence.

Sincerely yours,

MARSHALL WRIGHT,
Acting Assistant Secretary for Congressional Relations.

APRIL 23, 1973.
The Honorable WILLIAM P. ROGERS,
Secretary of State,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: Acting Assistant Secretary Marshall Wright has responded to my letter to you of February 19 concerning Ambassador Annenberg's correspondence with a number of American citizens. I consider this response to be inadequate and I would hope that the information I requested can be obtained from the Department without resorting to a congressional investigation of the matter.

I am not surprised that we have differing views over the nature of Ambassador Annenberg's correspondence. Such differences of opinion, however, should not have prevented you from responding to the other questions I posed. As I stated in my letter of February 19, I would appreciate knowing how many of these letters have been sent at government expense, the approximate cost in terms of manpower, material and postage, and the mailing list used for this purpose. Mr. Wright has stated in his letter of April 6 that Ambassador Annenberg decided to send this letter to "United States citizens either known to him or suggested by his friends . . ." I have reason to believe that Ambassador Annenberg was provided the mailing list which is used by the State Department to distribute its weekly "Bulletin" which is printed in your office of media services. Did Ambassador Annenberg use this mailing list?

It has taken more than two months to receive an adequate response on this inquiry and I would therefore appreciate your giving this matter your personal attention.

Sincerely,

THOMAS F. EAGLETON,
U.S. Senator.

DEPARTMENT OF STATE,
Washington, D.C., April 30, 1973.
The Honorable THOMAS F. EAGLETON,
U.S. Senate.

DEAR SENATOR EAGLETON: The Secretary has asked me to reply on his behalf to your letter of April 23, regarding letters from Ambassador Annenberg to persons in the United States.

First of all, let me express my genuine regret that my earlier letter to you of April 6, which was based on information relayed to the Department from London and on a statement which Ambassador Annenberg released in London, was neither as complete nor as accurate as it should have been.

When Secretary Rogers learned several days ago of another letter to the Department raising questions similar to those posed by you, he directed that further inquiries be made into this matter. As a result, Ambassador Annenberg has informed us that he does not know to whom the letters and enclosed editorials were sent, nor does he know at whose expense the letters were mailed. We have learned from Ambassador Annenberg that the initiative for his letter came from Mr. Charles Colson, at that time a member of the White House staff. Ambassador Annenberg further informs us that he signed one copy of the letter in question, and gave it to Mr. Colson. He assumes that Mr. Colson subsequently reproduced the letter and arranged for its distribution. The original letter was on official Department of State stationery.

In view of these circumstances, the Department of State does not know the answers to your questions as to how many of these letters may have been sent at Government expense, nor do we know what funds were used to defray the cost of the distribution, In response to your question about the possible use of State Department mailing lists, the facts, as set forth above, are all we, or Ambassador Annenberg, know about the circumstances of the mailing.

Sincerely yours,

MARSHALL WRIGHT,
Acting Assistant Secretary for Congressional Relations.

AMENDMENT NO. 98

At the end of the bill add the following new section:

LIMITATION

SEC. 106. No appropriation made available under this Act shall be used—

(1) for publicity or propaganda purposes designed to support or defeat legislation pending before Congress;

(2) to influence in any way the outcome of a political election; or

(3) to make any oral or written communication to any person or organization unless that communication is directly related to the performance of United States Government duties.

ESTABLISHMENT OF A COUNCIL ON ENERGY POLICY—AMENDMENT

AMENDMENT 99

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

Mr. METCALF submitted an amendment, intended to be proposed by him, to the bill (S. 70) to promote commerce and establish a Council on Energy Policy and for other purposes.

VOTER REGISTRATION ACT—AMENDMENTS

AMENDMENTS NOS. 100 THROUGH 104

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

Mr. TAFT submitted five amendments, intended to be proposed by him, to the bill (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.

AMENDMENTS NOS. 105 THROUGH 108

Mr. ALLEN. Mr. President, I submit four amendments, intended to be proposed by me, to Senate bill 352. I ask unanimous consent that the amendments be printed in the RECORD.

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

AMENDMENT NO. 105

Amend S. 352 by adding the following new section on page 8 between lines 9 and 10:

(f) *Provided, however,* That the administration, if it finds that to do so would reduce the expense to the government without reducing the efficiency of the service, may, after competitive bidding, contract with one or more private postal, mail or delivery services to perform the services herein provided to be performed by the U.S. Postal Service; or it may arrange for such services to be performed by or through any federal youth job program.

AMENDMENT NO. 106

Amend S. 352 by adding the following new section on page 8 between lines 9 and 10:

(b) *Provided, however,* That the administration, if it finds that to do so would reduce the expense to the government without reducing the efficiency of the service, may, after competitive bidding, contract with one or more private postal, mail or delivery services to perform the services herein provided to be performed by the U.S. Postal Service.

AMENDMENT NO. 107

Amend S. 352 by adding the following new section on page 8 between lines 9 and 10:

(b) *Provided, however,* That the administration, if it finds that to do so would reduce the expense to the government without reducing the efficiency of the service, may contract through other means for the performance of the services herein provided to be performed by the U.S. Postal Service.

AMENDMENT No. 108

Amend S. 352 by adding the following new section on page 8 between lines 9 and 10:

(b) *Provided, however,* That the administration, if it finds that to do so would reduce the expense to the government without reducing the efficiency of the service, may contract with one or more private postal, mail or delivery services to perform the services herein provided to be performed by the U. S. Postal Service.

ANNOUNCEMENT OF HEARINGS ON INDUSTRIAL PRICES

Mr. HUMPHREY. Mr. President, I believe price increases of industrial commodities require immediate investigation. The escalating inflation of nonfood prices must be halted.

Dramatic increases in food prices have tended to distract attention from equally disturbing price problems in the nonfood sector, but the recent evidence provided by the wholesale price index can no longer be ignored.

In the last 3 months wholesale prices of industrial commodities have risen at an annual rate approaching 15 percent. The further back we look into the production process, the worse the outlook appears.

Wholesale prices of consumer finished goods—excluding food—have been rising at an annual rate of 13 percent; intermediate materials at a 17-percent rate; and crude materials at a 19-percent rate. Over the months ahead these increases will be reflected in the prices consumers pay for clothing, furniture, appliances, fuel, and a myriad of other commodities.

The rapid economic expansion which we are currently experiencing is creating a climate in which further large industrial price increases are almost certain, unless there are strong public policies to hold these increases in check. The actions taken yesterday by the administration are far from adequate to cope with the situation. It is the consumer who will foot the bill for this policy failure.

As its chairman, I am announcing that the Subcommittee on Consumer Economics will continue its investigation of the cost-of-living with a hearing Tuesday, May 8 on prices of nonfood commodities. We intend to examine both the outlook for nonfood prices and the need for stronger price-wage policies. Two of the witnesses, Mr. Robert Lanzilotti and Mr. Robert Nathan will provide an overview of the industrial price situation. The third witness, Mr. Walter Adams, will discuss steel prices.

The hearing will begin at 10 a.m. Tuesday, May 8 in room S–407 in the Capitol—the Atomic Energy Committee hearing room. The witness list follows:

Walter Adams, department of economics, Michigan State University.

Robert Nathan, Robert Nathan Associates, Washington, D.C.

Robert F. Lanzilotti, dean, College of Business Administration, University of Florida.

NOTICE OF HEARING ON NOMINATIONS

Mr. WILLIAMS. Mr. President, I wish to announce that the Committee on Labor and Public Welfare has scheduled a public hearing on Thursday, May 10, at 2 p.m., in room 4232, Dirksen Office Building, on the following nominations:

Arthur S. Flemming, of Virginia, to be Commissioner on Aging.

Richard F. Schubert, of Pennsylvania, to be Under Secretary of Labor.

Bernard E. DeLury, of New York, to be an Assistant Secretary of Labor.

NOTICE OF HEARING ON DISASTER LEGISLATION

Mr. CRANSTON. Mr. President, I wish to announce that the Subcommittee on Small Business of Banking, Housing and Urban Affairs Committee will hold hearings on May 9 on legislation (S. 1697) to require the President to furnish predisaster assistance in order to avert or lessen the effects of a major disaster in the counties of Alameda and Contra Costa in California.

The hearings will commence at 2 p.m. Wednesday, May 9, in room 5302, New Senate Office Building.

All persons wishing to testify should contact Carolyn Jordan, room 455, Old Senate Office Building, telephone number 225–8131.

NOTICE OF HEARINGS ON S. 1708

Mr. CRANSTON. Mr. President, I announce for the information of Senators that the Special Subcommittee on Human Resources, which I am privileged to chair, of the Committee on Labor and Public Welfare, will hold public hearings on S. 1708, the proposed "Family Planning Services and Population Research Amendments of 1973," which I introduced today to extend, revise, and improve family planning and population research authority in title X of the Public Health Service Act. The hearings will be at 1:15 p.m. on Tuesday, May 8; at 9 a.m. on Wednesday, May 9; and at 1 p.m., Thursday May 10.

We will hear testimony from the administration as the first witness on Tuesday and thereafter will hear from representatives of family planning, population research, church, women's, and right-to-life groups and organizations.

ADDITIONAL STATEMENTS

CITIZEN COLUMBUS

Mr. SCOTT of Pennsylvania. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Philadelphia Evening Bulletin of April 23 that points out the efforts of Mr. John Paul Paine. Mr. Paine is a constituent of the Commonwealth and an enthusiastic supporter of proclaiming April 22 of each year as Queen Isabella Day.

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

CITIZEN COLUMBUS

Bills granting United States citizenship to specific persons who might otherwise never achieve it are routine in Congress.

But not the one introduced by Rep. Ogden R. Reid (D-NY). Representative Reid—whose constituents include many Italian-Americans—would grant citizenship posthumously to Christopher Columbus.

Captain Columbus, of course, never asked for U.S. citizenship because there was no U.S., and there's no guarantee that he'd want it, even if there had been. He was, after all, an Italian on the Spanish payroll when he sailed the ocean blue in fourteen-hundred-ninety-two, and the Nina, Pinta and Santa Maria landed in the West Indies, not the North American continent.

Be that as it may, there's certainly no harm in making the Great Discoverer a citizen even five centuries later. And while we're at it, since behind every great man there's a woman, maybe something should be said for the lady who made it all possible.

It was Queen Isabella of Castile who bankrolled the great Italian sailor—let's not forget it. John Paul Paine hasn't forgotten it.

Mr. Paine, a Philadelphian, is founder and president of a national committee that has succeeded in getting 46 governors and many mayors to proclaim April 22, the date on which she was born in 1451, as Queen Isabella Day.

So happy birthday, Queen Isabella, and welcome aboard, Captain Columbus—and what happens when a congressman from rural Minnesota submits a bill to make Leif Erikson a citizen?

DRUG ABUSE

Mr. MOSS. Mr. President, I wish again to express deep concern over the vicious destruction of human values which result from drug abuse. No American State, city, or town can feel entirely safe from the insidious drug pushers who prey upon our citizenry. We, as individuals and legislators, can ignore the damage to our society due to drug abuse only at our Nation's peril.

My involvement as a Senator in the fight against the misuse of alcohol and cigarettes is known. In addition, my support to curtail the misuse of hard narcotics, hallucinogens, depressants, stimulants, and marihuana is a matter of record. I am in agreement with recent legislation introduced by Senator BAYH of Indiana that would amend the Controlled Substances Act in order to control more effectively the use of dangerous drugs.

Of special concern to me is the need for new and imaginative approaches by the Congress to aid in rehabilitation of the drug addict. The addict must be treated as a sick person, not a criminal. Until drug addiction is accepted as a disease, it will be impossible to treat humanely the habitual user of drugs who cannot help himself.

As has been stated by many experts on the subject, it is the drug pusher who must be expunged from our society. This will necessitate a concentrated law enforcement effort which includes cooperation between cities, States, and nations. More international cooperation in the curtailment of drug production and distribution is necessary. Although it is widely known that the United States does not directly produce various dangerous drugs, millions of dollars is exchanged on the streets of America as a result of their illegal distribution. The accessibility of the American citizenry, especially the young, to these dangerous substances must be prevented.

The tremendous use of drugs by members of the military is also unconscion-

able. Hopefully more germane programs to rehabilitate those in the military who are addicted to drugs will be found. This would allow a more successful reentry into American society as well as prevent considerable heartache and economic loss for many who have served their country well.

Today, I wish to call special attention to the efforts that have been made in my native State—Utah—to control drug abuse. Although drug patterns reach Utah from 6 months to a year after being established in major cities like New York and San Francisco, the existence of possible problems is recognized. To avoid drug abuse problems of crisis proportions, I am happy to announce that the Beehive State has implemented various programs, several financed by Federal funds, which have been very successful.

One example of an extension of Utah's educational efforts against drug abuse is the 22d annual session of the University of Utah School on Alcoholism and Other Drug Dependencies to be held at the University of Utah from June 17 to 22, 1973. The session will be sponsored by the University of Utah, Utah State Division of Alcoholism and Drugs, and the Utah Alcoholism Foundation. Assisting the sponsors will be the Utah State Board of Education; Rehabilitation Services Administration of the U.S. Department of Health, Education, and Welfare; National Institute of Mental Health; Clyde and Marie Gooderham Scholarship Fund; and the Kemper Foundation. Included among the executive committee and trustees, and the lecturers and consultants for this seminar, are some 58 noted doctors, scholars, and authorities on drugs. The following statement indicates the purpose and scope of the program:

> The increasing awareness of the social and health problems of alcoholism and other drug dependencies has evidenced a growing need to provide for extensive training for individuals of professional and other disciplines concerned with treatment, rehabilitation, education, prevention, and research. The objectives of the School are to provide the latest methods and techniques which may be employed in these areas to deal with the problems.

Mr. President, I ask unanimous consent that a recent informative letter from Gary F. Jensen, director, Division of Alcoholism and Drugs, Salt Lake City, Utah, be inserted in the RECORD. The letter contains information on a considerable number of services currently available to drug users in the State. Several of the programs receive considerable financial support from Federal funds.

Also, I ask that special recognition be given to Project Reality, a community-oriented methadone treatment program that was begun in Utah in 1971. This program is rated by HEW to be among the best of its kind in the Nation. Project Reality, and its director, Mr. E. Earl Hobby, were recognized by a resolution of appreciation, passed by the Board of Commissioners of Salt Lake City, Utah, on April 3, 1973. I ask unanimous consent that information contained in a brochure put out by Project Reality concerning the special program be included in the RECORD.

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

DIVISION OF ALCOHOLISM AND DRUGS,
Salt Lake City, Utah, April 12, 1973.

Hon. FRANK E. MOSS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MOSS: In its two-and-one-half-year history, Utah's Drug Abuse Authority, the State Division of Alcoholism and Drugs, has noted a considerable increase in the number of services available to drug users in the state. These services, for the most part, are concentrated along the Wasatch Front, particularly in the Salt Lake County area. Presently, in the Salt Lake County area, 12 agencies, acting as a consortium, are receiving support through an eight-year NIMH Grant which will amount to approximately $8.5 million during the funding period. The agencies involved in this grant are the private drug treatment programs, Manhattan Project for adolescent users, Odyssey House of Utah for older users with more serious drug problems, and Project Reality, a residential treatment program coupled with a methadone maintenance facility for those with heroin addiction problems. Detoxification and emergency hospital treatment, as well as medical care for juveniles below the age of legal consent are also included in this grant. The three Mental Health Centers within the county are also designing special treatment components which may include the use of a special facility at the Utah State Mental Hospital to begin to meet the total treatment and rehabilitation needs for the users within the Salt Lake County area. A Central Referral Agency administered by the City-County Health Department will be handling diagnosis, referral, and follow-up with all of the separate components in the Grant.

The degree of coordination and the broad range of services which are provided through this Grant have been made possible in large part due to the awarding of the NIMH Grant last November. The Division of Alcoholism and Drugs allocates roughly 10% of the total cost of treatment provided through this comprehensive set of services. Other support has been secured from the City-County Health Department, the Division of Vocational Rehabilitation, the Division of Family Services, United Fund, private contributions, and in the past, from the Utah Law Enforcement Planning Agency as well as Model Cities. A special contract with the OEO also provides services to a limited number of clients in the methadone maintenance component. The Division has been successful in obtaining the coordination necessary to provide these comprehensive services and has been instrumental in securing support from both the State Legislature and the other agencies listed above for these drug treatment and rehabilitation programs. There is every indication that State and County Government, as well as other agencies, will be willing to assume the financial responsibility for continuing these services once the Federal money has expired.

In the Utah County area, a grant to provide comprehensive drug abuse services has been submitted to NIMH and has been approved for funding. We are now hopefully awaiting confirmation of the allocation of funds for this program. This program, in cooperation with other community agencies in the area such as public schools, Vocational Rehabilitation, Family Services, etc., will provide treatment and rehabilitation services as well as education and prevention services for the drug abusing residents of Utah County. There will be an extensive outreach in several of the smaller Utah County communities as part of the comprehensive grant.

In the Weber County area, a comprehensive drug abuse services grant has recently been prepared. It would provide methadone services, detoxification, hospitalization, and residential and outpatient treatment as well as follow-up for all drug abusing residents of the Weber County area. There is serious question whether the comprehensive services which are needed in this area can be secured without Federal support.

We estimate that comprehensive drug treatment and rehabilitation in all areas of the State with full utilization of all State, County, and local resources, would require an additional $2 million to $3 million dollars a year than is currently being received in the Salt Lake County area, and, hopefully, soon to be received in the Utah County area. Although local agencies such as Mental Health Centers, Vocational Rehabilitation Offices, and Family Services Offices have been more than willing to use their resources and finances to provide specialized services to drug users, there are very realistic limits to the kinds of services which can be delivered without additional Federal support.

The Utah State Division of Alcoholism and Drugs has been acutely aware of drug education and prevention needs at the community level. The Federal government has been helpful in bringing some good community-oriented programs in drug education and prevention to Utah. Noteworthy among them is the Social Seminar, a program of drug and mental health education sponsored by the National Institute of Mental Health through the Department of Health, Education and Welfare. The federal government provides expert training in the use of the Social Seminar and various media supplies. To date, this includes over $3,000 worth of movies and over $1,000 worth of brochures, pamphlets, discussion guides, and simulation games. The entire seminar concept, particularly adaptable at the community level, deals with causal factors of drug and alcohol abuse rather than just symptoms.

Another project which has come from the federal government to the state of Utah has been the Bureau of Narcotics and Dangerous Drugs' training "Alternative Pursuits". This training is designed for persons affiliated with law enforcement. It suggests alternatives other than the jails and courts to treat problems caused by drugs or alcohol.

The Office of Education provides a training laboratory which is housed in San Antonio, Texas, that provides two weeks of concentrated training to representative groups of local communities. In the past year 8 groups of citizens from various cities in Utah have attended these training sessions, and then they return to their homes to initiate drug education and prevention programs. This is approximately a $50,000 project funded entirely with Federal monies and given federal and state support in a follow up manner. This coming year, 22 communities from Utah have been funded to attend their training at a cost of $110,000 to the Office of Education.

I hope that the success of the present drug abuse programs in Utah will be considered when future legislation that deals with drugs comes before the Senate. Again, the success in Utah has resulted from Federal, state, and local cooperation.

Sincerely,

GARY F. JENSEN,
Director.

PROJECT REALITY

PROGRAM DESCRIPTION

Project Reality was originally designed for the delivery of clinical and social services to the clients of the Salt Lake City/County Health Department's Methadone Treatment Clinic. These programs both began in June of 1971, but soon combined after a few months operation under a single director to form a unified and comprehensive treatment and rehabilitation service.

Project Reality is basically a community

oriented program. The emphasis is in treating the patient in the setting where his problems developed and where he must eventually learn to live. Even patients in the Residential program are expected to become increasingly more responsible as members of the community. The program is for individuals who can be maintained on either short-term Residential care or totally on an outpatient basis. Project Reality meets the needs of the narcotic addict who either does not need, or would not agree to long-term Residential treatment. Whether the patient is on methadone or drug-free, this treatment alternative allows for both Residential and out-patient clients to handle their addiction problems without being removed from family and community privileges and responsibilities.

Dealing with individuals that have generally supported themselves and their narcotic habit through various illegal means, Project Reality has already been able to demonstrate impressive evidence of change in the lives of its patients.

After approximately 18 months of operation, 167 patients were in the program, 58% of these patients were employed, and 27% were in some type of education or training. Of interest is the fact that 23 married addicts and 19 married couples are attempting to improve their own lives and the lives of their children through the program. Thirty-six (36) clients have completed treatment and therapeutic program services and are responsibly living in the community drug-free.

The patients' interest and support of the program is demonstrated by the fact that the largest source of referrals is the addicts themselves. Currently, approximately 5–8 patients are admitted per week and this figure is expected to continue.

Project Reality provides an economically feasible method for the rehabilitation and treatment of large numbers of addicts, thus providing a valuable service to both the individual patient and to the community.

SERVICES OFFERED

1. Clinical Team Services:
(a) Admissions Team.
(b) Treatment Team.
(c) Methadone Team.
2. Methadone treatment and detoxification.
3. Urine surveillance.
4. Residential (in-patient) therapeutic community.
5. Psychiatric services.
6. Individual counseling.
7. Group therapy.
8. Marital counseling.
9. Recreational therapy and activity groups.
10. Job placement and counseling.
11. Extensive medical services and health care.
12. Financial counseling.
13. Housing assistance.
14. Public and private agency services, orientation and referral.

ADMISSION—WHO QUALIFIES?

Candidates for Project Reality come from several sources: Physicians, other treatment programs, public and private agencies, criminal justice system, other addicts and walk-ins. Prospects are evaluated by an admission team that consists of a medical doctor, psychologist, house director, social service representatives, community counselor, consulting psychiatrist and other members of the staff as needed. Patients must be of legal age, have a confirmed drug abuse history and have the positive motivation to desire to change their life style. Consideration is given regardless of race, color, creed, social-economic background or police record.

METHADONE

Methadone is an inexpensive, synthetic, narcotic drug that offers several major advantages for the treatment of heroin addiction. The regular daily administration of methadone controls the *'drug hunger'* enabling the narcotic addict to cease the use of illegal drugs and permits the development of significant life-style changes. It should be understood that methadone produces no euphoric effect and in fact can block the euphoria and *'rush'* produced by the injection of heroin. Thus, without the *'highs'* and *'lows'* of heroin use, the addict, with the help of the program develops new methods of handling stress, frustration, and anxiety. The daily dose of methadone allows the addict to obtain work, education, and training, to be with his family and be productive in his community. The lifestyle changes developed while on methadone allow many heroin addicts to become drug-free who would not be able to do so without this temporary physiological and psychological support.

The Methadone Team consists of a highly qualified professional staff who have special skills and training in the management of methadone. These staff members include a medical doctor, licensed practical nurses and the clinic director. Other Salt Lake City/County Health Department staff and facilities are utilized as needed. Project Reality has a closely supervised and controlled program that allows no fraudulent methadone. All aspects of the dispensing system equal or exceed national standards.

Methadone offers a number of positive characteristics. It can be taken orally and its sustained effect lasts for at least 24 hours of normal alertness and well-being. There are virtually no contraindications to methadone and side effects are minimal. Research to date indicates that when properly administered and controlled, methadone treatment is a safe and effective treatment modality.

Methadone and its use for the treatment and rehabilitation of individuals who otherwise would be likely to continue to use intravenous heroin has been endorsed by the following agencies and associations: The American Medical Association Council on Problems of Drug Dependence, the American Psychiatric Association Commission of Drug Abuse, the Task Force of the American Society of Pharmacology and Experimentation Therapeutics, the Joint Food and Drug Administration/National Institute of Mental Health Advisory Committee, and the FDA Drug Abuse Advisory Committee. Project Reality does not have a *"substitute" or "maintenance"* philosophy.

URINALYSIS

Almost all patients who are on the Project Reality program, whether drug-free or on methadone, are regularly evaluated by urine surveillance. All methadone patients are required to be on surveillance. This is done to alert the staff to any patient who is abusing drugs while on the program.

Urine samples are collected randomly 7 days/week. Strict control of urine collection and testing insures accurate surveillance. Observation, urine temperature checks, a number system, etc., prevent fraudulent samples from being submitted. The urinalysis surveillance system exceeds federal standards and is the most sophisticated process available.

Under the supervision of skilled laboratory personnel of the Salt Lake City/County Health Department, the urine specimen collected from each addict is extracted with organic solvents to remove any drugs. This extract is concentrated by evaporation and analyzed using thin-layed chromatography. If a drug other than methadone is found, the extract is analyzed again by thin-layer chromatography using a different solvent system. This serves as an internal check against false positives. In a few cases it has been necessary to use gas chromatography to provide a further confirmation of the results. We are also able to have some samples analyzed by the lab at the Utah State Division of Health as a confirmation and check of our results.

RESIDENT PROGRAM

Our experience so far, suggests that one of every twenty applicants accepted for treatment needs the services and structure that a Residential program can provide. These individuals lack the resources and/or stability, and responsibility to be maintained within the community. They are individuals who need the structure and treatment services of the Residential program. For many, there appears to be a period of adjustment necessary to cope with the pressures of reorienting themselves to society. This re-orientation process takes place on a gradual basis according to the strength and limitations of the individual patient.

The basis for Residential treatment is the therapeutic community. Many patients have not previously learned to be responsible to themselves and others. As Residents, they have the experience of obeying rules determined by the total group. This includes patients and staff. Privileges are earned only by appropriate behavior. Inappropriate actions are confronted and dealt with by the total group. This is for many addicts a new experience in limits, structure, leadership, cooperation, and sharing.

While in the Residential program, the individual is still expected to be moving toward becoming part of the community process through education, employment, and training. The mode of re-integration of the individual back into the community is based on the suggestions and support of the other patients and the clinical judgment and expertise of the project staff.

REFERRAL

Project Reality provides a treatment resource for narcotic addicts with or without criminal charges who meet the candidacy requirements. Referrals are accepted from physicians, other treatment programs, a variety of public and private agencies, as well as the criminal justice system. While admission is through the Project Reality Admission Team, not all cases are accepted for treatment services. After the evaluation a candidate may be appropriately referred to another drug treatment program or clinic, to mental health clinics and centers, or for detoxification medical services, or hospitalization. Project Reality is a rehabilitation program, and services provided by the project are coupled and co-ordinated with those of many other public and private agencies. This avoids duplication and provides a comprehensive program of services and treatment.

Project Reality is proud to be an active member of the Utah Drug Foundation, Utah United Fund, and the Drug Referral Center System.

While only a small percentage of the clients in the program have criminal charges, the project regularly evaluates candidates with charges for project services. For the probationer, regular progress reports are submitted through the Adult Probation and Parole Department. Release of information to the court is always done with the client's full knowledge.

The candidate with criminal charges necessarily requires referral to be done in conjunction with the defendant, his attorney, the prosecuting attorney, the court, and especially the Adult Probation and Parole Department. After evaluation and report by the Admission Team, the court may elect to require the defendant to participate in the Project Reality program as a stipulation of probation. After sentencing, the addict must complete and sign his probationary conditions and agreements with the Adult Probation and Parole Department prior to acceptance into the formal treatment and rehabili-

tation program. If such disposition is made by the court, it is always with the understanding that the patient may be at any time referred back to the court if there is any persistent failure to take advantage of the treatment processes offered.

BOARD OF DIRECTORS

Project Reality is a private, non-profit rehabilitation program incorporated under the laws of the State of Utah. It is governed by a Board of Directors who meet regularly, determine policies and develop and supervise the program. The Board is composed of local lay and professional citizens. The project has a tax exempt status and relies on federal, state, and local funds as well as donations for the financial support of the program. The Board of Directors employs an Administrative Director who, under their direction, supervises and directs the program.

NEW ANTI-INFLATION STEPS

Mr. GRIFFIN. Mr. President, when he signed into law the bill extending the Economic Stabilization Act, President Nixon issued a statement setting forth certain additional steps that have been taken in the fight against inflation. I ask unanimous consent that the text of that statement be printed in the RECORD.

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

STATEMENT BY THE PRESIDENT

The Congress has passed and I have signed into law an extension of the Economic Stabilization Act. This legislation will permit continuation of a constructive and orderly program to restore price stability and I congratulate the Congress on its action.

After 18 months of great progress against inflation, prices soared again in February and March. Most of the increases were in the price of food, an area that strikes home for each of us every day. In these circumstances the temptation was strong to go for the superficially simple solution—to freeze prices across the board or even roll them back. We carefully considered that alternative. We firmly concluded, however, that such a move, taken at this time, would have created more problems for the average American than it would solve.

If, on the one hand, the freeze had been brief, the country would soon have confronted all the old problems again with even greater urgency when the freeze expired. But if, on the other hand, the freeze were planned to last for an extended period, then our present rising prosperity would have ground to a halt and the controls system would eventually have broken down.

Concerned as we are about the rise of prices, we must also recognize that there are some cases in which necessary supplies will not be available if prices are frozen or rolled back. We are seeing this now with oil and gas products. Similarly, if we had forced the prices of meat back to their January levels, as some have suggested, customers would not be boycotting meat today but would instead be storming supermarkets to be the first in line for the scarce supply of meat.

There are times, of course, when a price-wage freeze is necessary. August of 1971 was such a time.

But the situation is very different today. The American economy is operating much closer to capacity than in the summer of 1971. As a result, there are many more cases today where freezing prices would cause shortages. More than that, today we have a flexible price and wage control system already in existence. If conditions require firmer action, generally or selectively, we are already well-equipped to take it.

The price-wage control system is part of a larger anti-inflation program, the cornerstone of which is a responsible budget policy. The healthy expansion of our economy, which is creating more jobs and better wages today, could be transformed into a dangerously inflationary boom tomorrow if the rise in Federal spending accelerates. We must not let that happen.

At the same time that we are following fiscal and monetary policies to restrain excessive demand in the marketplace, we also are acting to increase supplies, the best of all ways to fight rising prices.

One area of special concern, of course, is food prices. We have been working in many ways to increase the supply of food. We have greatly increased the acreage of land available for raising crops and grazing livestock. We have sold the Government-owned stocks of wheat and feed grains. We are no longer subsidizing the export of food, and we have acted to increase imports of meat, dried milk and cheese. These measures cannot immediately offset the food shortages we have recently experienced—including those caused by the blizzards and floods of the last few months. However, what has been done, together with the spontaneous response of farmers to the present high prices, will have the effect of increasing food supplies and thus holding down prices. In fact, retail food prices have been rising less rapidly in recent weeks than earlier this year. We will continue to explore every possible way to meet the food inflation problem.

We are also seeking to increase supplies of industrial materials by selling off stocks held in the Government's strategic stockpile that are no longer required for national security. I have sent to the Congress the legislation necessary to effect this disposal and I urge its prompt enactment. I have also sent to the Congress a request for authority to suspend tariffs or other restrictions on imports where such action would be useful to restrain inflation; I hope this legislation will also be promptly and favorably considered.

The third element in the Government's anti-inflation program, in addition to checking the expansion of demand through appropriate fiscal and monetary policies and stimulating the expansion of supply, is the price-wage control system, now known as Phase III.

In Phase III the Government has set forth standards of desirable price and wage behavior which are essentially the same standards used during Phase II. In some areas—food processing and distributing, construction and medical care—observance of these standards is mandatory, just as it was in Phase II. For the rest of the economy, compliance is on a self-administering basis unless the Government, through the Cost of Living Council, finds mandatory control necessary. As I have said before, Phase III will be as voluntary as it can be and as mandatory as it has to be.

Since Phase III began, we have taken a number of steps to ensure the achievement of its goals. Mandatory price control has been imposed on the larger oil companies. Ceiling prices have been set for beef, pork and lamb. Those wage agreements that have appeared inconsistent with price stabilization have been held up pending further study. The Internal Revenue Service is checking on some 500 large companies to be sure that their pricing procedures conform with the standards of Phase III. The Cost of Living Council is meeting with representatives of a number of large industries to gain a better understanding of the causes of their recent price increases.

So that the Government can administer the Phase III price control program more effectively, I have directed the Cost of Living Council to take several further steps.

First, it will obtain from the largest firms a full and detailed report on price changes that have been put into effect since the beginning of Phase III, so that it may order reduction of increases that have exceeded the standards.

Second, a new system of prenotification will be instituted. If a major firm intends to raise its average prices more than 1.5 percent above the January 10 authorized level, it must notify the Cost of Living Council 30 days in advance. This will give the Cost of Living Council an opportunity to determine whether or not the use of its authority to stop the increase, or some other action, is warranted.

Third, firms not exceeding the 1.5 percent limit will still be required to report their actions quarterly, so that their conformity to the cost-justification standards may be checked.

Fourth, additional resources will be assigned to ensure that these strengthened efforts are carried out fairly and effectively.

The Cost of Living Council will provide the details of these actions.

This Administration will continue to do everything it can to fight inflation, but others must also do their part if we are to succeed. Everyone has an interest in restoring reasonable price stability without ending the present prosperity and without rigid suppression of free markets and free collective bargaining.

Our great need is for more production. Only with more production can we fight inflation while still providing the goods and services people want.

Today I address the call for more production particularly to the Nation's farmers, because it is the price of food more than anything else that now blocks the return of price stability. There are many grounds on which such an appeal can be based. Prices are high, world demand is strong, and economic conditions are such that farmers will improve their incomes by producing more. This is especially true of animal products—meat, dairy products and eggs. Continuously rising food prices, on the other hand, would create greater pressure for controls, pressures which could be hard to resist even though the controls would hurt consumers as well as farmers.

The country needs more food, and American farmers have never failed to deliver when the country needed them. Although our farmers have had to contend with miserable weather conditions in recent months, their productive capacity is still not fully utilized.

Labor and management also can contribute to the fight against inflation by continuing to improve productivity. Rising productivity attacks inflation both by increasing supplies and by holding down costs. Progress on this front to date has been encouraging. Since the summer of 1971, output per man-hour has risen 50 percent faster than it has over the long-term. It is imperative that we continue this excellent performance, even though it will become more difficult to do so as the economy reaches higher levels.

Labor and management have also been contributing to our stabilization efforts through responsible collective bargaining. The average size of increases in collective bargaining agreements was lower in the first quarter of 1973 than before the New Economic Policy began. I am also encouraged by the record to date in maintaining industrial peace. In short, the cooperation of American labor and management in the stabilization effort has been outstanding.

The American people look to labor and management to continue constructive behavior.

Although I believe that prices will not rise as much in the months ahead as they did in February and March, price increases will probably be higher than we would like for some months. We should be mature enough to recognize that there is no instant remedy for this program. We are dealing with a condition that is world-wide in scope and in-

deed has been less severe and more effectively confronted here than in most other countries. Working together, the American people will solve the problem of inflation, but that process will require patience, cooperation and understanding from us all.

Meanwhile, let us not overlook the great strengths of our economy. We have more people at work than ever before, earning higher real incomes and consuming more goods and services per capita than at any time in our past. Inflation is a potential danger to all and a present hardship for some but nevertheless the American people are enjoying the fruits of an extraordinarily effective economic system. Any superficially appealing actions that would disrupt or abandon that system would ultimately cause far more damage than they would repair.

THE 30TH ANNIVERSARY OF WARSAW GHETTO UPRISING

Mr. MONDALE. Mr. President, during the Easter recess the world commemorated the 30th anniversary of the Warsaw ghetto uprising. In April 1943, young Jewish men and women organized, in the sewers and rubble of the Warsaw ghetto, the first organized civilian resistance in Nazi Europe. Starving, isolated and desperate, they repelled onslaught after Nazi onslaught. And as the Nazis used tanks to destroy the walls of the ghetto, the food, water, and ammunition were exhausted and the ghetto was turned into an inferno. These beleaguered and outnumbered Jews were able to hold off the Nazis—while the world silently watched. In the end, the ghetto was rubble and the few survivors destined for the horrors of the concentration camps.

But today we remember their heroic battle cries and the valor of those who refused to capitulate to the Nazi slaughter.

In a recent article entitled "At the Wall in Warsaw, 30 Years Later" in the New York Times Magazine on April 15, 1973, James Feron returned to Warsaw with one of the few survivors of the uprising. I request unanimous consent that the article be printed in the RECORD.

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

AT THE WALL IN WARSAW, 30 YEARS LATER

(By James Feron)

WARSAW—Several weeks ago, Jack P. Eisner, a New York businessman specializing in foreign trade, arrived here to confer with Polish officials on export-import matters. Visits of this kind are increasing with the improved political climate between Poland and the United States. As Mr. Eisner ate breakfast in the restaurant of the Europeski Hotel, he saw others like him who had also come to talk business.

His trip was somewhat different, however. For one thing, Mr. Eisner was resuming contacts rather than initiating them. His company, Stafford International of 30 West 26th Street, had traded with Polish concerns until 1968, when links were severed. That was the year that a political struggle within the Communist leadership flared into a purge of Polish "Zionists" accused undermining the state. "The atmosphere was very bad," Mr. Eisner says, "so we pulled out." The passage of time (and the political demise of the 1968 leadership) has put all that behind, however, and doors once closed are being reopened.

But Mr. Eisner's trip was different for still another reason. It was a journey home for him. Born in Warsaw, he was a teen-ager when the Germans attacked Poland on Sept. 1, 1939, occupied the capital a few weeks later and soon began to enclose what they would call the "Jewish living area." By November, 1940, an estimated 400,000 Jews had been crammed within a 10-mile-long wall surrounding the ghetto. Then, methodically, they were "selected" and sent to their deaths at Treblinka and other extermination camps. By April, 1943, the leaders of the shrunken Jewish community—about 60,000 emaciated men, women and children—decided they would resist the final deportation. They fought desperately for a month in a futile struggle that has since become one of the few proud sagas of the wartime Jewish holocaust. Not many survived that month of resistance, but Mr. Eisner was one of them.

This Thursday, a small group will gather before the Jewish memorial on Zamenhof Street, in what was once the heart of the ghetto, to commemorate the 30th anniversary of the rebellion's beginning. Wreaths will be laid and speeches made, but the special nature of the uprising is disappearing in Poland. Each year, the Government officials who show up emphasize two points with increasing intensity: that the Jewish insurgents were assisted in their final struggle by combat units of the Polish underground organizations, and that the uprising itself must be seen as part of "the national Polish struggle against the forces of racism and Fascism."

These points are arguable. It is often noted that the ghetto fighters raised both the Polish and Jewish flags during their uprising. Poles offer it as proof of the Jews' patriotic feeling, while Jews argue that the display of the blue and white flag with Magen David that now flies over Israel represented their separate identity and the special nature of that 1943 struggle. But the argument is muted in a country where historians are obliged to conform to official lines. The time may come, in fact, when no Jews will be left in Warsaw to help celebrate the ghetto anniversary, much less dispute the role being assigned to it by Communist authorities.

I met Mr. Eisner during his brief visit here and asked if he had been able to recognize anything of that anguished period. The ghetto, which once covered a third of the Polish capital, had been systematically leveled by the Germans as the battle ended. So had most of the rest of the city a year and a half later, after an equally heroic and tragic uprising by the Polish underground. Mr. Eisner said that he had, in fact, intended to spend part of his last day here walking through the former ghetto area, seeking familiar landmarks.

So it was that the next day, a cold and windy January afternoon, we were circling the Nozik Synagogue near Grzybowski Square, where Mr. Eisner said he had sung as a boy, looking for an open door. The century-old building is the last synagogue still standing in Warsaw, and it looks ready for the wrecker's hammer. All the windows were bricked or boarded shut, and the large wooden front door was closed behind a massive lock. The walls were chipped and, along the lower portions, occasionally defaced with what the scrawler apparently felt was an epithet in itself—"Zyd" (Jew).

The only sign of life was steam pouring lustily from a pipe that stuck out of an otherwise sealed second-story window. We eventually found a door that was open, and this led to a dark, dank and heavily littered staircase. At the top, a bearded man watched our approach, unsmiling and suspicious. Mr. Eisner asked him a few questions in Polish, and the man replied, but just barely. Was the synagogue closed? In winter, yes; it cost too much to heat. But there was a room next door for services. How often were they held? Once a week, on Saturday. The two men spoke evenly, without expression, feeling each other out.

Finally, the bearded man asked, in Yiddish, "Biz tu a Yid?"—"Are you a Jew?"

Mr. Eisner looked a bit surprised, and annoyed. "Of course I'm a Jew," he replied, in Yiddish.

"Well, you spoke such good Polish that I wasn't sure," the other man said in a more affable tone. Now they chatted on, and soon the bearded man invited us inside.

There have been Jews here over the ages, but the number multiplied after the 14th century when Casimir the Great welcomed to Poland the many victims of religious persecution in Spain and Germany. Some historians maintain that at one time in the Middle Ages, 80 per cent of the world's Jewish population lived in Poland. By 1939, Jews represented 10 per cent of the total population in this country. They were a vigorous community, living for the most part in separate, Yiddish-speaking enclaves.

Before the war there were 3.5 million Jews in Poland. Now there are fewer than 10,000, scattered through the country, the great majority of them speaking Polish—even to each other—and seeking, in many cases, to disguise their background. Within this larger group, there is a smaller "community," also scattered, of observant Jews, but it is an aging and dying group. Where once it was difficult in some areas to find a nonkosher restaurant, there are now just 10 widely separated kosher cafeterias, supported by funds from outside. The maintenance of rabbinical law, for the relatively few who still care, is a triumph of accommodation.

Poland is perhaps witnessing a final chapter of the thousand-year-old history of Polish Jewry, and even these last pages are punctuated with irony. The principal sponsors of the 30th-anniversary celebrations are the Social-Cultural Society of Jews in Poland, a thinly veiled branch of the Interior Ministry headed by officials with long experience in the state security apparatus, and the Polish Union of Fighters for Freedom and Democracy, a veterans' organization that served as the vanguard of the 1968 anti-Semitic campaign.

The real leader of the Jewish community of Poland, such as it is, turns out to be Isaac Frenkiel, a 58-year-old survivor of the Lodz ghetto, who lives with his wife, Esther, in a brick building that is next to the synagogue and in an equally decrepit condition. Unlike the synagogue, it is slated for demolition, to make way for a road. Mr. Frenkiel has witnessed much, including the departure for Israel of his own three sons in the aftermath of the 1968 "events." He now serves as the conduit for the funds, medical supplies and other assistance that still come from Jewish organizations abroad, and as the link between the rabbinate in Jerusalem and his meager congregation in Poland. He organizes the rabbinical supervision of kosher products, no mean trick in a country without a single rabbi, conducts those religious services that are still possible and speaks with benign contempt of the "antireligious" Jewish Social-Cultural Society operating out of a modern building less than 100 yards away. For three months each year, he sees to the baking of matzoh for Passover on a clanking assembly line operating in the otherwise deserted Nozik Synagogue.

It was the steam from his matzoh machine that we had seen billowing from the synagogue, and the bearded man invited us in to witness the elaborate process. Mr. Frenkiel himself had invented the device. "I'm an engineer as well as the head of the Jewish community, so what could be more appropriate?" he remarked with a shrug. Then, sweeping an arm to encompass the rollers, wire-mesh belt, elongated oven, stacking tables, wrapping counter and chute leading to a loading platform on the ground floor, he added, "This is something unique.

For a thousand years we've been making matzoh by hand here, but I've been able to mechanize the whole process while keeping within religious law." As an example, he indicated a basin of water near the center of the room. "Because of religious law, the water has to stand overnight. We have faucets near the mixing machine, but we use the basins instead." He grinned, as though relishing victory in a skirmish with some unseen force.

The line of rabbinical authority originating in Jerusalem remained unclear, not only for the matzoh production but for the other ritually "approved" products emerging from engineer Frenkiel's scattered enterprises. The kosher flour comes from a special mill in Otwock, southeast of Warsaw, and is "used only by us," he said. It was a state enterprise, as were the slaughterhouses in Warsaw, Lodz and Wroclaw where meat was ritually slaughtered once a week. "In Cracow there's a state enterprise making gefilte fish, and that's kosher, too. In Kamieniec, near Bielsko Biala, they make the Passover slivovitz. It's made by the state spirits monopoly, and I give the O.K. for that."

Mr. Frenkiel said he was authorized to delegate supervisory responsibility for dietary law, but he veered away from details. There's no reason to assume, however, that Jews who were able to maintain their identity through the Inquisition should not be able to do so in contemporary Poland, where they are merely dying of attrition. Still, attention to the laws at Frenkiel's kosher matzoh works seemed pretty casual. When I visited the factory a second time, the worker responsible for watching the matzoh to make sure it's all kosher, 85-year-old Rubin Nowak, was missing. So who was watching the matzoh? "Oh, he's watching it," Mr. Frenkiel responded, indicating one of the men working on the rollers. This same attitude was apparent later when the subject turned to kosher restaurants. "There's one place in Warsaw where a lot of our people go," Mr. Frenkiel said. "It's not kosher exactly, but it's Jewish."

Later, in his office, he spoke of what life was like for a Jew in Poland today. To begin with, it was difficult to say just how many remained here after the last major emigration triggered by the 1968 purge. An estimated 14,000 Jews, most of them completely assimilated and identified as Jews only by the state authorities, went through the departure process—essentially renouncing their Polish citizenship and declaring their desire to go to Israel (only a third left for there, and the majority were taken in by the Danes and Swedes).

"We count 3,000 practicing Jews in our 18 congregations throughout Poland," Mr. Frenkiel said. These congregations are united under a Jewish religious union, technically called the Congresgation of Moses' Denomination. "We assume there are 10,000 to 12,000 Jews altogether, including mixed marriages." The Jewish Historical Institute suggested a figure of 15,000. Officials at the Social-Cultural Society said the number was 9,000 to 15,000, which means this is the figure the Interior Ministry uses. The Office of Religious Affairs, a Government unit, offered 1,700 as the number of members of Jewish congregations, with some members representing families.

Several years ago there were two rabbis in Poland, but one of them, Dov Percowicz, died five or six years ago and the other, Zeev Moreno, left for the States a bit later. It is now difficult sometimes to find a minyan, the minimum of 10 male Jews necessary for a service. A Jewish official working in the West said recently that "they have to pay some of the men to arrive sometimes, just to make sure they have a minyan." A Jewish diplomat who attended services in Poland said he was welcomed sometimes as the 10th man. On Yom Kippur, however, the synagogue is full, Mr. Frenkiel said.

The center of Jewish life is the cafeteria, a soup-kitchen type of operation where the mostly aged members—of the community—those who cannot cook for themselves or who prefer to mingle with their friends—go for meals. The food is simple but good, and it is kosher. Two dozen people were eating lunch one day recently at the Warsaw kitchen in Mr. Frenkiel's building. Except for a girl in a scallop-edged miniskirt who was checking names and clearing tables, the average age appeared to be well above 60.

I had asked Mr. Frenkiel if anybody spoke Yiddish anymore, and he had said, "Come to lunch and just listen." I did, but they were all speaking Polish. There seemed to be an equal number of men and women chatting and joking. A small lady wore the uniform of a Polish postman. One man asked Mr. Frenkiel above the din who I was. The engineer replied, "None of your business," and several people, including the questioner, laughed good-naturedly.

A woman I sat near asked if I was a visitor from abroad, and if so, would I like to come to her flat for tea with my wife. I explained that I lived in Warsaw and was a newspaperman. She asked if she would appear on television, and was relieved to hear she would not. "I don't want my son to see me eating here."

Her son was an engineer working in Canada. He was married now and might come to her once he got his new citizenship. Jews forced out after 1968 are usually advised in their new country not to attempt to return in their stateless condition. "He was in the party," she explained, "but it was for work." One day at a party meeting, "they singled him out as being an enemy of the state. He never thought they would do that, because he had been faithful for so many years. Anyway, he had to leave." The woman's son was a typical case. Many of those purged had been only nominal party members, joining only as a means of security job advancement.

Did she plan to join him in Canada? "No," she said, "I don't want to burn my bridges."

Officials of the Joint Distribution Agency, now based in Geneva, say they learned long ago that Jews—and people in general—do not move unless they are forced to. Jews who have lived under stress in other areas such as North Africa have refused to leave when given the opportunity. They departed only when they felt they were faced with catastrophe. So it was with the woman seeking companionship in a kosher kitchen, afraid that if she left she would never return—to what?

Mr. Frenkiel claimed the 1968 events had nothing to do with his congregations. "It was a party fight, and most of those who left were party members." He jerked his thumb over his shoulder, indicating the nearby offices of the Social-Cultural Society of Jews in Poland, and said: "It's their problem, not ours." Then, abruptly, "Esther, get that 1966 story about me."

The article, which was in the Yiddish-language weekly Folkstimme, published by the party-run society, spoke of Poland's Jewish schools (the last of which closed in 1967) and their failure to divert Jewish youth from "decadent" religious customs. It condemned the "participation of youth" in Purim and Passover celebrations, organized then as now by Frenkiel, in Warsaw, Lodz and Wroclaw.

Mr. Frenkiel said that the schools had never really taught any religion. Yiddish-language and Jewish-culture courses were given, but the lessons were taught in Polish. "They were state-run, and like all other state schools, they sought to indoctrinate [the students in] nationalism and Communist ideology. I sent my own sons to the Kopernik School in Lodz, a regular Polish school, and if they learned Hebrew and got religious training, it was only at home."

He smiled as he recalled something. "In Lodz my sons were allowed to stay home on Jewish holidays, but in Szczecin, do you know the Jewish kids were offered bars of chocolate to go to school during Passover?"

Mr. Frenkiel deals with the Government through the Office of Religious Affairs, just as "they"—jerking his thumb again—deal with the Ministry of Interior. The Office of Religious Affairs handles only religious matters, and officials there said they would be pleased if Mr. Frenkiel limited his own activities in the same way.

"Look," Mr. Frenkiel said. "I'm not just a poor Jew who prays all day long or takes off his hat like a poor *muzhik* [peasant]. I go beyond the religious field . . ."

His wife interrupted. "Sure, he does charity work, and his cafeterias . . ."

"Not only that, not only that," her husband insisted. "I look after the needs of the Jewish minority in the full sense of the word. They know what I do. They can throw me out if they want. Call it politics, but it's the politics of looking after the Jewish minority."

The religion *vs.* atheism struggle exists even today, he said, despite the sharply reduced Jewish community. "When our congregations organize festivities for children—we will have a Purim party for example—it's like a thorn in their side." He would not acknowledge that the Jewish community was disappearing. "There are still 2,000 Jews here between the ages of 18 and 30," he said. A Jewish official working abroad said a man from Cracow told him he "couldn't remember the last Jewish birth in that city, while someone was carried off to the cemetery every week." I asked engineer Frenkiel: When was the last Jewish marriage?

"Today," he replied triumphantly, banging the desk in his office for emphasis. "At 10 o'clock." That was the civil ceremony—the only legal kind in Poland—at the Palace of Marriages, "but the religious ceremony took place last Saturday in Lodz." She was 22, and he was 21, Mr. Frenkiel said. "They were married at home by a man who was here designated to take the place of a rabbi."

Nevertheless wasn't the community dying out? "A Danish TV team was here and they asked me the same question," he replied. "I didn't answer. The film was shown in Israel, and one of my sons wrote that the Israeli commentator said: 'In Poland today, no answer is also an answer.' " He leaned back. "What can I tell you? For the time being there are Jews here. That's a fact. It's a fact also that for some their body is here and their soul is somewhere else."

The engineer was reluctant to say how the community maintained itself financially. Although "Joint"—as the Joint Distribution Agency, a normal source of funds for such Jewish communities, is called here—was forced to cease operations in Poland in 1967, support continues to reach Polish Jews from organizations based abroad. Mr. Frenkiel acknowledges as much when I asked him if he received state support. "Sure, sure, state support," he replied, laughingly. "Our state support was just cut by 10 per cent," a reference to the February devaluation of the dollar.

He pulled out his wallet and spread some color snapshots on the desk. "This is Zeev. He lives in Bat Yam, an engineer, 27 years old." Zeev was in an Israeli Army uniform, holding an Uzi, the standard automatic weapon. Behind him was barbed wire and a sign reading, "Stop. Frontier ahead." " . . . And this is Shmuel—25, I think . . ." His wife cut in: "Of course he's 25, like the State of Israel. He was born on Independence Day. How could you forget?"

"Sure, Shmuel is 25," Mr. Frenkiel continued, "studying at the university in Jerusalem. And this is Jonah, 24, who goes to the Polytechnic in Haifa." There were other pictures, including one of Mr. Frenkiel and his

wife standing with their three sons against a sun-drenched Jerusalem skyline.

He produced a calendar published by Polish authorities for the Jewish community. It was in Yiddish. "Look at May 7," he said. "We even got them to mark May 7 as Israel's Independence Day. Very nice." Although Israel and Poland have not maintained diplomatic relations since the 1967 Arab-Israeli war, the Frenkiels keep in touch with their sons through direct mail and by phone. "They put me right through—250 zlotys a minute for the first three minutes (roughly $4) and 105 zlotys for each minute after that."

"Anyway, who's a Jew, who's not a Jew?" Marion Fuks, director of the Jewish Historical Institute in Warsaw until his retirement last month, said when asked if he could offer some idea of how many Jews remained in Poland. "Only the keeper of the Jewish cemetery knows for sure."

The question of how many Jews there are in public life is clouded for the same reasons. While I was interviewing officials at the Social Cultural Society, they suddenly began arguing over a few names. One man offered the name of a leading theatrical personality, but Mr. Edward Rajber, director of the Society, objected. "He was christened as a child, don't make a Jew out of him," Mr. Rajber said heatedly and, perhaps, protectively. Another official suggested that Mr. Fuks's reference to the cemetery gatekeeper was not as facetious as it sounded: "He (the gatekeeper) will meet you and say, 'You know who came in today?,' and you say, 'No, who?,' and he'll say the daughter of so and so, mentioning a professor who died several years ago. 'And so?' And so she's Nina Andrycz, a leading actress and former wife of (ex-Premier) Jozef Cyrankiewicz."

Engineer Frenkiel was a bit more forthcoming about Jews in public life, although he laughed and said, "That's someone else's job, deciding who's a Jew and who's not." Again the thumb indicating his friends at the Social-Cultural Society. "There are some Jews in public life whose names I can even mention. One of our Vice Premiers, Eugeniuz Szyr, for example, and the Ambassador to London, Artur Starewicz. There are also three Jewish judges on the Supreme Court. One of them was in here just the other day." He said that whole areas of Polish life were only lightly touched in '68—lawyers, doctors, nonparty people in the Government, especially those doing highly technical work. Jews still occupy responsible posts in publishing, cultural, educational and agricultural fields, although a relatively small number have the same responsibilities they had before '68.

The underground nature of being Jewish persists. There is one story that the audience for the opening of the rebuilt Yiddish Theater included a number of Jews who had received letters encouraging their attendance. They belonged to no Jewish organization, had not attended any Jewish functions and thought they had become invisible. They were understandably disturbed to discover that lists existed somewhere identifying them still as Jews.

Jews continue to leave the country, but in small numbers now, and in some cases on the basis of applications they were obliged to make long ago, during the 1968 "events." A nonpracticing Jew whose parents and two brothers were forced out after 1968—they now live in Scandinavia—has been unable since then to leave the country to renew family ties, even though, in Polish security terms, he is more likely than ever to return home. He has married since his family left and has a baby daughter—although after '68 he vowed never to have a family in Poland for fear the child would be persecuted because of the Jewish forebear.

"I am able to correspond with my parents, but it is only a half-correspondence," he said. "We write about the baby, of course, but we cannot meet, even though we have considered many neutral locations. A friend finally told me it would be easier to see *Il Papa* in Rome than to get a visa. It's all so sad, this '68 business. My parents were not Zionists, they were not ever practicing Jews. They couldn't even speak Yiddish.

"Who was responsible for this? Nobody is sure, even today, but it was within the party. And if you want to know who were the anti-Semites, just go through the back issues of Nowe Drogi [the party ideological organ] and copy down the list of editors and writers. That would be a good beginning.

"But that's all past. The question is why do they keep it up? Why not let us out to visit my parents? There must be a reason. Maybe they still need some Jews around to grab when things get tough again, someone to blame. It's a tradition. It's like the Jewish joke about the source of Polish problems—'The Jews and the bicyclists.' 'Why bicyclists?' 'I don't know, but why Jews?' "

The disappearance of Polish Jews is taken for granted now, and it is unlikely that they will be mourned by many here. Poles born after the war, of course, would not know much of the Jews' distinctive ways, except from what they read, or were told. The older generation has mixed feelings. A Polish woman whose forearm bears the Auschwitz tattoo, and who helped save an orphaned Jewish child in the camp (she discovered only last year that he survived, and now wonders if she should tell him he is Jewish when they meet), had an explanation for the 1968 purge that reflected both her own experience and the Government's explanation:

"The Government wasn't after Jews in 1968, but only the Zionists. They just couldn't find the difference. But, you know, scholarships were only going to Jews then, as the Jewish professors saw to it that they were favored." The two statements seem unconnected, except in a country where long-standing resentments fit comfortably in political actions, or where the actions capitalize on widely held attitudes. The woman, similarly, felt that Poles had been slandered in some of the best-known books about the ghetto uprising, including "Mila 18." "They say we did not help them, but people did help. It was the death penalty if you were caught, but Poles hid Jews and supplied arms to them. And I wonder sometimes how the Jews would have treated us had they been in our position."

Another woman, of mixed parentage, who had been married to a Jewish artist, refused after the war to translate "The Wall" by John Hersey because she felt it, too, was anti-Polish. "Many Poles died. Jews were found in their homes," she explained. A scientist, too young to have taken an active part in the war, said: "It's absurd to say that there were no anti-Semites or that Poles did not beat Jews, but it's just as ridiculous to deny the good things that did happen. It's just a matter of numbers, in a way. We had a huge Jewish population here before the war, so there were many acts of heroism just as there were many terrible things between Jews and Poles."

Anti-Semitism lingers, even without Jews, but surfaces only occasionally. The men from the Interior Ministry who seemed to have been largely responsible for the 1968 purge are mostly gone now, so anti-Semitism, or anti-Zionism, no longer seems politically acceptable. Last year, however, an extraordinary theatrical performance in Warsaw indicated anti-Semitism was still tolerated at high levels.

A series of one-actor plays included a production called "R.F. 68," after the initials of Ryszard Filipski, a Cracow producer who had been active in the 1968 purge. Performed with other plays in the Prochownia (Powder Tower), a historical building in the Old Town, "R.F. 68" represented a monologue on the Jewish role in World War II. The theater was decorated with menorahs and the actor spoke his lines against a huge picture of a Jewish ghetto policeman arresting a small boy, presumably for stealing. One of the sketches, called "Your Brother Abel," put the blame on Jews for World War II, and accused them of becoming prostitutes in the ghetto and of a host of anti-Polish actions. During the performances, some members of the audience began walking out to the taunts of others. The controversy has continued with the circulation of unpublished letters by prominent writers demanding an official explanation.

The largest, and possibly busiest, surviving site for Warsaw Jews is the cemetery, tended inadequately by an old man who always asks new visitors if they are Jewish. Mr. Eisner recalled the role of the cemetery as a center of smuggling, resistance and violent death during the war: "It was at the edge of the ghetto, actually outside the walls, but we could reach it by a wooden bridge. Hundreds of people used that bridge only one way—coming here to commit suicide because they were so discouraged. Later on we used it to transport food, clothing, guns and ammunition, and to get people in and out of the ghetto itself. We would use make-believe hearses, and when the Germans caught on, we would make double-bottom boxes, with a dead body on top and food and medicine underneath. During the uprising itself, we built bunkers under the graves to hide gasoline."

The cemetery today bears evidence of age and abuse. Most of the paths are overgrown, with those leading to the farthest corners taking on an impenetrable jungle look. Hebrew-lettered tombstones, green with age, lean in all directions, some tipped by the roots of trees that have been growing unchecked since the war and some knocked over by grave robbers. One whole section in the most remote corner of the cemetery has been systematically looted, evidently some years ago.

A rumor persists that Polish authorities will build a road through the cemetery, or turn it into a park, as they did in Bialystok, but the months turn into years and nothing happens. Every once in a while a body is carried in, accompanied by a small knot of mourners. There is no rabbi to read the service. So a male member of the community does so. Some day, they tell each other, there will not be anyone left to do even that.

FLIGHT CURFEW VIOLATIONS

Mr. SAXBE. Mr. President, I have information that there have been an increasing number of violations of the flight curfew agreement at Washington National Airport. The agreement is aimed at preventing jet takeoffs or landings between the hours of 11 p.m. and 7 a.m., except in emergency situations.

These violations are not limited to any single source, but have been perpetrated by airline companies and private and military aircraft.

For example, one airline alone has violated the curfew no fewer than 25 times since the first of this year. Eleven of these violations were attributed to nothing more than late operations.

I can understand the extreme discontent of area residents over the repeated violations. And, if these violations continue, I am sure there will be many people interested in forcing more flights out to Dulles International.

I am reliably informed that some of the most consistent violators are private jet planes over which the airport people say they have no control.

Currently, I am putting together a list of all violators and the companies involved, and will release the list in the near future. Then I am going to ask the private companies for an explanation, and also demand that the military show justification for any flights made in or out of Washington National during curfew hours.

If the only justification is to fly some big-wig back to Camp Swampy, I think this ought to be exposed and publicized.

I would like to point out that it is not difficult even for the average citizen to tell who the curfew violators are. Anyone with a VHF radio can identify the violators, and I would see nothing wrong with civilian monitoring of VHF radio bands to search out these flights. I would be glad to have these reports, and I will see to it that they are properly publicized.

I am hopeful that the airlines and all others will respect the curfew agreement and discontinue jet takeoffs and landings during the restricted hours. But this is going to require voluntary cooperation on the part of all jet aircraft operators.

TULE ELK WILDLIFE REFUGE

Mr. CRANSTON. Mr. President, there has been widespread misunderstanding of the purpose for which my bill establishing the Tule Elk National Wildlife Refuge, Senate Joint Resolution 6, was introduced.

Recently, I had occasion to respond to the Inyo County Board of Supervisors about their misapprehensions about the bill. I think my colleagues will be interested in sharing this clarification.

I ask unanimous consent that the text of my letter to the board of supervisors be printed in the RECORD.

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

APRIL 11, 1973.

Hon. ROBERT P. FISHER,
Chairman, Board of Supervisors,
County of Inyo,
Independence, Calif.

DEAR MR. FISHER: Thanks very much for forwarding to me the Inyo County Resolution No. 73-29 concerning the Tule Elk National Wildlife Refuge. It gives me an opportunity to clear up several misunderstandings you have about the bill.

1. The bill does not require that the Tule Elk herd of Owens Valley be increased to 2000. The bill specifically states that if the Secretary of the Interior finds that the area cannot support 2000 head, he would seek to achieve the 2000 number by developing herds elsewhere.

Since Dr. McCullough, whom you describe as the most eminent authority on the Tule Elk, has found that the Owens Valley can support only 500 elk, I believe the Interior Department would make the same finding. As author of the bill, I assume it means only 500 Tule Elk will be in the Owens Valley.

2. I do not believe that the bill would lead to the acquisition of any lands in the Owens Valley by the Federal government. The Secretary is given that authority only excuse the Secretary could have for acquiring to carry out the intent of the bill, which is to permit the maximum herd, which I assume is 500, in Owens Valley. The only lands is if some property owner were to inhibit a head of 500 Tule Elk in Owens Valley. Obviously, the only property owner owning enough property to do this would be the City of Los Angeles. I cannot conceive that the City of Los Angeles would attempt to thwart the establishment of a herd of 500 Tule Elk in the Valley, and thus run the risk of losing its land. Thus I feel the mention of eminent domain is only intended as standby authority, which should never need to be used.

3. The Secretary of Agriculture is given the authority to limit grazing only if necessary to accomplish the purposes of the resolution. If, as Dr. McCullough says, the number of cattle grazing in Owens Valley does not affect the carrying capacity for Tule Elk, then the bill clearly would not necessitate a decrease in grazing permits.

I hope this clarification of the bill will permit you to reconsider your opposition to it. I believe the bill can do much to protect and enhance the environment in Owens Valley including the subsurface water table and I would like to feel I have the support of the Inyo County Board of Supervisors when hearings are scheduled for the bill.

Let me further say that my intention with S.J. Res. 6 to cooperate with the State of California's new law that the number of Tule Elk be increased to 2000. What S.J. Res. 6 does is to require that the Federal government, as a matter of policy, cooperates with the State of California in attaining that goal.

Thanks again for giving me the opportunity to reply. I would appreciate your comments on this letter.

With best regards,

Sincerely,

ALAN CRANSTON.

TAX LOOPHOLES

Mr. FANNIN. Mr. President, last year there was a flurry of nonsensical rhetoric about taxes and the need for radical tax reform. Serious observers of the American political scene discounted this rhetoric because it was an election year.

It has been my hope that this year, with the elections behind us, we could deliberate responsibly on the need for improvements in our tax code without the distractions caused by the ill-informed or the tax reform sensationalists.

Unfortunately, there has been another emergence of shrill voices and distorted statistics attacking our tax system.

Under these circumstances, the counsel of rational men is often drowned out.

One authority we should be listening to is economist Roger A. Freeman. It has been my privilege to get a glimpse of his forthcoming book, "Tax Loopholes: The Legend and the Reality," which will be released by the American Enterprise Institute and the Hoover Institute.

This book will expose many of the myths being manufactured by those who are attempting to build a case for radical changes in tax laws. Some of the good points which Mr. Freeman makes are included in a recent article he wrote, "Let's Talk Sense About Tax 'Loopholes.'"

Mr. President, for the benefit of Senators who are concerned with the tax reform issue, I ask unanimous consent that the article from Human Events of April 21, 1973, be printed in the RECORD.

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

AS APRIL 15 ARRIVES: LET'S TALK SENSE ABOUT TAX "LOOPHOLES"

(By Roger A. Freeman)

Ever since the mid-1950s a legend has been widely broadcast by some and believed by many: that our tax laws are so rigged as to enable rich persons to pay little or nothing in federal income tax while squeezing the little man to make up for the resulting deficiency.

Some authors repeat that story in an effort to sell their own advisory services to burdened taxpayers who seek ways to lighten their load. Other writers, and some vote-conscious politicians, shout it from the rooftops in order to create a public sentiment that would help them attain their aims: to have the government redistribute income, even more strongly than it does now—from those who earn it to those who yearn it.

To put it plainly: The current campaign to "close the loopholes" is largely an appeal and attempt to "Soak the Rich," with pseudo-moralistic overtones, clothed in language that pretends to be sophisticated but is largely sophistry.

In this drive of latter-day muckraking, in the worst tradition of the late 19th Century populists, the most articulate professional in the art of slanted, one-sided and flamboyant description of law, rules and lawmaking on taxes by Congress, the one with the shrillest voice and the least concern for a factual and balanced presentation, probably is Philip M. Stern.

Ten years ago he achieved much attention with *The Great Treasury Raid*. His latest volume, *The Rape of the Taxpayer*, is an updated and expanded version of the earlier volume. The book's approach and aims are clear from its blurb and ads: "How would you feel about a federal welfare program that gave each of America's 3,000 richest families $720,000 a year of your hard-earned money in annual welfare checks?" and "Read this book before April 15th. It will make you mad as hell." Stern's intent is clearly to incite hatred and class warfare.

If I were a librarian I would put *The Rape of the Taxpayer* on the fiction shelf. I would do so not only because of the dozens of fictitious letters and statements from such characters as Allan Welloff, Mr. and Mrs. Van der Meer Opulent, Mr. and Mrs. Wallace Comfortable, Roger Croesus, John D. Rockmellon, Clark Movie Star and numerous others and several imaginary court trials, government press conferences and statements—all of them invented and grotesquely distorted to hold their presumed authors up to derision and public ridicule.

I would do so because much of the rest of the book consists of slanted and other malicious descriptions of the way in which the tax laws operate, of the intentions of Congress in writing tax law and, in fact, of the capacity—or according to the book, incapacity—of Congress to deal with tax matters in a proper way.

It was, I believe, the late Justice Holmes who once said that the right of free speech does not include the right to shout "fire" in a crowded assembly. What Stern has done in his writings in precisely shouting fire in a crowded assembly, aiming to harangue and arouse to frenzy broad sections of the American public by telling them that they are being cheated. To be sure, Stern also presents masses of correct data. But he reminds me of the sports-writer reporting that the Cincinnati Reds got 10 runs without bothering to point out that the Dodgers got 12 to win the game.

Depicting tax payments of multinational corporations to the governments of the countries in which they operate as subterfuges ("every dollar paid to a foreign government is a dollar less for the U.S. Treasury"), Stern calls some foreign operations "Potemkin villages" and explains that term: "Consisting solely of fake building fronts, with nothing behind them, to lead Catherine II and her entourage passing by on railroads, to believe that the villages really did exist" (p. 255).

Catherine II passing by "on railroads"—presumably around 1787—is a picture that fits in well with Stern's other imaginative descriptions.[1]

To be sure: Stern is correct in charging that huge amounts of income escape federal income taxation. He cites numerous examples and gives mountains of details, some of them factual but usually wrapped in and overwhelmed by propaganda and inflammatory polemics.

Never once does he mention, among all the abundant statistics he displays, how much income actually does get around the federal tax gatherers, although the facts are easily available. All personal income in the United States in 1970 (the latest year for which income tax data has been published) totalled $806 billion; taxable income reported on federal income tax returns amounted to $401 billion. This means that at least $405 billion—or about half of all personal income—escaped taxation.[2] It also means that the federal income tax is the "leakiest" tax in the United States.

In the much-maligned property and sales taxes only between one-fourth and one-third escapes taxation through deductions or exemptions from the base.

Why does Stern never mention that half of all personal income is not taxed, for a total of over $400 billion in 1970? Because it would disprove and make utterly ridiculous his claims that the rich are the main beneficiaries of "loopholes" in the income tax ("Statistics show that most of the tax advantages go to corporations and upper-bracket individuals"—p. 286; or that tax shelters are "for the rich only"—p. 204).

Unfortunately no breakdown of personal income by income brackets has been available since 1964 when the U.S. Department of Commerce discontinued those statistics. But an analysis of the $405-billion gap between personal income and taxable income is possible. The $231-billion difference between adjusted gross income (AGI) and taxable income (TI) is available from annual Internal Revenue Service statistics. They show clearly *that the percentage of AGI that is taxable increases steadily and sharply as income goes up:* In the under $5,000 bracket only 34 per cent of income is taxable, between $15,000 and $25,000 71 per cent and from $50,000 and up 78 per cent.

No breakdown is available for the $174-billion difference between adjusted gross income (AGI) and personal income (PI). Some authors in this field have manipulated AGI and added estimates of certain selected items (those they feel ought to be taxed) so as to achieve the desired results. Stern uses some of those "revised" income data. The fact is that most of the $174-billion difference between AGI and PI is income such as Social Security and other social benefits, untaxed labor income, etc., which redounds largely to persons in low-income brackets.

We may estimate that at least 90 per cent of the personal income not subject to federal income taxation—because of exclusions, exemptions, deductions and credits in the Internal Revenue Code—goes to persons in lower and middle-income brackets and less than 10 per cent to those in higher income ranges. In other words, the facts are exactly the reverse of the claim which Stern makes dozens of times throughout his book: that the federal income tax is rigged in favor of the rich. It is increasingly tilted toward the poor.

Whenever Congress closes or narrows "loopholes" that benefit persons in higher brackets, it simultaneously widens escape hatches for persons at the lower levels. As additional millions of voters are freed of any income tax liability, we get a steadily growing incidence of "representation without taxation," of persons able and eager to vote for growing governmental benefits and services who bear no share of the cost. This leads to dangerous levels of political irresponsibility.

When presidential assistant John Ehrlichman in a TV interview on March 11, 1973, stated that the closing of "loopholes" could yield substantial revenue only if it were extended to provisions affecting persons in the middle-income bracket—which is correct—Philip Stern charged him with demagoguery (New York *Times*, March 18 and 24, 1973.)

This truly is a case of the pickpocket running away from the crowd, pointing ahead of him and shouting, "Hold the thief." Demagoguery is a mild term for what Stern has committed in *The Rape of the Taxpayer*. The fact is that compared with all other industrial countries there is a heavy bias against effort, success and capital formation in the U.S. tax structure and this is particularly strong in the federal income tax.

That tax loopholes—or as Stern calls them, "welfare for the rich"—cost the U.S. Treasury $77 billion is sheer nonsense: If all income over $25,000 were confiscated it would yield only an additional $25 billion—and that only temporarily because such a step would soon bring economic collapse.

To pretend, as Stern does, that $14 billion could be raised in a single stroke by taxing capital gains as ordinary income, or $6.5 billion by repealing the investment credit and accelerated depreciation range, or $21 billion by abolishing the privilege of filing joint returns, assumes that taxpayers would not change their transactions even if the taxes were multiplied. The fact is that any of these and similar steps would have a disastrous economic impact and would be self-defeating. This is why Congress, which studies tax issues more thoroughly than just about any other subject matter, avoids taking precipitate action despite steady urging by Philip Stern and others of a like persuasion.

Once in a while Stern attacks some genuine inequities, such as in the treatment of married and single persons. Single persons still pay on the same income up to 20 per cent more than if they were married; simultaneously, some couples (when both are working at high and approximately equal earnings) pay up to 19 percent more than if they were single. Stern's proposal to revert to a single rate schedule with a specific schedule for married persons filing single returns, makes much sense and may, in fact, offer the best solution. His suggestion that allowances for state and local taxes, charitable contributions, etc., should be changed from deductions to tax credits is excellent.

Unfortunately, he then goes on to repeat the tired story of hundreds of rich people paying no income tax at all—but does not give the reasons why, although they were reported by (then) Treasury Under Secretary Edwin Cohen more than a year ago. In most of those cases—.6 percent of all returns with AGI of $200,000 or more—the *net* income was small or nonexistent, though there was a large adjusted gross income.

A good illustration of Stern's method is his reference to oil shale taxation. "How many Americans are aware of a provision that crept into the 1969 tax law almost entirely unnoticed, although it is predicted to save the oil shale industry and to cost the American taxpayers *a billion* dollars or more in taxes before the year 2000?"

The fact is: There is no oil shale industry in America. While the United States is threatened with an oil and energy shortage of crisis proportions (and heavy dependence on imports from distant and unreliable sources), it possesses huge deposits of oil shale from which no oil is being extracted because the process costs too much and taxes (under the 1954 Code) make such production a loss proposition.

So a provision was inserted in the 1969 act (and I have to accept some responsibility in this) to ease taxes so as to offer an incentive for at least exploratory attempts to gain oil from shale. It turned out to be inadequate. There still is no production of oil from shale which suggests that the incentive may have to be increased if it is to be effective.

Stern concludes: "I suggest abolishing all the preferences, or loopholes—for the un-rich many as well as for the wealthy few—and taxing everyone, uniformly, on the basis of his or her total income 'from whatever source derived'" (p. 398). This sounds like an excellent suggestion. A uniform rate of slightly over 10 per cent on *all personal income* would return to the U.S. Treasury as much as the 14 per cent to 70 per cent rate schedule on approximately half the personal income. Alternatively, the graduated rate schedule could be cut to between 7 and 35 per cent.

As it turns out, Stern did not really mean that, as he makes apparent in notes covering over three pages (pp. 400–404): He wants to maintain some deductions from personal income which express his own political, philosophical preferences, and he certainly wants no uniform tax rate.

Stern apparently realizes that to tax all personal income, without exclusions, deductions, exemptions or credits would place a heavier burden on the persons in the low and lower-middle income brackets and ease taxes for taxpayers at the upper end. That, of course, is the last thing Stern would want to happen.

In summary, *The Rape of the Taxpayer* is likely to mislead many people, create confusion regarding the tax situation and arouse ill feelings among wide sections of the public. The expectations it raises cannot be fulfilled. To think that governmental revenues can be raised by many billions of dollars, or income tax rates substantially cut by closing so-called loopholes for the rich, is not a hope but a mirage. If Congress were to try it, it would wreak grave damage on the American economy.

But there is little prospect that such an attempt will really be made. While some vote-conscious members of Congress show keen awareness of political arithmetic which informs them that only .6 per cent of all taxpayers report an income of $50,000 or more, while 57 per cent report an income under $8,000, there are others who place

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[1] The first railroad did not run until 1812.

[2] The total is actually about $465 billion because of certain offsetting items, especially items that are taxable though they are not defined as income in national income accounting (such as one-half of long-term capital gains).

public responsibility before demagogic appeal. Hopefully, the latter will continue to be in the majority.

SENATOR WILLIAM BENTON

Mr. SYMINGTON. Mr. President, William Benton was a friend as well as a Yale colleague; and over the years I have felt most fortunate to know this extraordinary human being.

We who knew Bill are saddened at the loss of a good friend. As a man of ideas and ideals, however, he has left us with a wealth of contributions to society and to the world.

The scope of his achievements is breathtaking. Few have ever accomplished so much in so many fields.

Bill Benton's business acumen was evident even in his early years. At Yale he earned an admirable reputation as a high stake auction bridge player, and his lucrative success at the game reportedly assisted in paying his college expenses. While denying claims that he made $25,000 a year at the game, he once commented:

It's a demonstrable fact that for 10 years I was one of the 10 or 20 best card players in the world.

As a Yale graduate in 1921, he turned down the offer of a Rhodes Scholarship for a job as an advertising copier.

It was not long before Bill became a great success in business and a legend in the field of advertising. He cofounded with Chester Bowles the Benton and Bowles advertising agency which flourished in spite of the fact the agency was started just months before the crash of 1929. Among his many contributions in the advertising field, he was responsible for development of the radio commercial as an advertising medium and introduced the consumer research survey.

In the academic world, he was perhaps best known as publisher of the Encyclopaedia Britannica. He was dedicated to the education field. He originated and published the Great Books of the World series, and developed an international encyclopedia in Japanese. From 1937–1945, he was vice president of the University of Chicago. While in that post, he assisted the university in the use of educational radio and educational movies.

He also had a career as public servant in a variety of capacities.

He was Ambassador to the United Nations Educational, Scientific and Cultural Organization—UNESCO—and played an important role in its establishment.

He was founder of the Committee for Economic Development to aid in rebuilding Europe after World War II, was Assistant Secretary of State for Public Affairs, and was a U.S. Senator from Connecticut.

The list of major, and often as not, spectacular acomplishments of William Benton goes on and on.

He was an exhilarating vital man. His dedication to life throughout his multifaceted career gives inspiration to us all, and we will truly miss this superb human being.

ELDERLY ADVERSELY AFFECTED BY SOCIAL SERVICES REGULATIONS

Mr. EAGLETON. Mr. President, the final social services regulations announced by Secretary Weinberger on April 26 and printed in the Federal Register on May 1 have been revised in some respects in response to an unprecedented volume of public comment on the proposed regulations issued in February.

The final regulations provide for the continued Federal matching of funds donated to a State by private sources for social services programs.

The eligibility requirements for participation in day care programs by those not currently welfare recipients have been liberalized. The income test has been increased from 133⅓ percent of the State's payment level to 150 percent of the State's payment standard. In addition, establish a schedule of fees for the care of children where the family income is between 150 percent and 233⅓ percent of the payment standard.

HEW has also made it clear that a former welfare recipient, whose continued eligibility for day care on that basis is limited to 3 months, may at the end of that period qualify as a potential recipient if the income test is met.

SERVICES FOR AGED

Mr. President, the purpose of my remarks today is to call the attention of my colleagues to the regressive nature of the final regulations as they pertain to services for the elderly.

Briefly, these regulations would prohibit the provision of social services to any elderly person who is not a recipient of cash assistance.

Titles I and XVI of the Social Security Act, and the new title VI of the act which will become effective on January 1, 1974, authorize Federal matching for expenditures by the States for services "which the Secretary may specify as appropriate for aged individuals who, within such period or periods as the Secretary may prescribe, have been or are likely to become applicants for or recipients of assistance—if such services are requested by such individuals.

Under the old social services regulations, appropriate available services could be provided to potential recipients, whether aged, blind, disabled, or families, for a period not to exceed 5 years. In the case of the aged, this meant that a person might qualify for services beginning at age 60.

Last year, Congress enacted a law placing a $2.5 billion ceiling on social services expenditures and requiring social services funds to be targeted to current recipients. With the exception of five specified services, the new law requires that at least 90 percent of social services expenditures by a State go to current recipients with a maximum of 10 percent of such expenditures for former or potential recipients.

This latter action places a statutory restriction on the States with respect to services for the elderly which I believe should be reconsidered by this Congress.

However, the point of my remarks today is that the new social services regulations, in their final form, prohibit the use of any funds for potential elderly recipients. This was clearly not the intention of Congress when it enacted the 90–10 restriction last year.

In addition, this prohibition was not contained in the proposed regulations issued in February and, therefore, no opportunity was provided for public comment on it.

DEFINITION OF POTENTIAL RECIPIENT NARROWED

The proposed regulations did restrict the definition of potential recipient over that previously in effect. The time period for which a potential recipient could qualify for services was reduced from 5 years to 6 months. In the case of the aged, the effect is to deny social services to any person before age 64½.

In addition, an income test was imposed equal to 133⅓ percent of the State's assistance payment level.

Under the proposed regulations, then, beginning at age 64½ an elderly person who met the income test could qualify for social services designed to meet the goal of self-sufficiency; that is, "to achieve and maintain personal independence, self-determination, and security."

Under the final regulations, an elderly person may still be defined as a potential recipient beginning only at age 64½. The income test has been changed from 133⅓ percent of the State's payment level to 150 percent of the combined total of the supplemental security income benefit level and the State's supplementary benefit level, if any.

PROHIBITION ON SERVICES FOR POTENTIAL RECIPIENTS

But this new definition of potential elderly recipient has been made inoperative. The social services goals, set forth in a later section of the regulations, have been restated since February in such a fashion that there are no services that may be provided a potential elderly recipient at age 64½ or at any other later age.

Under both the proposed regulations and the final regulations, services may be provided only to support the attainment of one of two goals—self-support and self-sufficiency.

Under both the proposed regulations and the final regulations, the self-support goal is made inapplicable to the aged.

Under the proposed regulations, the self-sufficiency goal was defined as applying to the aged, blind, disabled, and families, without regard to whether they were current, former, or potential recipients.

Under the final regulations, the self-sufficiency goal has been redefined to apply only to "applicants for or recipients of assistance under the blind, aged, disabled, and family programs."

The result is that, while potential recipients who are blind, disabled, or members of families may qualify for services directed toward self-support but not for services directed toward self-sufficiency, no social services of any kind may be provided an elderly person who is not a current recipient.

Mr. President, I ask unanimous consent that there be printed at the conclusion of my remarks the social services goals as stated in the proposed regulations, the social services goals as stated in the final regulations, and the definition of a potential elderly recipient in the final regulations which is rendered meaningless by the fact that no services may be provided a person who meets that definition.

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

ANOTHER COUNTERPRODUCTIVE DECISION

Mr. EAGLETON. Mr. President, apparently a policy decision was made by HEW between February 16 and April 26 that social services directed toward the goal of self-sufficiency should be provided only to current welfare recipients.

Here once more we have a decision, no doubt directed toward saving Federal dollars, which is in the long run counterproductive, and especially so in the case of the elderly.

The primary purpose of social services for the elderly is to prevent dependency and institutionalization by providing the support that can enable older people to remain in their homes.

To be efficacious, these services must be provided when they are most needed. And they are needed, not at some arbitrary age, not at the point when the individual's income and resources meet cash assistance eligibility standards, but at that point in time when the individual becomes vulnerable to dependency.

The provision of social services at that crucial time, whether before 65 or after 65, whether the person is receiving cash assistance or not, can mean the difference between continued independent living and dependence on institutional care which can only result in a higher cost to the public and the diminution of the elderly person's self-esteem and dignity.

Mr. President, the Senate Finance Committee has announced hearings on the new social services regulations beginning on May 8. I am hopeful that the committee will scutinize very closely what I consider to be unwise and unwarranted restrictions on the provision of services to the elderly contained in the regulations published on May 1.

EXHIBIT 1

SOCIAL SERVICES REGULATIONS

SERVICE GOALS—PROPOSED SOCIAL SERVICES REGULATIONS

Sec. 221.8 Individual service plan.

For the purposes of this part, the specific goals to be achieved are limited to:

(1) *Self-support goal.*—To achieve and maintan the feasible level of employment and economic self-sufficiency. (Not applicable to the aged under the adult services program.)

(2) *Self-sufficiency goal.*—To achieve and maintain personal independence, self-determination and security, including, for children, the achievement of potential for eventual independent living.

SERVICE GOALS—FINAL SOCIAL SERVICES REGULATIONS

Sec. 221.8 Program control and coordination.

The State agency must establish procedures and maintain documentation (including the aggregation and assimilation of data) to substantiate that Federal financial participation under the State's family services or adult services program is claimed only for services which:

(a) Support attainment of the following goals:

(1) *Self-support goal.*—To achieve and maintain the feasible level of employment and economic self-sufficiency. (Not applicable to the aged under the adult services program.)

(2) *Self-sufficiency goal.*—In the case of applicants for or recipients of assistance under the blind, aged, disabled, and family programs, to achieve and maintain personal independence and self-determination.

DEFINITION OF POTENTIAL AGED RECIPIENT—FINAL SOCIAL SERVICES REGULATIONS

Sec. 221.6 Services to additional families and individuals.

* * * * *

(c) The State may elect to provide services to all or to reasonably classified subgroups of the following:

* * * * *

(3) Families and individuals who are likely to become applicants for or recipients of financial assistance under the State plan within 6 months, i.e., those who:

* * * * *

(B) With respect to title I, X, XIV, or XVI, do not have income exceeding 150 percent of the combined total of the supplemental security income benefit level provided for under title XVI of the act (as amended by Public Law 92-603) and the State supplementary benefit level (if any); and

(ii) Do not have resources that exceed permissible levels for such financial assistance under the State plan or under the amended title XVI, if applicable; and

* * * * *

(B) In the case of eligibility under title I, X, XIV, or XVI, have a specific problem or problems which are susceptible to correction or amelioration through provision of services and which will lead to dependence on financial assistance under such title, or medical assistance, within 6 months if not corrected or ameliorated; and who are

(1) At least 64½ years of age for linkage to title I, or title XVI with respect to the aged . . ."

(4) Aged, blind, or disabled persons who are likely to become applicants for or recipients of financial assistance under the State plan within 6 months as evidenced by the fact that they are currently eligible for medical assistance as medically needy individuals under the State's title XIX plan."

TAX REFORM

Mr. FANNIN. Mr. President, the Treasury Department recently submitted to the Committee on Ways and Means what, in my view, is an outstanding proposal for tax reform. As pointed out by Secretary Shultz, the proposed bill has three goals to which the recommendations are directed: tax equity, simplification, and economic growth.

Mr. President, we have been subjected to a myth that wealthy people are not paying income taxes. An example often cited is that in 1970 there were 112 persons with adjusted gross incomes over $200,000 who paid no tax. The 112 returns cited for 1970 represented a decline of 63 percent from the 300 returns so classified in 1969, and it has been demonstrated that over 99 percent of all high income bracket returns for 1970 paid high income taxes.

Do these facts stop the tax reform rhetoric? Not in the least. The zealots now claim that even if the wealthy are paying taxes, the tax system is riddled with loopholes which favor the rich.

Mr. President, I am a strong supporter of the minimum tax concept, and I have been concerned about tightening up the Code in this respect. In my estimation this would be accomplished by the administration tax bill which recommends that the existing minimum tax be repealed for individuals and that it be replaced with two new provisions: first, the minimum taxable income provision, and second, a limitation on artificial accounting losses. These proposals are designed to assure that every individual will pay a reasonable amount of Federal income tax relative to the size of his income, and to eliminate "tax shelters" which have introduced certain distortions into the tax system.

A reasonable man would suppose that the tax reformers would applaud the Treasury recommendations. Wrong again. One critic called the administration's program a copout. The so-called tax reform research group is reported to have criticized the program as "no reform at all."

I can only conclude that these remarks were made for one of two reasons:

First. The reformers have not read the bill and do not understand the impact of the proposals, or

Second. The reformers well understand the proposals but their real aim is not an equitable system of taxation but a vehicle that would redistribute income.

INSULATION AND CONSERVATION OF ENERGY

Mr. MOSS. Mr. President, on February 15, I introduced a simple little bill, S. 861, to provide a tax incentive for householders who would add insulation to their residences and thus conserve the energy needed to heat and cool the dwellings.

I have just been supplied with a chart from the American Society of Heating and Ventilating Engineers which dramatically shows the heat loss and annual energy usage with varying insulation and storm windows for typical homes located in various areas in the United States.

For the information of the Senate, I ask unanimous consent that the chart be printed in the RECORD.

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

VALUE OF INSULATION

Heat loss and annual energy usage with varying insulation and storm windows for a typical 1,200 sq. ft home located in various areas in the United States

Insulation and windows	Total heat loss per °F temperature difference (Btu/°F/hr)	Total heat loss (Btu/hr)								
		Salt Lake City, TC=80° F	Los Angeles, TD=35° F	San Francisco, TD=35° F	Washington, D.C., TD=70° F	Chicago, TD=80° F	Seattle, TD=55° F	New York, TD=70° F	Atlanta, TD=60° F	New Orleans, TD=50° F
None (no storm windows or doors)	1,660	133,100	58,100	58,100	116,200	133,100	91,300	116,200	99,600	83,000
3 inches in ceiling (no storm windows or doors)	970	77,800	33,950	33,950	67,900	77,800	53,350	67,900	58,200	48,500
3 inches in ceiling, 3 inches in walls, (no storm windows or doors)	760	61,100	26,600	26,600	53,200	61,100	41,800	53,200	45,600	38,000
6 inches in ceiling, 3 inches in walls, 2 inches in floor (no storm windows or doors)	510	41,000	17,850	17,850	35,700	41,000	28,050	35,700	30,600	25,500
6 inches in ceiling, 3 inches in walls, 2 inches in floor, with storm windows and doors	420	33,400	14,700	14,700	29,400	33,400	23,100	29,400	25,200	21,000
10 inches in ceiling, 5½ inches in walls, 9½ inches in floor with storm windows and doors	310	24,900	10,850	10,850	21,700	24,900	17,050	21,700	18,600	15,500

The reduction in heating requirements shown above produces the following in savings in energy usage

	Annual energy requirements[1] (million Btu)								
	DD=5866	DD=1391	DD=3137	DD=4561	DD=6280	DD=4815	DD=5820	DD=2985	DD=1203
None (no storm windows or doors)	146.4	34.6	78.0	113.6	156.7	119.9	131.5	74.3	29.9
3 in. in ceiling (no storm windows or doors)	85.6	20.2	45.6	66.4	91.6	70.1	76.9	43.4	17.5
3 in. in ceiling, 3 in. in walls (no storm windows or doors)	67.2	15.9	35.9	52.0	71.9	54.9	60.2	34.0	13.7
6 in. in ceiling, 3 in. in walls, 2 in. in floor (no storm windows or doors)	45.1	10.6	23.9	34.9	48.3	36.8	40.4	22.8	9.2
6 in. in ceiling, 3 in. in walls, 2 in. in floor, with storm windows and doors	36.7	8.8	19.8	28.7	39.3	30.3	33.2	18.8	7.6
10 in. in ceiling, 5½ in. in walls, 9½ in. in floor, with storm windows and doors	27.4	6.5	14.7	21.2	29.3	22.4	24.5	13.9	5.6

[1] $\text{Btu/yr} = \frac{\text{Heat loss} \times \text{degree days (DD)} \times 15}{\text{Temperature difference (TD)}}$

AN ANTISECRECY PLAN

Mr. HART. Mr. President, in a recent speech our distinguished colleague from Maine, Senator MUSKIE, made a proposal which I believe deserves our careful attention. Speaking on April 25 at Montclair State College in New Jersey, Senator MUSKIE once again pointed out the dangers of excessive secrecy in Government. He called on Congress to supervise executive secrecy practices by enacting strict standards for the classification and declassification of information, and by establishing a process to review and contest executive secrecy. I commend Senator MUSKIE's speech to the Senate and ask unanimous consent that it be printed in the RECORD.

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

AN ANTISECRECY PLAN

Thank you very much for giving me this occasion to be an instructor. Senators usually spend more time preaching than teaching, and I am not sure how quickly I can learn new tricks.

Still, I am always mindful of H. G. Wells' observation: "History becomes more and more a race between education and catastrophe," and I am pleased to get on what I am certain will be the winning side.

I want to talk tonight about a very modern problem—secrecy in government, the practices which deny information both to the Congress and the public. But, in an academic setting, it is appropriate to start with a little history, recent and ancient.

I am sure you are all familiar with the debate in Washington over "executive privilege." The phrase is a lawyer's and a scholar's term for the idea that the President's advisers are protected from interrogation by the Congress about the confidential advice they give the President.

The reason the term has come into dispute is that the President made a sweeping claim that the "privilege" extended beyond confidential advice to him personally to cover all communications in the Executive Branch, if he—and he, alone—determined that disclosure of such information would hurt the national interest.

The Attorney General even told me in hearings I held two weeks ago that if the President "directed a person on his staff who was accused of a crime" not to testify to Congress about his alleged criminal conduct, "that person should not appear and could not appear." Mr. Kleindienst then tried to extend that asserted Presidential power to restrict Congressional investigation to cover all government employees—some two-and-a-half million people. And he said, "Your power to get what the President knows is in the President's hands."

Others who heard that statement were astonished. Some of us found it frightening. Practice has already shown it to be preposterous.

The President has agreed to let White House aides testify before Senator Ervin's Watergate Committee, but his concession on that point has not changed the Administration's broader contention that it retails the power to refuse any other Congressional summons for information. The White House still maintains that Presidential advisers may invoke executive privilege in response to some questions. If such a claim is made, Senator Ervin has said his committee will determine whether or not it is appropriate.

So the issue is not really resolved. We would be mistaken in thinking that a partial victory for common sense in this particular, odious business of the Watergate is a lasting victory for the right of Congress and the people to know the truth.

Let me go back to what Attorney General Kleindienst said to me on April 10: "Your power to get what the President knows is in the President's hands."

Think about that for a minute. Is it true? Is it reasonable? Is it even safe for our democracy?

My own answer is that the doctrine the Attorney General expressed is unconstitutional and profoundly dangerous. The trouble is that views such as his have become the usually unspoken basis for widespread governmental secrecy. That philosophy provides the underpinning of a practice that gives a higher priority to confidentiality than to candor, that encourages deception instead of disclosure and that feeds the suspicion of many Americans that their government will not tell them the truth.

The problem is a broad and complicated one, but the expression, "executive privilege," is a good place to start toward understanding it. It turns out that the phrase is nowhere to be found in the Constitution, has never been defined by the Supreme Court and did not even enter the American language until 1958.

But the idea has been around a long time. Back in 1621 King James I ran out of money to finance a war in the Netherlands. He made the mistake of convening Parliament for the first time in seven years to get it to levy new taxes.

The Parliament, however, exacted a stiff price for going along. It demanded that the King get rid of his Lord Chancellor, Sir Francis Bacon, certainly one of the most distinguished philosophers in English history. Sir Francis, however, had his faults, and one of them was taking bribes from people who had cases pending in court.

Many people did the same thing. Sir Francis protested that he never let the gifts influence his judgment. But the Parliament, for a number of reasons, wanted him punished.

The King moved in and offered to appoint a Parliamentary commission—whose members he would name—to investigate the charges. The Parliament refused the offer. Instead, Sir Francis made a full confession and resigned his office. The House of Lords sentenced him to a fine of forty-thousand pounds, imprisonment in the Tower of London and prohibited him from ever attending the Royal Court again.

King James commuted much of the sentence, but the fact remains that Parliament carried out its investigation in its own manner, rejecting any royal claim to power over its inquiry or its decision. And when Sir Francis was sent back to his books, it gave King James the money he wanted.

There are several morals to be drawn from that story. The right of Parliament to investigate official misconduct was absolute. The way to enforce that right was through the power of the purse.

In fact, Parliament was continually referred to as the "Grand Inquest" of the nation. The framers of the American Constitution, when they were debating its provisions and then as they argued for its ratification, talked repeatedly about the parallel between Parliamentary power to investigate and Congressional responsibility to perform the same function.

James Wilson, who with Madison was one of the chief architects of the American Constiution, wrote of the English House of Commons, that its members "have checked the progress of arbitrary power and have supported with honor to themselves, and with advantage to the nation, the character of the grand inquisitors of the realm. The proudest ministers of the proudest monarchs have trembled at their censure; and have appeared at the bar of the house, to give an

account of their conduct, and ask pardon for their faults."

The first test of the scope of the Congressional right to know came in 1792. Major General St. Clair had led a contingent of troops against the Indians in the Northwest Territory, and he got whipped. The Congress wanted to know how the defeat occurred, and the House of Representatives called on the Secretary of War to send it all the records of the expedition.

President George Washington complied. He determined that disclosure was in the public interest, and he acceded to the request of the House. But in a Cabinet meeting about the problem, the idea was born that there were limits on Congress's power, and that the President could try to set them. Private notes by Thomas Jefferson show that the issue of executive discretion about what to reveal and what to conceal from Congress was faced as early as 1792. But in that case, the Congress prevailed.

In 1951, the Congress was investigating the fate of another general, Douglas MacArthur. President Truman had fired him as commander in Korea, and the country was split over its reverence for a great military hero and its belief in the importance of civilian control over the military. General Omar Bradley was summoned to testify, as chairman of the Joint Chiefs of Staff, before joint hearings of the Senate Foreign Relations and Armed Services Committees, and he agreed to appear.

The messages from Washington to General MacArthur and his replies were put into the record and analyzed. General Bradley had to explain the whole sequence of the disagreement between MacArthur and Truman, the efforts to patch things up and the final decision to replace an insubordinate general.

But then Senators asked General Bradley what he and President Truman had said to each other about the case. And here General Bradley balked. He said, in effect, that such conversations were privileged; they were private discussions between the President and his top military adviser and they were none of the Senators' business.

General Bradley is a courtly man, and his refusal was polite, but it was absolute. It made many of the Senators angry, and finally, Senator Richard Russell of Georgia called for a vote of the committees on the question of whether or not to *order* General Bradley to answer the questions. By a vote of 18 to 8, the Senators agreed with Bradley's decision to preserve an area of Presidential privacy, and the issue was resolved.

So the Executive asserted a privilege, and the Congress, reviewing the claim, upheld it. The essential aspect of that incident is that Congress did *review* the claim. In theory, it could have contested General Bradley's decision and taken him to court to try to force an answer to its questions.

I have gone over this history, not to qualify myself for one of your professor's jobs, but to illustrate the important precedents in our law and our tradition for the right of Congress to investigate official behavior. Usually we do it for the purpose of guiding us in writing laws to correct bad behavior. Sometimes we must do it to gather the facts to impeach an official of the government. There can be no question of our right to get all the facts. Even such a strong President as Andrew Jackson recognized Congressional power to investigate. "Cases may occur," he said, "in the course of (Congress') proceedings in which it may be indispensable to the proper exercise of its power that it should inquire or decide upon the conduct of the President or other public officers, and in every case its Constitutional right to do so is cheerfully conceded."

Now on April 10, I read that statement to the Attorney General. He flatly disagreed with it. I do not understand his disagreement, but it is there, on the record, and it is a disagreement of great importance to the conduct of our government.

The Attorney General's view is that information developed in the Executive Branch is the exclusive property of the Executive and will not be given to the Congress if the President decides to keep it secret. His view is that government information is Presidential property, and working from that opinion, he can justify any decision to conceal that property from the Congress and the people.

My view is that government information is public property. It is compiled at the taxpayers' expense to serve the public interest, not the temporary or limited interests of those officials who act for a time as its custodians.

So here is the conflict. The decision to send White House aides up to testify about their reported involvement in the Watergate conspiracy does not resolve that conflict. It still leaves unresolved the broader question: who shall determine what the people know about their government.

According to the Attorney General, the Executive will make that decision. And once the decision is made, no one else—neither the Congress, nor the courts, nor the common citizen—may reverse it.

Knowledge truly is power. The Attorney General's view—if we allowed it to prevail—would give one branch of the government absolute power through a monopoly of information. The power would extend to telling Congress only those facts a President decided it should have. And it would, logically, extend to giving the public only those pieces of information the President wanted known.

I hope you will agree with me that such a prospect is a nightmare for a democracy. It is standard operating procedure in dictatorships around the world. But the very idea of such an exclusive, unreviewable right lodged in any one office or any one man or any one branch of government is alien to the American concept of a free and open society.

We have good reason to be deeply concerned. That power over information already exists. It is growing, not shrinking. And it endangers every one of us.

Let me give you some specific examples of how the power is exercised. A Senate survey of refusals by the Executive to provide Congressional committees information or testimony they requested between January 1964 and the present turned up 166 examples. Only four of them, all in the last four years, involved formal invocation of the executive privilege claim.

The refusals range over all sorts of issues. The Justice Department, for example, refused to let a House Subcommittee see its files relating to alleged White House intervention to settle a suit involving a steel company's dumping poisonous wastes into the ship channel at Houston, Texas. The Environmental Protection Agency refused to hand over a study of virus infection in New England water supplies.

Some of these refusals were absolute. In some cases the Congressional committees negotiated compromises which enabled them to get some of the information they were originally denied, but often the refusal succeeded in delaying Congressional action and diverting public attention.

In none of these 166 cases we know of did the Congress put its power to a test in court, one that could be achieved by subpoenaing a reluctant witness, holding him in contempt for failure to testify or, if necessary, arresting him and creating the conditions necessary for a habeas corpus suit.

The result of not pushing our power to the limit has been to permit the Executive to overstep its boundaries—and to get away with it. Until now, we have backed away from confrontation.

So we have tolerated secrecy we should have contested. And the result has been to let it spread.

In the field of classifying information which the Executive says must be kept secret to protect defense or foreign policy activities, the Congress has never even written a law to supervise administrative practices. The only statute that sets standards for what should be kept secret and for the length of time secrecy is required is a law dealing with atomic energy.

But experts have estimated that the Defense Department files contain some 20 million documents that are classified. State Department records, according to an official of the Department itself, include some 35 million pieces of paper stamped Top Secret, Secret or Confidential.

Many of them are a quarter of a century old and a few even date back to before World War I. The only example I know that may be more ridiculous is the policy of the British Foreign Office that the background records of British involvement in the French and Indian War of 1756 should be kept secret forever, so as not to damage relations with the "colonies."

We know these documents exist, and we know that more are made secret every day. Over 18,000 government employees are authorized to classify information. We also have heard expert testimony that much of this information no longer requires protection from disclosure. Former Supreme Court Justice Arthur Goldberg, who also served as Secretary of Labor and Ambassador to the United Nations, said that no more than 25 percent of the documents really deserved to be kept secret. An Air Force officer who handled classification and security problems for over 40 years believes only one half of one percent of all the Pentagon's secret files actually contain vital information.

But no one really knows what is in the files or, more importantly, what is being put into them every day. Until 1959 the Migratory Bird Commission and the American Battle Monuments Commission had officials with authority to classify secret papers. For all we know, some of their records may still be hidden away.

And now, as an expression of the view that government information is exclusively government property, the Administration has sent Congress proposed new laws to make any unauthorized disclosure of classified information a crime, one that could be punished by up to three years in jail and up to $25,000 in fines. These proposed laws would even make it criminal to disclose *any* information relating to the conduct of foreign policy affecting the national defense.

Such laws would enforce public ignorance by making criminals out of honest men and women who put the public interest above bureaucratic secrecy. They would impose a gag rule both on officials and journalists and prevent those who disclosed classified information from justifying their action by proving to a court that the disclosure did no damage to national security. They would deny you and me the information we need to make intelligent judgments about public policy required of citizens in a democracy.

I am confident we will defeat these proposals. There should be penalties—and there already are—for revealing information that damages national security. That damage test is crucial and must be preserved, not discarded, as the Administration would do in sweeping away protections that now exist to insure that vital information is not arbitrarily denied to the public.

But the Congress must go farther than just drawing a line and saying, "Secrecy stops here." It must take positive action to undo governmental secrecy and put the emphasis where it belongs, on systematic disclosure.

Just as we must review and contest assertions of executive privilege when they are improperly claimed, we must review and contest the day-to-day secrecy that is the practical expression of executive privilege.

I have already introduced legislation to require that judges, reviewing government refusals to disclose classified information to the public, go behind the secret stamp on a document or record to look at the information it contains. Judges would then decide

whether or not disclosure would actually harm national defense or foreign policy.

For if the courts will not make such an impartial determination, no one else will. The official who decides to hide information under a rubber stamp will be safe from challenge forever, and we will all be deprived of knowledge that may be crucial.

Beyond judicial review, however, we must move to a new system of supervising the way information is classified, the length of time it stays classified and the access Congress has to it while it is classified. The Executive now retains exclusive control over all those procedures, even over the ground rules under which Congressmen and their staffs are permitted to inspect classified material.

In March 1972, President Nixon announced a reform of those procedures, but his action did not go far enough. The agencies he prohibited from classifying information were, by and large, agencies like the Canal Zone Government, the Postal Service, the Small Business Administration and the Departments of Labor, Agriculture and Interior which never needed such authority to begin with. Under his new order, however, eight new agencies in the Executive Office of the President could be given authority to classify by the President.

It is time to put a Congressional check on the President's discretion in this area, to balance the understandable bureaucratic preference for secrecy against the fundamental assertion that the right of Congress and the public to know amounts to a need to know.

We can achieve this balance either through a new joint Congressional committee or a new agency, similar to the General Accounting Agency, directly responsible to Congress. The new body would have responsibility to review an index the Executive prepared of all information which was being classified, to inspect information listed in the index and to order either an immediate declassification or a speed-up in declassification of information which did not merit prolonged secrecy.

The Executive could contest those orders in court, if it felt they were dangerous, but at the least, the Congress would exert a review function which it now leaves exclusively to the Executive.

Unless there is compelling evidence to the contrary, I believe we should set three years as the standard time for material to be automatically locked away from public view. Any information older than that should be considered declassified and made available on request, subject, of course, to challenge by Executive agencies with a strong case against disclosure.

By enacting such standards and such review procedures into law, the Congress can fulfill its dual obligation—to itself as an equal branch of government and to the people whose liberties we cannot safeguard without knowledge of all government activities. The alternative—the course of inaction—is to restrict our information to the authorized disclosures of official press releases, where only one version of the truth—the sound of one hand clapping—is made public.

James Madison once wrote, "Knowledge will forever govern ignorance, and a people who mean to be their own governors must arm themselves with the power knowledge gives. A popular government without popular information or the means of acquiring it is but a prologue to a farce or a tragedy, or both."

The government, in the last analysis, does not belong to the President or to the Congress. It belongs to you. But if you, through the Congress, do not act to assert your control over government—if you do not insist on the power knowledge gives you to control public conduct—you and I will lose popular government. Education will lose that race to catastrophe, and the world will lose the hope of freedom America has given it.

TRIBUTE TO GEORGE E. FOREMAN, HEAVYWEIGHT BOXING CHAMPION

Mr. FANNIN. Mr. President, Mr. Verne Boatner, sports editor of the Arizona Republic, in Phoenix, Ariz., recently wrote an outstanding column about George Foreman, the heavyweight boxing champion of the world.

The column is a great tribute to Mr. Foreman and reiterates in dramatic fashion the opportunities available to those who, no matter how humble their origin, subscribe to and earnestly practice what has become known as the American work ethic.

I ask unanimous consent that Mr. Boatner's column be printed in the RECORD.

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

WAVING THAT FLAG

(By Verne Boatner)

If you ask the average person what he remembers most from the Mexico City Olympics, he will probably recall the clenched fists of John Carlos and Tommy Smith.

The Black Power protests threatened to overshadow the whole Olympic show.

But I also vividly recall the sight of a relatively unknown black fighter who pounded a Russian into submission and claimed a gold medal. Then, suddenly, there was this huge man parading around the ring waving this tiny American flag.

There was a gasp of astonishment from the audience. Scribes beat a path to the interview area and bombarded him with questions.

He denied that his flag-waving was a protest to the Black Power protest. In fact, he went to lengths to defend the right of Carlos and Smith to express their feelings.

There were those who suspected he had let whites manipulate him for propaganda purposes. While what he said may have sounded as corny as Kansas in August to certain segments, he seemed sincere.

And today, George Foreman, heavyweight champion of the world, is still waving that flag. Recently, he wrote an article in Nation's Business.

"Casting about for places to put the blame for the troubles a person has is an old human trait," he said. 'They' is an easier word to use than 'I,' when things don't go right. . .

"The messes a man gets into, they're the same. They didn't hunt him up; he went looking for them, whether he always knew it or not. . ."

The former bully from a Houston slum knows whereof he speaks. Nobody, he stresses, made him get drunk on cheap wine as a kid, smash 200 windows, quit school and cause his mother to have a nervous breakdown. He did it all by himself.

The turning point in his life came one day in a pool hall, when he listened to Johnny Unitas on TV, extolling the virtues of the Peace Corps.

So today, instead of sitting in a penitentiary, Foreman is sitting on top of the world. He credits it all to a discredited four-letter word, "work."

"Now down there in Houston in the slum I came from," recalls Foreman, "there wasn't too much talk about working for anything. People got money a lot of the time from being what was called smart—or from taking advantage of somebody. People walked on both sides of the line, as far as the law was concerned . . ."

Foreman discovered that the harder he worked, the luckier he became. He couldn't put the blame on lousy luck any more. He also discovered something else.

". . . because I like kids," he said, "I found the ones who lived in slums as I had, and others, too, were beginning to hang around me . . . What a difference it makes when you first have the feeling that people are looking up to you, and not down on you!"

Of his heavyweight title, he says, "I can truly say I worked for it. I say worship the opportunity this country grants to those who will really try, don't knock it.

"I'll wave that flag in every public place I can."

Of course, it might be argued that Foreman is not very bright. This ninth-grade dropout never had the advantages of a college education or a free-ride athletic scholarship, as did Carlos and Smith.

MARGARET W. PRICE—A LEGACY OF PUBLIC SERVICE

Mr. SYMINGTON. Mr. President, St. Louisans and people across this Nation deeply miss Margaret W. Price, but she left a legacy of service to public and private associations for which she will be long remembered.

Perhaps her most significant achievements were on behalf of the Girl Scouts of the United States of America. Serving as president of that fine organization from 1963 to 1969, she represented this country at world Girl Scout conferences and visited South America on behalf of the Girl Scouts under the State Department's educational and cultural exchange program.

In addition to her work in scouting, Mrs. Price served on the boards of a number of cultural, health, and environmental associations in St. Louis and Missouri.

It was my privilege to be a member with her in the Missouri Academy of Squires which in 1965 recognized the outstanding contribution she had made to her city, State, and Nation.

I ask unanimous consent that an article from the March 22, 1973, New York Times, "Mrs. Margaret Price, 62, Dies; Ex-National Head of Girl Scouts," be printed in the RECORD.

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

MRS. MARGARET PRICE, 62, DIES; EX-NATIONAL HEAD OF GIRL SCOUTS

ST. LOUIS, March 21.—Mrs. Margaret W. Price, who was national president of the Girl Scouts of the U.S.A. from 1963 to 1969, died of cancer today. She was 62 years old.

Mrs. Price, who was known to her friends as "Tuck," was the wife of Holton R. Price Jr., board chairman of W. H. Markham & Company, an insurance concern. She had served the Girl Scouts in many capacities on local, regional and national levels for more than 30 years. She also had been a member of the women's auxiliary of the board of the St. Louis Symphony Orchestra, and had been on the boards of Barnard Cancer Hospital, St. Louis State Hospital and the Missouri Historical Society.

At her death she was president of the St. Louis Mental Health Association, a director of the National Center for Voluntary Action, board chairman of Missouri Youth for Environmental Quality—a statewide organization she founded in 1969—and chairman of the Girl Scout National Centers Development Committee.

RECEIVED SERVICE AWARDS

In 1960, Mrs. Price was named St. Louis Woman of the Year in the youth service

field. In 1963 she received the Matrix Award of the St. Louis chapter of Theta Sigma Phi, women's professional journalism organization, for services to her home community.

In 1965, she was elected to the Missouri Academy of Squires, a group of 100 persons who have distinguished themselves in business and in the professions while serving their communities, state and country. In 1972, the Missouri Conservation Committee honored her for her commitment to environmental preservation in the state.

Mrs. Price traveled widely for the Girl Scouts. She was a United States delegate to several World Conferences of the World Association of Girl Guides and Girl Scouts.

In 1965, under sponsorship of the educational and cultural exchange program of the State Department, she visited South America as a representative of the Girl Scouts.

Mrs. William McLeod Ittmann, the current national president of the Girl Scouts, noted yesterday that Girl Scouting's National Center West, a 13,000-acre expanse in Wyoming had become a reality in Mrs. Price's final years in office, and credited her "drive and possible.

dedication" as having made the acquisition

In addition to her husband, Mrs. Price leaves two daughters, Mrs. Theodore O. Simpson of Brussels and Mrs. Jeremy T. Johnstone of St. Louis; two sisters, Mrs. Horace A. Bradt and Miss Mary Elizabeth Wright, and five grandchildren.

A memorial fund has been established to continue the development of the Wyoming tract.

ARMY DEFENDS USE OF SERVANTS

Mr. PROXMIRE. Mr. President, Secretary of the Army Robert Froehlke's statement before the House Defense Appropriations Committee that he could not permit his Chief of Staff to go home at 5 p.m. to mow his lawn exposes the feebleness of the Pentagon's insistence on the use of servants for the top brass.

Generals making over $50,000 a year in salary and equivalent benefits should not be running home at 5 o'clock.

At that rank and pay, they should be putting in long hours like the farmers, businessmen, and construction workers of this country. Furthermore, when these other Americans go home after a hard day's work, they have to mow their own lawns and carry out their own chores.

On many occasions people get up at dawn to start mowing grass or else do it on weekends.

Mowing the lawn would be fine exercise for Creighton Abrams and other general officers and would keep them healthy and mentally alert.

The military brass do not even pay for their homes which they get rent free. The least they could do would be keep them up without charging the taxpayers again.

As for the Army's contention that generals cannot afford to pay for such services, the facts paint a different picture. High ranking officers get free retirement, free medical services, commissary privileges, free travel on military aircraft, party allowances, chauffeurs, cooks, butlers, special income tax deductions and many other benefits not available to the ordinary American. In short, they can afford to pay for their own luxuries.

I have introduced a bill to prohibit the practice of supplying enlisted men as personal servants to the brass. General Abrams now has eight servants attending him. This is an abuse of the military system and should be ended immediately.

Mr. President, I ask unanimous consent that a Wall Street Journal editorial of May 2, 1973 be printed in the RECORD.

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

THE GENERALS' WELFARE

Much of the antimilitary sentiment of the past decade probably stemmed from frustration with the U.S. role in the Vietnam war. It is ironic that the military became a whipping boy because it dutifully followed civilian orders, but it's probably understandable, given the passions aroused by the American involvement. Less understandable were the personal attacks on the officer corps, led by a spate of movies and books depicting generals as bloodthirsty ogres who spent their time plotting to overthrow their own government and to obliterate foreign governments.

So just when the military is regaining favor, partly because of a return to reason and partly because of the exemplary performance of returning POWs, one hesitates to criticize it for fear it will set off another antimilitary outburst Nevertheless, Senator Proxmire does seem to have a point in questioning the use of enlisted men as servants for the military brass.

The armed services are admirably moving toward racial balance among "enlisted aides" (Army), "specialists" (Marine Corps), "airman aides" (Air Force) and "stewards" (Navy). Yet the broader question is less racial than philosophical: whether armed forces' enlisted men should shine the shoes of high-ranking officers, wash their cars, walk their dogs, shop for their wives, clean their houses, and act as valets, butlers and servants.

Rank has and deserves certain privileges, and perhaps $13 million annually isn't too much to spend so that some 1,700 aides can look after 970 generals and admirals (although that works out to almost $13,500 per officer per year) But Defense Secretary Richardson (Attorney General-designate) would seem to have had a point when he recently noted that the Pentagon boss hasn't any such aides, despite his own extensive official and social obligations.

More to the point, however, the use of enlisted men for such purposes tends to perpetuate a castle system, even though a mini-caste system, that is alien to America's civilian tradition and questionable as part of its military tradition. It confuses the general welfare with the generals' welfare, and probably should be abolished or sharply curtailed.

CINCO DE MAYO

Mr. FANNIN. Mr. President, in Mexico and in my State of Arizona, the words Cinco de Mayo have very special meaning. Translated, of course, Cinco de Mayo simply means the 5th of May.

This Saturday, the 5th of May, the people of Mexico and Americans of Mexican descent will celebrate the 111th anniversary of a battle which had little military, but great and lasting moral significance.

On May 5, 1862, a small volunteer force of Mexican patriots under Gen. Ignacio Zaragoza defeated a superior French army at the town of Puebla.

Eventually, Mexico was conquered militarily, and the French established a monarchy under Archduke Ferdinand.

The Mexican people did not give up their fight for independence, however, and it was the battle of Cinco de Mayo that provided the inspiration which enabled them to carry on the struggle.

Cinco de Mayo is a symbol of the victory of the human spirit over all military odds.

As this date approaches, I am pleased to salute the great people of Mexico, and I join with Americans of Mexican descent in paying tribute to the memory of the gallant men who participated in the Battle of Cinco de Mayo.

IN SUPPORT OF THE ARTS AND HUMANITIES

Mr. JOHNSTON. Mr. President, anyone familiar with my public record knows that I have been a consistent supporter of Government contributions to cultural affairs, for I believe strongly that the Government has a proper role and obligation with respect to supporting the arts and humanities—activities that can and do enrich the fabric of our society.

First begun on a substantial scale some 7 or 8 years ago by President Johnson, direct Federal contributions to these programs have grown greatly and I know of few people who would quarrel with this level of funding—totaling some $80 million in the current budget. However, this spending must be kept in perspective and must be considered on a priority scale at a time of drastic cutbacks in social programs and a time of fiscal belt-tightening.

The President's budget proposed for the next fiscal year contains cuts in education. It reflects a curtailment in Federal programs for medical training. It calls for an increase in insurance premiums paid by elderly medicare recipients. It abolishes the Agency that has symbolized this country's attack on poverty. It abandons many programs that have spelled a bare margin of security for millions of small farmers. Administration officials are even considering regulations to reduce disability benefits for Vietnam veterans.

But that same budget, incredibly, recommends a more than fivefold increase in appropriations to the National Foundation on the Arts and the Humanities over the next 3 years. The Senate on Wednesday had the opportunity to adopt a substitute bill which would have increased spending for these programs by some 50 percent but would have kept the authorization within the bounds of fiscal restraint. That amendment had my support but failed. We were left to cast an up-or-down vote on the President's bill and I could not in good conscience support that legislation.

Although the bill passed the Senate and there were scant few of us voting against it, I believe we were absolutely right. My avid support for the arts and humanities does not blind me to the hard fact that uncontrolled Federal spending is not a benefit but a burden to millions of Americans who must pay taxes, then bear the inflationary fruits of those taxes. If it is essential that we pare the level of spending on vital social programs, then so is it essential that other programs not be precipitately increased.

It is often said that what is good for the goose is good for the gander. By my vote yesterday, I am suggesting that

what is good for the ugly duckling is good for the swan.

THE RIGHTS OF THE HANDICAPPED

Mr. HUMPHREY. Mr. President, our Nation's Capital is honored this week by the presence of several national conferences directing their attention to the needs and hopes of the disabled and the handicapped. The visit of fellow citizens who speak for, are, or represent the disabled and the handicapped comes at a critical moment. The President has once again vetoed the Vocational Rehabilitation Services Act. The Congress has yet to act on the Comprehensive Health Services Act providing for authorization of a number of programs pertaining to the disabled and the handicapped.

The time has come to focus public attention upon a minority group whose human rights and critical needs have for too long remained at the bottom of the Nation's agenda.

I am talking about our fellow Americans who are physically, mentally, or behaviorally disabled. Whatever the disability, the impairment, or the handicap, these people ask not for a handout. They ask only for the opportunity to be counselled, to be evaluated, to be trained, and to have employment commensurate with their God-given abilities without prejudice.

They ask for this compensatory or vocational rehabilitation help only to make them productive, self-reliant and competitive, and to do this without delay—not to be held back for 3 months, or 6 months, or 1 or more years after the disablement, but upon inception of the disability.

What does this mean? Not food and shelter and medical attention as a dole, but as offsetting costs due to disablement.

If in a wheelchair, then transportation and housing at a cost not greater than for the nondisabled.

If mentally retarded and working in a sheltered workshop, then housing or cost-of-living help to supplement the earnings at the workshop, in order to live independent, self-sufficient lives in their communities.

If deaf, then telecommunications services at no higher cost than a telephone for the hearing person.

If a disablement such as epilepsy, diabetes, renal disease, and so forth, then no higher costs for medical services or maintenance than for a person who does not have these chronic disabilities.

Let this Nation firmly commit itself to establishing the rights of handicapped Americans.

The right to work to the maximum of their capacity without regard to the severity of their disability.

The right to receive a daily compensation dollar benefit, but also the privilege to retain what they earn as an incentive to aspire to greater heights without the fear of loss in any form.

The right to self-esteem, the right to fail, and the right to succeed.

These are the kinds of things that were a part of the Rehabilitation Act of 1972. This legislation would have provided many of the services to give concrete expression to these rights—necessary services to meet the unique individual needs of all of our handicapped fellow Americans.

I am determined that a Presidential veto of this legislation will not be the last word, but rather that handicapped Americans will know hope and promise and respect for human dignity through congressional action to continue and to move forward vital programs of assistance.

This I believe: Our society must provide the needed services to make us all competitively equal—this is the right of all mankind. Let us today vow that we will further the slogan of the State-Federal vocational rehabilitation program: "Let us help the handicapped to help themselves."

On the evening of May 3 there will be a candlelight ceremony on behalf of the handicapped at the Lincoln Memorial. On the morning of May 4 the handicapped will march to the Capitol to bring to the Congress and the public the message of their needs and programs.

SALUTE TO WILLIAM HOROWITZ

Mr. RIBICOFF. Mr. President, the New Haven Register recently honored William Horowitz, an old and dear friend who is ending an 18-year career of distinguished service on the Connecticut Board of Education.

I ask unanimous consent that the Register's April Salute to William Horowitz be printed in the RECORD.

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

OUR APRIL SALUTE: WILLIAM HOROWITZ

Call him the personification of an "only-in-America" story. Call him a pillar of Connecticut education. Call him warm, tough, tactful, dynamic, resourceful, industrious, unselfish, dedicated and patriotic. New Haven's William Horowitz has placed all those qualities at the service of his fellow men. He'll be sorely missed when he leaves the State Board of Education, of which he is chairman, after being a member of that body for the last 18 years.

It was announced this month by the Republican Administration that Horowitz, a Democrat who has labored in his party's vineyards, will be succeeded on the board by a Republican. Supporters of education from both parties will lement his separation from the board.

Education brought Horowitz to New Haven and education has been the recipient of his devotion for many decades. He came out of Kansas City, the son of Russian-Jewish immigrants, to be educated at Yale. He remained in New Haven where he became a major contributor to the betterment of town-gown relations. He has given of himself, in terms of personal sacrifice and forceful leadership, to improve both private and public education at many levels.

But it takes no superlatives to convey what Horowitz has done for others. All it takes is a bare outline of the career of this 66-year-old banker-industrialist-civic and religious leader. As a boy and a man, as an individual and a social being, he excelled.

In his youth, he was one of the founders of AZA, the junior B'nai B'rith, serving as first president of the Kansas City chapter. As a high school student, he was active in Democratic politics, and as a successful businessman in this city, he continued to actively support the party.

He worked his way through Yale as a Hebrew teacher in a synagogue here and as a dishwasher. Upon graduation, Horowitz staged a proxy fight and was named president of New Haven's General Industrial Bank at the age of 42. The bank became the General Bank and Trust Company, which merged with the Hartford National Bank, of which he became an executive. He has been a successful industrialist and vice president of Radio Station WELI.

Despite heavy business commitments, he has given 25 per cent of his work time to Yale and State educational affairs. As the first non-Protestant as well as the first Jew to be elected a trustee of Yale, he diplomatically pursued the interests of his city and his alma mater.

Faithful to his religious heritage Horowitz helped supply Israel with life-or-death arms during the 1948 war of independence. In a frantic purchase of surplus at the Colt Arms plant in Hartford, he managed to obtain gun-making machines for the Jewish underground. His fellow Jews of B'nai B'rith honored him as an individual who has demonstrated the highest ideals of the American way of life.

Horowitz went to bat for civil rights as a member of the State Board of Education, the State Commission on Higher Education and as co-chairman of the NAACP Freedom Fund Drive. He also has been a member of the board of directors of Yale-New Haven Hospital.

Although he felt the extent of American involvement in the Vietnam was a mistake, Horowitz agreed to be the principal speaker at the Reserve Officer Training Corps commissioning ceremony at the height of anti-war protesting. He recognized the point where personal opinion had to give way before the nation's call.

For a life that is inspiring with concern for others, a fruitful, busy life that has put principles into action, The Register salutes William Horowitz.

INDEPENDENT OIL JOBBERS

Mr. ABOUREZK. Mr. President, I am very pleased to join Senator SAXBE and others in cosponsoring legislation to protect independent oil jobbers. This bill, S. 1599, would provide for the continued sale of gasoline to independent gasoline retailers by making it a prima facie violation of the Federal Trade Commission Act for a refiner to refuse to sell to independent marketers a percentage of his total sales to all outlets during any given month.

The amount the refiner must sell independent marketers is based on the percentage he sold to independents during a base period—July 1, 1971 to June 30, 1972. The bill also prohibits the refiner from charging a percentage increase in price to the independent marketer that is greater than the percentage increase he might charge to his own franchised retail outlets.

This is an important proposal to prevent independent retail outlets from being forced out of business. Unfortunately, it appears that many major companies have been in a position to dominate the tight supply situation and have quite naturally used this position to favor their own franchised outlets at the expense of small independents.

The impact of this situation is most clearly seen in a letter I recently received from the owner of the Johnson Oil Co. in Langford, S. Dak. I ask unanimous consent that this letter and the letter Mr. Johnson received from the Sun Oil Co. be printed in the RECORD.

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

JOHNSON OIL CO.,
Langford, S. Dak., April 23, 1973.

Hon. Senator JAMES ABOUREZK,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ABOUREZK: Enclosed is a copy of the letter received from our petroleum supplier, the Sun Oil Co., and also a copy of the cover of the S.D. Jobber magazine which clearly depicts the plight of the independent oil jobber.

My father and I have owned and operated an oil business in Langford for 50 years. We served our farm customers with the best of service, competitive price, and quality products and we have always paid our suppliers for their products when due. We are now only one small jobber along with many others that have recently found their contracts terminated. After contacting a number of oil companies, we find they are not interested in signing not only us but any new jobbers because they claim that they either have no extra product or that it isn't profitable for them to market in our geographical area.

It seems strange that large oil companies can monopolize and dictate in this manner without violating federal anti-trust laws. Under these circumstances, who is going to supply the farmers and consumers with the almost one million gallons of product we are now selling when oil companies say they can provide only the same volume as the previous year?

I would like to know what help you will give us in acquiring products or a supplier after our agreement with Sun Oil Company is terminated. Should we have to close our doors, there will be three families unemployed, we will not be paying the repair men, interest to the banker, insurance, taxes, etc., generated from our gross sales of $240,000.00.

I believe your full support for the Humphrey-Mondale bill favoring the oil pipeline from Alaska through Canada to the midwest will be necessary for a long-term solution to our dilemma, but must request your assistance immediately to head off our impending crisis.

Sincerely yours,

ROBERT B. JOHNSON.

SUN OIL CO.,
Tulsa, Okla., February 1, 1973.

DEAR SIR: We are writing to alert you of changes in our marketing strategy which will very shortly affect our relationship.

Your business is located in an area where the Company has found it unable to market economically. It is our desire to withdraw from the marketing of gasolines, diesel fuels and heating oils in your area. The Company is reluctant to take this course of action, and is doing so only after a thorough review of all facts. We are certain you, as a businessman, can appreciate our position.

Therefore, since the Company will be unable to renew its present agreement at its expiration, please consider this your notice that effective November 10, 1973, Sun Oil Company of Pennsylvania is terminating your Jobber Franchise Agreement dated August 26, 1970.

We are giving you this advance notice so that you may have the maximum opportunity in making satisfactory arrangements with another supplier. Our representative will be available at your convenience to answer any questions you may have in this matter.

We regret that circumstances have forced us to take this action and will do our utmost to make the pre-termination period as harmonious as possible.

Yours very truly,

W. W. NEDDO.

Mr. ABOUREZK. Frankly, Mr. President, we need independent oil jobbers and retail outlets. They are an important and vital competitive part of gasoline retailing. It would be nothing less than another tragedy if the energy crisis should be used as an excuse to drive independents from the marketplace and leave gasoline retailing in the hands of only a few giant conglomerates.

Also, Mr. President, I would like to express my concern over the price increases that are going to be a consequence of this situation. I understand from news releases that City Services Oil Co. has recently imposed significant gasoline price increases that are expected to be the bellwether for increases by the entire industry.

This adds another step on the road to inflation which we have been traveling. Worst of all, this comes in the face of huge profits which most oil companies have been enjoying. I would like to print in the RECORD an article from the Washington Post which points out this favorable profit picture.

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

[From the Washington Post, Apr. 25, 1973]

TEXACO, GULF, CONTINENTAL, PHILLIPS PROFITS GAIN

Six of the nation's big petroleum companies, including giant Texaco and Gulf, yesterday reported increased earnings and sales for the first quarter of 1973 compared with the same period of 1972.

Texaco said its net income increased from $229.9 million to $264 million on an increase in revenue from $2.2 billion to $2.5 billion. Per-share earnings were 97 cents, up from 84 cents.

Texaco officials noted improved product prices, increased worldwide production and sale of crude oil, improved natural gas sales and revenues and "vigorous control of expenses."

Gross production of crude oil and natural gas liquids increased by 12.2 per cent to an average 4.35 million barrels a day, refinery runs were 1.5 per cent lower at 3.024 million barrels a day, petroleum product sales were down 4.8 per cent at 3.53 million barrels and natural gas sales gained 1.7 per cent to 4.74 billion cubic feet a day.

Gulf Oil's net income for the latest quarter was $18.7 million (80 per cent a share) on revenues of $2.103 billion compared with net income a year earlier of $139 million (67 cents) on revenues of $1.938 billion.

Gulf officials said prices in the U.S. were firmer in the latest quarter, chemical prices and volumes rose, Gulf improved its tanker transportation position and certain unprofitable operations were discontinued.

Continental Oil Co. set a first-quarter net income record at $47.5 million (94 cents a share), an 11.5 per cent gain from earnings for the first period last year of $42.6 million (85 cents). Revenues rose 9.1 per cent from $853.9 million to $931.2 million.

Increased earnings from the company's worldwide petroleum and chemicals business were partially offset by a loss from coal operations and currency revaluation losses.

Phillips Petroleum Co. earnings rose from $35.6 million (48 cents a share) in the first quarter of 1972 to $43.4 million (58 cents) in the same period this year as revenues increased from $635.9 million to $680.8 million.

Rises in crude oil production in Nigeria, the Norwegian North Sea and Venezuela sparked worldwide net production of crude oil and natural gas liquids, Phillips said.

Total petroleum products sales decreased slightly while motor fuel sales increased, the company added.

Cities Service Co. net income increased by 17.4 per cent for the first quarter compared with the same period a year ago, the company announced yesterday.

The gain was from $29.3 million ($1.14 a share) to $34.4 million ($1.32).

Favorable trends aiding the improved profits picture were good production rates for oil and natural gas, and strengthening prices for petroleum products and copper, Cities Service said.

Standard Oil (Ohio) net income rose from $11.8 million (64 cents a share) to $17.5 million (95 cents) as sales grew from $365.2 million to $402.9 million.

A strong surge in chemical operations plus higher royalty income aided first-quarter earnings, officials said.

THE STATUS OF U.S. AND FOREIGN AIRFRAME MANUFACTURING

Mr. GOLDWATER. Mr. President, 2 years ago it was my pleasure to represent the President of the United States at the Paris Air Show. When I returned from Paris I made what to me was a very discouraging report relative to the status of foreign airframe manufacturing and our own. It was discouraging because before that show, or maybe I should say that particular time, the United States absolutely dominated the airframe business of the world. Over 80 percent of the passenger aircraft flying over the world came from our factories. Nearly all transport aircraft were equipped with American made avionics.

When the United States decided to abandon the SST, which was shortly before that show, the foreign manufacturers took great encouragement from this feeling that the U.S. Government had no more interest in technological and aeronautical developments that would keep our industry ahead. They have literally taken the bull by the tail and have turned the whole industry around in that they are actively competitive with us now and our share of the foreign market declined rather sharply.

To give you an idea of what this means to us, while our overall trade balance slid by $12 billion between 1965 and 1972, our aircraft sales grew by $2 billion.

Most of this was before the last Paris Air Show, and I am afraid the next report will show our balance in aircraft sales to be very close to the disappearing point.

So that my colleagues might have a better idea of just what I am talking about, I would remind them that in the March 19 issue of Aviation Week and Space Technology there appeared at least 12 different advertisements from overseas manufacturers where a few short years ago no such advertisements appeared in this country.

For the further information of my colleagues, I have taken from that issue of the magazine a compilation of U.S. commercial transports, Russian military and civil aircraft and the leading international aircraft. A brief look at this catalog will demonstrate, I believe, the extent to which foreign competition is growing and the extent to which our industry is suffering.

I ask unanimous consent that these lists be printed in the RECORD.

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

U.S. COMMERCIAL TRANSPORTS

Manufacturer and model designation	Popular name or sub-type designation	Number in flight crew	Number of passengers	Cargo capacity, lb.	Wingspan, ft.	Maximum length, ft.	Maximum height, ft.	Empty weight, lb.	Typical gross weight, lb.	Max. landing weight, lb.	Power plant: number, make and model	Maximum speed, mph.	Best cruise speed, mach or mph.	Landing speed, mph.	FAA takeoff field length, ft.	FAA landing, field length, ft.	Max. still-air range, mi.
PASSENGER																	
Beech Boeing:																	
B-99		1-2	15	1,500	45.8	44.6	14.4	6,000	10,900	10,900	2 UACL PT6A-27	285	285	85	3,100	2,220	1,150
707-120		3-4	100-181	19,200	130.9	144.5	41.7	118,000	258,000	190,000	4 P&WA JT3C-6	600	524	165	10,550	6,320	4,650
707-120B		3-4	100-181	25,000	130.9	144.5	42.0	125,060	258,000	190,000	4 P&WA JT3D-3	600+	537	158	7,450	6,550	6,325
707-220		3-4	100-181	19,200	130.9	144.5	41.7	122,000	248,000	185,000	4 P&WA JT4A-3	600+	531	167	8,220	6,230	4,650
707-320	Intercontinental	3-4	108-189	28,200	142.4	152.9	41.7	135,000	316,000	207,000	4 P&WA JT4A-11	600+	525	161	10,650	7,280	6,735
707-320B	Intercontinental	3-4	189	28,200	145.8	152.9	42.5	141,800	336,000	247,000	4 P&WA JT3D-3B-7	600+	531	158	10,020	6,250	7,600
707-320C	Intercontinental	3-4	189	28,200	145.8	152.9	42.5	145,700	336,000	247,000	4 P&WA JT3D-3B-7	700+	532	158	10,020	6,250	7,600
707-420	Intercontinental	3-4	108-189	28,200	142.4	152.9	41.7	133,000	316,000	207,000	4 R-R R. Co. 12	600+	522	162	10,650	7,280	6,735
720		3	88-167	16,680	130.9	136.7	41.8	110,800	230,000	175,000	4 P&WA JT3C-7, -12	600	533	148	9,400	6,200	5,240
720B		3	167	20,500	130.8	136.7	41.5	112,883	235,000	175,000	4 P&WA JT3D-3	600+	537	152	6,450	6,350	5,720
727-100		3	70-131	12,830	108.0	133.1	34.0	87,616	170,000	142,500	3 P&WA JT8D-1, 7 or 9	600+	0.84	140	7,950	4,800	3,000
727-200	Advanced	3	120-189	21,000	108.0	153.1	34.0	99,000	160,000	154,500	3 P&WA JT8D-7, 9 or 15	600+	0.84	145	8,050	4,150	3,000
737-100		2	112	10,290	93.0	94.0	37.0	59,650	111,000	101,000	2 P&WA JT8D-7 or 9	586	569	125	5,700	4,000	1,300
737-200	Advanced	2	115-130	13,135	93.0	100.0	37.0	60,000	116,000	103,000	2 P&WA JT8D-9 or 15	586	569	125	4,700	3,750	1,900
747-100	Superjet	3	374-500	103,170	195.7	231.3	63.5	352,711	713,000	654,000	4 P&WA JT9D-3A, -3AW, -7.	640	580	162	9,000	6,200	6,900
McDonnell Douglas:																	
747B-200	Superjet	3	374-500	103,170	195.7	231.3	63.5	361,755	778,000	564,000	4 P&WA JT9D-7, -7W	640	580	162	10,500	6,200	7,400
DC-6		3-5	48-58	----------	117.5	100.6	28.4	51,495	97,200	----------	4 P&WA R2800-CA15	356	313	91	----------	----------	4,610
DC-6B		3-5	64-92	----------	117.5	105.6	28.4	54,148	100,000	85,000	4 P&WA R2800-CB17	360	311	93	----------	----------	4,540
DC-8	Series 10	3	116-176	20,850	142.3	150.5	42.3	120,999	273,000	193,000	4 P&WA JT3C-6	580	544	148	9,625	6,410	5,490
DC-8	Series 20	3	116,176	20,850	142.3	150.5	42.3	123,757	276,000	199,500	4 P&WA JT4A-9, -11	600	544	151	7,680	6,590	5,780
DC-8	Series 30	3-5	116-176	20,850	142.3	150.5	42.3	126,525	315,000	207,000	4 P&WA JT4A-9, -11	600	544	153	9,050	6,800	7,010
DC-8	Series 40	3-5	116-176	20,850	142.3	150.5	42.3	124,369	315,000	207,000	4 R-R R. Co. 12	600	544	153	9,650	6,800	7,380
DC-8	Series 50	3-5	116-176	20,850	142.3	150.5	42.3	125,030	315,000	207,000	4 P&WA JT3D-3, -3B	600	544	153	9,450	5,400	8,720
DC-8	Super 61	3-5	259	66,665	142.4	187.4	42.6	148,897	325,000	240,000	4 P&WA JT3D-3B	600	580	----------	9,980	6,140	7,150
DC-8	Super 62	3-5	189	42,580	148.4	157.4	42.3	141,903	335,000	240,000	4 P&WA JT3D-3B	600	586	----------	10,280	6,140	8,500
DC-8	Super 63	3-5	259	66,665	148.4	187.4	42.6	153,749	350,000	245,000	4 P&WA JT3D-3B	600	583	----------	11,900	6,250	7,700
DC-9	Series 10	2	90	23,845	89.4	104.4	27.5	45,388	77,700	74,000	2 P&WA JT8D-1 or 5	----------	559	----------	5,420	5,020	1,470
DC-9	Series 20	2	56-90	----------	89.4	104.4	27.5	----------	----------	----------	2 P&WA JT8D-9	----------	----------	----------	----------	----------	----------
DC-9	Series 30	2	115	26,534	93.4	119.3	27.5	52,557	98,000	93,000	2 P&WA JT8D-7	----------	565	----------	6,800	4,920	1,725
DC-9	Series 40	2	125	30,836	93.4	125.6	28.0	55,516	114,000	102,000	2 P&WA JT8D-9	----------	565	----------	9,200	5 100	1,300
DC-10	Series 10	3	250-380	3,045-[1] 4,670	155.3	182.3	57.5	233,300	440,000	363,500	3 GE CF6-6D1	600+	0.82-0.85	148	9,000	5,250	[2] 4,450
DC-10	Series 30	3	250-380	3,045-[1] 4,670	165.3	181.5	57.5	263,500	555,000	403,000	3 GE CF6-50C	600+	0.82-0.85	158	10,500	5,330	[2] 5,950
DC-10	Series 40	3	250-380	3,045-4,670	165.3	182.3	57.5	267,250	555,000	403,000	3 PW JT9D-20	600+	0.82-0.85	160	12,250	5,500	[2] 5,350
Fairchild Industries:																	
F-27	Friendship	2	40-48	[1] 212	95.2	77.2	27.5	24,000	40,500	38,500	2 R-R R. Da. 6 514-7	275	270	107	5,600	3,660	1,530
F-27A	Friendship	2	40-48	[1] 212	95.2	77.2	27.5	25,600	42,000	40,000	2 R-R R. Da. 7 528-7E	300	293	109	5,680	3,770	1,530
F-27B	Friendship	2	40-48	[1] 212	95.2	77.2	27.5	24,400	40,500	38,500	2 R-R R. Da. 6 514-7	275	270	107	5,600	3,660	1,530
F-27J	Friendship	2	40-48	[1] 212	95.2	77.2	27.5	25,700	42,000	40,000	2 R-R R. Da. 7 532-7	300	294	109	5,200	3,770	1,530
FH-227		2	44-52	[1] 345	95.2	83.1	27.5	28,550	43,500	43,000	2 R-R R. Da. 7 532-7	300	294	113	5,520	4,050	1,520
FH-227B		2	44-52	[1] 345	95.2	83.1	27.5	28,800	45,500	45,000	2 R-R R. Da. 7 532-7	300	290	120	5,000	4,220	1,520
FH-227C		2	44-52	[1] 345	95.2	83.1	27.5	28,550	43,500	43,000	8 R-R R. Da. 7 532-7	300	294	113	4,220	4,050	1,520
FH-227D		2	44-52	[1] 345	95.2	83.1	27.5	28,850	45,500	45,000	2 R-R R. Da. 7 532-7L	300	290	120	4,650	4,220	1,520
FH-227D (LCD)	Cargonaut	2	52	11,900	95.2	83.1	27.5	29,210	45,500	45,500	2 R-R R. Da. 7 Mk. 532-7L	300	290	120	4,650	4,220	1,520
FH-227E		2	44-52	345	95.2	83.1	27.5	28,600	43,500	43,000	2 R-R R. Da. 7 Mk. 532-7L	300	294	113	3,940	4,050	1,520
General Dynamics Convair Aerospace:																	
240		2	40-44	3,800	91.8	74.8	26.9	29,280	41,790	39,800	2 P&WA R2800 CA 3	----------	304	88	5,100	4,200	1,025
440/340	Metropolitan	2	44-53	5,100	105.3	81.5	28.2	31,775	49,100	47,650	2 P&WA R2800 CB 17	310	300	83	5,000	4,010	2,050
600		2	40-46	3,800	91.8	74.8	26.9	28,380	46,200	44,000	2 R-R Dart 542-4	317	315	83	4,520	4,020	----------
640	S. Metropolitan	2	44-59	3,100	105.3	81.5	28.2	30,275	55,000	52,500	2 R-R Dart 542-4	312	310	84	5,170	4,380	1,230
880		3-4	88	8,630	120.0	129.4	36.0	81,800	185,000	155,000	4 GE CJ805-3	615	0.84	138	6,000	6,250	3,200
880M		3-4	88	8,490	120.0	129.4	36.0	88,300	193,500	155,000	4 GE CJ805-3B	615	0.84	138	5,200	5,400	3,800
990	Coronado	3-4	96-146	9,280	120.0	139.2	39.5	114,750	255,000	202,000	4 GE CJ805-23B	621	0.86	125	5,400	5,200	4,200
580		2	53	----------	105.3	81.5	29.1	----------	54,600	52,000	2 All. 501-D13	----------	342	----------	4,380	4,256	1,605
Lockheed:																	
188A	Electra	3-4	66-98	----------	99.0	104.5	32.8	57,300	113,000	96,650	4 All. 501-D13	450	406	130	5,250	4,960	3,400
L-1011	TriStar	3	256-400	45,750	155.3	178.7	55.3	138,817	430,000	358,000	3 R-R RB. 211-22B	620	0.85	160	7,950	5,680	5,175
CARGO																	
Boeing:																	
707-320C		3-4	189	91,300	145.9	152.9	42.5	139,800	336,000	247,000	4 P&WA JT3D-3B.-7	600+	532	158	10,020	6,250	7,440
727-100C/QC		3	70-131	46,000	108	133.1	34	86,000	170,000	142,500	3JT8D-1 7 or 9	600+	0.84	140	7,950	4,800	2,600
737-200C/QC		2	115-130	35,500	93	100.0	37	59,500	116,000	103,000	2 P&WA JT8D-9 or 15	586	569	134	5,950	3,750	1,900
747F-200		3	----------	254,923	195.7	231.3	63.5	335,077	778,000	630,000	4 P&WA JT9D-7W	640	580	175	10,500	7,000	7,700

Footnotes at end of table.

U.S. COMMERCIAL TRANSPORTS—Continued

Manufacturer and model designation	Popular name or sub-type designation	Number in flight crew	Number of passengers	Cargo capacity, lb.	Wingspan, ft.	Maximum length, ft.	Maximum height, ft.	Empty weight, lb.	Typical gross weight, lb.	Max. landing weight, lb.	Power plant: number, make and model	Maximum speed, mph.	Best cruise speed, mach or mph.	Landing speed, mph.	FAA takeoff field length, ft.	FAA landing field length, ft.	Max. still-air range, mi.
McDonnell Douglas:																	
DC-7F		3		33,000	117.5	108.9	28.6	68,292	125,850	108,900	4 Wr R3350	358	250	138	6,200	6,400	3,700
DC-8F	Jet Trader	3	15–189	95,124	142.3	150.5	42.3	126,173	325,000	240,000	4 P&W3JTAD–3, –3B	600	544	165	10,050	6,050	8,720
DC-8-61F	Jet Trader	3–5		89,100	142.4	187.4	42.4	144,900	325,000	250,000	4 P&WA JT3D–3B	600	580		9,980	6,140	7,150
DC-8-62F	Jet Trader	3–5		93,400	148.4	157.4	42.4	136,600	335,000	250,000	4 P&WA JT3D–3B	600	586		10,280	6,140	8,500
DC-8-63F	Jet Trader	3–5		106,400	148.4	187.4	42.4	261,000	355,000	275,000	4 P&WA JT3D–7	600	555		11,500	5,910	3,600
DC-9-30F		2		37,920	93.4	119.3	27.4	57,578	114,000	102,000	2 P&WA JT8D–9	600	555		8,660	4,700	1,300
DC-10	Series 10CF	3	250–380	127,000	155.3	182.3	57.5	207,950	440,000	363,500	3 GE CF6–6D1	600+	0.82–0.85	[1] 159	9,000	[2] 5,820	[3] 2,700
DC-10	Series 30F	3	250–380	158,000	165.3	181.5	57.5	233,000	555,000	411,000	3 GE CF6–50C	600+	0.82–0.85	[2] 170	10,500	[3] 5,970	[3] 3,700
Fairchild Industries–Lockheed:																	
FH–227D (LCD)	Cargonaut	2	None	14,500	95.2	83.1	27.5	26.500	45,500	45,000	2 R-R R. Da 7 Mk. 532–7–L.	300	290	120	4,650	4,220	1,520
1049H		3		30,000	123	113.7	24.8	104,000	137,000	104,000	4 Wr 972TC18DA–3		282		5,800	5,250	2,500
1649A		3		33,000	150	116.1	23.4	122,850	160,000	128,850	4 Wr 98TC18EA2	300	236	133	6,500	5,000	5,000
100	Hercules	3		47,187	132.6	97.8	38.4	71,293	155,000	130,000	4 All. 501–D22	357	333	145	6,800	4,800	4,074
100–20	Hercules	3		48,113	132.6	106.1	38.4	71,887	155,800	130,000	4 All. 501–D22A	377	352	145	6,000	4,670	4,396
100–30	Hercules	3		52,550	132.6	112.7	38.4	72,450	155,800	135,000	4 All. 501–D22A	377	352	147	6,000	4,850	4,396

[1] Cubic feet of cargo space.
[2] With full passnger, bag load.
[3] With maximum cargo load.

Abbreviations:
All.—Allison.
GE—General Electric.
P&W—Pratt & Whitney Aircraft.
R-R—Rolls-Royce.
Wr—Curtiss Wright.
UACL—United Aircraft of Canada, Ltd.

U.S.S.R. MILITARY AND CIVIL AIRCRAFT

Mission and designation	NATO Code Name	No. of crew	Overall span, ft.	Overall length, ft.	Gross weight, lb.	No., design., max. power each engine	Max. speed, mph.	Service ceiling, ft.	No. and type weapons or payload	Remarks
Bombers: Tu–22	Blinder	3	70.0	130.0	175,000	2×rear-mounted axial tj	1,300.0	60,000	1 Kitchen ASM	Blinder B has larger engines, refueling probe. ECM version.
Tu–?	Backfire		70.0	130.0	272,000	2×wing-root uprated NK 144 tf	M 2+			Variable geometry wing; 3,00 mi.+ unrefueled radius.
TM–4	Bison		160.0	150.0	250,000	4×AM–209 tj. at 19,500 lb. t	610.0	57,000		Equipped for aerial refueling.
Tu–95	Bear[1]		165.0	150.0	330,000	4×NK–12 at tp. 12,000 shp	550.0	50,000	1 Kangaroo ASM	Range about 8,000 mi. Equipped for aerial refueling.
Tu–16	Badger[1]		105.0	115.0	150,000	2×AM–209 tj. at 19,500 lb t	600.0	50,000	1 Kipper, 2 Kelt or 2 Kennel	Sold to Indonesia, UAR.
Il–28	Beagle	3	68.0	62.0	44,000	2×RD–45 tj. at 5,000 lb t	600.0	45,000	2×23 mm	Satellite production and use.
Yak–28	Brewer	2	40.0	55.0	30,000	2 ax. tj. at 8,800 lb	800.0	50,000		Strike version of Firebar.
Reconnaissance:[1]										
Be–10	Mallow	6	115.0	115.0	145,000	2×tj. at 19,000 lb. t	570.0	35,000	ASW gear	Flying boat.
Be–12	Mail	4	90.0	85.0	70,000	2×tp. at 8,000 eshp		29,000	MAD gear	Gull wing flying boat.
Yak–?	Mandrake				20,000	2×tj	460.0			High-altitude reconnaissance.
Yak–25	Mangrove	2	35.0	55.0	30,000	2×tj. at 7,500 lb. t	700.0			Tactical reconnaissance.
Tu–114 bis	Moss									AWACS version of transport.
Il–18 bis	May									ASW version of transport.
Fighters:										
MiG–25	Foxbat		44.0	80.0	62,400	2×tj.+A/B	M 3.2	80,000+	4 uprated Atoll	Strategic variant. Operational. Down-looking radar.
MiG–25			48.0	80.0		2×tj.+A/B	M 2.8			Ground attack variant.
MiG–25				80.0		2×tj.+A/B	M 2.8–3			Air superiority variant.
MiG–23	Flogger	2			28,000	1×tj.+A/B	M 2.8	50,000		Variable geometry. Operational. Trainer version also.
MiG–?	Faithless		35.0	65.0		2×tj.+lift tj				STOL interceptor.
MiG–?	Flipper	1	30.0	50.0	29,000	2×tj.+rocket	M 2.5	65,000	2 Awl AAM	Exp. prototype.
MiG–21	Fishbed G	1	25.0	45.0	17,000	1×Tumansky R–11 tj.+lift tj	M 2.0	60,000		STOL version of Fishbed.
MiG–21	Fishbed F/J/K	1	25.0	41.6	17,000	1×Tumansky R–11 tj. at 12,100 lb. t	M 2.0	60,000		Advanced version with data link. Fishbed K has back-looking radar.
MiG–21[2]	Fishbed D/H	1	25.0	40.0	17,000	1×Tumansky R–11 tj. at 12,100 lb t	M 2.0	60,000		All weather; Fishbed D in Vietnam, Fishbed H in Warsaw Pact country inventories.
MiG–21	Fishbed C	1	25.0	40.0	16,700	1×Tumansky R–11 tj. at 12,100 lb t	M 2.0		2 Atoll AAM	Standard day fighter; two-seat trainer code-named Mongol.

MiG-19	Farmer	1	36.6	44.3	27,000	2×VK-7 tj. at 8,800 lb. t		900.0	55,000		In SE Asia.
MiG-17	Fresco	1	33.0	37.0	11,000	1×VK tj. at 6,850 lb. t		700.0	51,000	2×23 mm	
Su-11	Flagon A				35,000	2×tj	M	2.5	80,000		Delta wing interceptor. Operational.
Su-?	Flagon B		35.0	75.0		2×tj.+lift tj					STOL version of Flagon.
Su-?	Fitter B	1	[3] 39.0	50.0		1×tj. at 22,000 lb. t					Variable geometry version.
Su-7	Fitter	1	30.0	50.0	29,000	1×tj. at 22,000 lb. t	M	1.7	50,000		Swept wing fighter-bomber; two-seat trainer code-named Moujik.
Su-9	Fishpot	1	25.0	50.0		1×tj. at 22,000 lb. t	M	1.8	60,000		Delta wing fighter.
Tu-28P	Fiddler	2	72.0	120.0	82,000	2×tj	M	1.7	60,000	2 Ash AAM	Coordinates with Tu-114 bis AWACS.
Yak-?	Freehand	1	25.0	38.0		2×vectored thrust tj		400.0			VTOL testbed.
Yak-28P	Firebar	2	40.0	55.0	30,000	2×tj. at 8,800 lb. t		800.0	50,000	2 Atoll/2 Anab	Yak-25 Flashlight development.
Helicopters:[4]											
V-12[5]	Homer	6	[6] 221.0	122.0	231,000	4 Sol. D-25VF at 6,500 shp		163.0	11,500	66,000	Compound twin rotor helicopter; 88,653 lb. payload to 7,382 ft.
Mi-10	Harke	3	114.8	107.8	95,807	2 Sol. D-25V at 5,500 shp		214.0	9,843	33,075 lb	Mi-10K has short landing gear.
Mi-8	Hip	2	169.8	60.0	26,400	2×TB-2-117 at 1,400 shp		142.0	14,764	28 pass	Has executive variant.
Mi-6	Hook	5	114.8	108.7	93,712	2×Sol. D-25V at 5,500 shp		186.0	14,764	65-90 pass	Troop carrier.
Mi-4	Hound	2	69.0	55.0	17,199	1×ASh-82V at 1,700 hp		130.0	11,800		Aeroflot uses 10-place Mi-4P.
Mi-2	Hoplite	1	47.5	39.1	7,500	2×GTD-350 at 400 shp		136.0	13,124	2,600 lb. chem	Produced in Poland under license.
Ka-26	Hoodlum	2	42.7		6,600	2 M14V-26 at 325 hp		106.0	9,840	7-pass. pod	Glass fiiber rotor blades; agricultural.
Ka-25K	Hormone	2	51.6	32.2	15,655	2×ts. at 900 shp		136.0	11,483	9 pass. + cargo	Navy has ASW carrier version.
Ka-20	Harp	2				2×axial tj				ASM	ASW role, radar.
Ka-18	Hog		32.8	23.1	2,888	1×AI-14WF at 275 hp		150.0	11,500	4 pass	Coaxial rotor.
Transports and utility:											
An-26	Coke	3	95.8	77.2	52,920	2×AI-24 tp.+1 RU-19 tj		335.0	24,600	13,230 lb	Formerly An-24 RT.
An-24V	do	3	95.8	77.2	46,305	2×AI-24T tp. at 2,550 shp		335.0	29,529	24-50 pass	An-24RV w/aux. tj.;
An-22	Cock	5	210.0	167.0	500,000	4 NK12MV at 15,000 shp		570.0		160,000 lb	Heavy cargo; 6,800 mi. max. range.
An-14	Clod	1	72.1	37.2	7,607	2×AI 14R at 300 hp		143.0	16,400	7 pass	STOL class; called Little Bee.
An-12	Club	3-5	124.8	109.0	121,500	4×AI 1-20 Mtp. at 4,000 shp		450.0	30,000	Tail turret	Military rear loading An-10.
An-10	Cat	3-5	124.8	121.4	121,500	4×AI-20 tp. at 4,000 shp		450.0	30,000	85 pass	An-10A carries 100 pass.
M-15		1	72.0	41.0	11,700	1×AI-25 tf				650 gal. ag. chem	Underdevelopment jointly w/Poland.
Be-30	Cuff	1-2	55.8	49.2	12,919	2×TVD-10 tp. at 950 eshp		290.0	36,000	14-15 pass	Short haul. An-2 replacement.
Il-86								560.0		350 pass	Wide-body airbus.
Il-76	Candid		165.7	142.7	354,000	4×Sol. D-30KP tf. at 25 300 lb. t		562.0	43,000	90,000	Containerized cargo capability.
Il-62	Classic	3-6	142.0	174.2	347,125	NK8-4 tf. at 23,100 lb. t		560.0	36,000	122-186 pass	5,500-mi. range transport.
Il-62M200	do	3-6	142.0	174.2	363,000	4×Sol. D-30KU tf. at 25,300		560.0	36,000	198 pass	6,400-mi. range.
Il-18V	Coot	3-5	122.7	117.8	134,640	4×AI-20K tp. at 4,000 shp		425.0	32,000	84-110 pass	Il-18D has 140 800 lb. gross weight.
Il-14	Crate	2-5	104.0	70.0	36,400	2×ASh-82T at 1,900 hp		200.0	24,000	28-32 pass	
Il-14M	do	2-5	104.0	70.0	36,400	2×ASh-82T at 1,900 hp		207.0	24,000	32-36 pass	Military version.
Il-12	Coach	2-5	104.0	70.0	38,000	2×ASh-82FNV at 1,850 hp		252.0			USSR satellite airlines.
Tu-154	Careless	3	123.2	157.2	198,450	3 NK8-2 tf. at 20,947 lb. t		559.0	40,000	128-164 pass	Tu-104 replacement. 2,60C-mi. range.
Tu-154A	do	3	123.2	157.2	206,000	3×Sol. D-30KU tf. at 25,300 lb. t		559.0	40,000	175 pass	3,000-mi. range.
Tu-144	Charger	3	90.7	191.0	395,000	4 NK 144 tf. at 38,580 lb. t	M	2.0	65,000	140 pass	4,560-mi.-range SST.
Tu-134	Crusty	3	95.1	112.7	98,000	2×Sol. D-30 tf. at 14,900 lb. t		540.0	38,600	64-72 pass	Rear engine. 2,000-mi. range.
Tu-134A	do	3	95.1	121.7	103,000	2 Sol. D-3011 tf		540.0	37,800	76 pass	1,800-mi. range.
Tu-124	Cookpot	4	83.8	100.3	80,482	2×Sol. D-20P tf. at 19,908 lb. t		620.0	35,000	44-56 pass	1,000-mi.-range transport.
Tu-114	Cleat	5	167.6	177.5	361,620	4×NK-12MV tp. at 15,000 shp		540.0	39,372	100-172 pass	Moscow-Havanna nonstop.
Tu-104A	Camel A	5	113.0	127.0	167,000	2×AM-3M-500 tj. at 21,000 lb. t		600.0	38,000	70 pass	
Tu-104B	Camel B	5	113.0	124.5	167,000	2×AM-3M-500 tj		600.0	38,000	100 pass	
Yak-40	Codling	2	82.2	65.9	30,208	3×AI-25 tf. at 3,307 lb. t		435.0	23,600	24-31 pass	Short haul.
Yak-40M	do	2	82.2	65.9	30,208	3×AI-25 tf. at 3,707 lb. t		435.0	23,600	36-40 pass	High-density variant.
Yak-18T		1	36.6	27.4	3,572	1×AI-14RF at 300 hp		186.0		Four place	Light cargo, ambulance mail.
Trainers:											
Yak-32	Mantis	1				1×Tumansky ax. tj					
Yak-30	Magnum	2									Rear cockpit version of Yak-32.
Yak-18A	Max	2	34.8	28.0		1×radial piston		161.0	16,897		Tricycle gear.
Yak-18P		2	34.8	27.0	2,348	1×AI-14R at 260 hp		171.0	21,326		Yak-18PM for acrobatics.

[1] Bear, Badger also modified for strategic reconnaissance, esp. electronic; infared; photo reconnaissance of shipping.
[2] Fishbed H is modification with improved avionics, gun and photographic capability.
[3] Forward swept position.
[4] For helicopters, over-all span refers to rotor diameter. Length is fuselage without rotors.
[5] Mil design.
[6] Span refers to combined rotor diameter minus inboard overlap.

Abbreviations:
AAM—Air-to-Air Missile.
Aft—afterburner.
AM—A A. Mikulin.
An—O.K. Antonov.
ASh—A. D. Shvetsov.
ASM—Air-to-Surface Missile.
Be—Beriev.
Il—Serge Ilyushin.
AI—A. G. Ivchenko.
Ka—Nicolai Kamov.
Imp.—improved.
M—Myasischev.
MiG—Artem Mikoyan & Mikhail Gurevich.
Mil—Mikhail Mil.
NK—N.D. Kuznetsov.
Sol—Soloviev.
Su—Pavel Sukhol.
tf—turbofan.
tp—turboprop engine.
ts—turboshaft engine.
Tu—Andrei Tupolev.
VK—V. Klimov.
Yak—Aleksandr Yakovlev

Manufacturer	General: Model designation	Aircraft name	Primary mission	Crew	Dimensions: Passengers	Wingspan, ft.	Max. length, ft.	Max. height, ft.	Weights: Empty weight, lb.	Gross weight, lb.	Powerplant, number, make and model	Max. speed, mph.
ARGENTINA												
FMA: Cordoba	IA. 46	Ranquel	Utility/Agri	1	2	38.1	24.2	6.6	1,389	2,116	1 Lyc. O-320 re	102
	IA. 46	Super Ranquel	Utility	1	2	38.1	24.2	6.6	1,389	2,315	1 Lyc. O-360 re	115
	IA. 50	Guarani 2	Transport	2	10-15	64.2	50.8	18.8	8,818	14,770	2 Tur. Bastan 6A tp	304
	IA. 51	Tehuelche	Utility	1	2	38.0	25.2	7.0	1,500	2,700	1 Lyc. O-360 re	121
	IA. 53		Agriculture	1		38.0	26.9	10.8	1,856	3,355	1 Con. O-470-D re	133
	IA. 58	AX-2, Dolphin	Coin	2		47.3	43.9	15.4	6,700	12,000	2 AiR TPE331-3U-303 tp	260
AUSTRALIA												
Government Aircraft Factories (Dept. of Supply): Melbourne	Project N 22		Military Utility	1-2		54.0	40.8	18.9	4,330	8,000	2 All. 250-B 17	214
	Project N 24		STOL Transport	1-2	13	54.0	42.8	18.9	4,330	8,000	2 All. 250-B 17	214
AUSTRIA												
Josef Oberlerchner Holzindustrie: A-9800 Spittal/Drau	JOB 15-150	Lark	Personal/Sport Trainer	1	3	33.1	25.2	6.5	1,327	2,130	1 Lyc. O-320-A2B re	146
BRAZIL												
Sociedade Construtora Aeronautica Neiva Ltd.: Botucatu, S.P.	N-591	Regente	Personal	1	3	29.5	22.8	8.9	1,220	2,320	1 Lyc. O-360-A1A re	160
Embraer (Empresa Brasileira de Aeronautica S.A.): Sao Paulo	EMB 500		Transport/Patrol	2-5	30	78.7	65.5	23.2	15,050	26,500	4 UACL PT 6A-40 tp	297 cr.
	EMB 110	Bandeirante	Transport	2	12	50.3	46.7	15.5	6,424	11,200	2 UACL PT 6A-27 tp	257
	EMB 200	Ipanema	Agriculture	1	0	36.7	24.4	7.2			1 Lyc. O540-H1A5	
CANADA[1]												
Canadair, Ltd.: Montreal, Quebec	CF-5A		Tact. support	1	0	25.8	47.2	13.2	8,750	20,648	2 GE J85-15 tj	M 1.29
	CF-5D		Tactical/Trainer	2	0	25.8	47.4	13.1	8,906	20,299	2 GE J85-15 tj	M 1.24
	CL-41A	Tutor	Trainer	2	0	36.5	32.0	9.3	4,860	7,437	1 GE J85-CAN-40 tj	480
	CL-41G		Tactical/Trainer	2	0	36.5	32.0	9.3	5,296	11,288	1 GE J85-J4 tj	480
	CL-44-6	Yukon	Transport	5	134	142.3	136.7	38.8	89,750	205,000	4 R-R Tyne 12 tp	317
	CL-84-1		V/STOL Trans	1	14	33.3	47.3	16.0	8,437	14,700	2 Lyc. LTC1K-4C ts	350
	CL-215		Water bomber	2	8-19	93.8	65.0	29.5	27,000	43,500	2 P&W R2800 re	220
CZECHOSLOVAKIA												
Omnipol Foreign Trade Corp.: Prague 1	L-29	Delfin	Jet Trainer	2	0	33.8	35.4	10.3	5,230	7,300	1 Walter Minor M-701 tj	393
	L-29A	Akrobat	Sport	1	0	33.8	35.4	10.2	4,860	5,950	1 Walter Minor M-701 tj	395
	Zlin-526F[2]	Zlin Trener	Trainer Aerobatics	1	1	34.8	26.2	6.8	1,521	2,149	1 Avia M 137A	151
	Zlin-37A	Cmelak	Agricultural	1	0	40.2	28.0	12.9	2,300	4,078	1 Walter M-462RF re	109
	L-410A	Turbolet	Transport	2	15-19	57.2	44.6	18.5	6,830	11,905	2 UACL PT 6A-27 or Walter M 601.	224
	Zlin-42[2]		Trainer	1	1	30.5	23.5	8.8	1,380	2,140	1 Avia M 137A	133
	Zlin-43		Transport	1	3	32.4	25.8	9.7	1,600	3,000	1 Avia M 337A	146
	L-39	Albatros	Advanced Train	2	0	29.9	39.7	14.6		8,360	1 AI-25W tf	M 0.8
FRANCE												
Aerospatiale: 37, Bd. Montmorency, Paris 16.		Concorde[3]	Supersonic Trans	3	128	128/144	204.0	40.0	170,000	385,800	4 R-R Bristol/Sneema Olympus 593 Mk. 602 tj.	M 2.2
	A-300 B	Airbus	Transport	3	281	147.0	171.0	54.0	186,810	302,000	2 GE CF6-50A tf	585
	SE 210	Caravelle 3	Transport	2	64-99	112.5	105.0	28.6	59,955	101,410	2 R-R Avon RA. 29-527	500
	SE 210	Caravelle 4 N	Transport	2	64-99	112.5	105.0	28.6	61,949	105,820	2 R-R Avon RA. 29-531	525
	SE 210	Caravelle 6 R	Transport	2	64-99	112.5	105.0	28.6	63,492	110,230	2 R-R Avon RA. 29-533	525
	SE 210	Caravelle 10 R	Transport	2	64-99	112.5	105.0	28.6	64,319	114,640	2 P&W JT8D-7 tf	498
	SE 210	Caravelle 11 R	Transport	2	50	112.5	107.3	28.6	68,135	114,640	2 P&W JT8D-7 tf	498
	SE 210	Super Caravelle	Transport	2	68-118	112.5	108.3	28.6	62,130	123,460	2 P&W JT8D-7 tf	498
	SE 210	Caravelle 12	Transport	2	130-140	112.5	118.9	29.7	65,030	127,870	2 P&W JT8D-9 tf	505
		Frigate	Transport	2	29	74.1	63.3	20.4	15,930	23,800	2 Tur. Bastan 7C tp	253
	N. 262		Transport	2	29	71.9	63.3	20.4	15,500	23,370	2 Tur. Bastan 6C tp	223
	C. 160	Transall	Mil. Transport	3	80	131.2	105.1	38.2	61,850	108,350	2 R-R Tyne 20 Mk. 22 tp	317
	SN 601	Corvette	Light transport	2	6-12	42.0	45.5	14.0	7,900	13,450	2 UACL JT15D-4 tf.[5]	497
	A 904		STOL Transport	2	130	101.0	121.8	33.0	72,765	112,500	2 R-R Sneema RB410/M4551	515
Socata (Group Aerospatiale)		Rallye 100	Trainer Sport	1	2-3	31.7	23.0	8.6	1,990	1,700	1 R-R Con. O-200A re	122
		Rallye 125	Trainer, Sport	1	2-3	31.7	23	8.6	990	1,700	1 Lycoming O-235-F2A	122
		Rallye 150GT	Sport, Business	1	3	31.7	23.5	9.2	1,220	2,130	1 Lyc. O-320 E2A re	132
		Rallye 180GT	Sport, Business	1	3	31.7	23.6	9.2	1,255	2,310	1 Lyc. O-360 A24 re	150
		Rallye 220GT	Sport, Business	1	3	31.7	23.6	9.2	1,390	2,420	1 Frank. 6A-350 C1 re	166
	ST 10	Diplomate	Business	1	3	31.8	23.8	8.3	1,411	2,646	1 Lyc. IO-360 C1B re	174
	ST 60	Rallye 7-300	Passeng./Cargo	1	6	36	29.0	10.5	1,985	3,750	1 Lyc. IO-540 B re	173

Avions Marcel Dassault-Breguet Aviation: 46, Av. Kleber Paris 16.		Extendard 4M	Fighter	1	0	31.5	47.0	12.6	14,000	23,800	1 Snecma Atar 8 tj	M>1
		Milan	Air Superiority	1	0	27	51	14.7	15,200	30,800	2 Snecma Atar 9K-50 tj	M 2.2
		Mirage 3C [4]	Fighter	1	0	27.0	48.6	14.1	14,000	26,500	1 Snecma Atar 9B tj	M>2
		Mirage 3D	Trainer	2	0	27.0	51.0	14.7	14,200	29,800	1 Snecma Atar 9C tj	M>2
		Mirage 3E [4]	Strike/Fighter	1	0	27.0	49.2	14.1	14,600	29,800	1 Snecma Atar 9C tj	M>2
		Mirage 3R	Recon./Strike	1	0	27.0	51.0	14.6	14,600	29,800	1 Snecma Atar 9C tj	M>2
		Mirage F1	Fighter	1	0	27.9	49.2	14.7	16,400	33,000	1 Snecma Atar K-50 tj	M 2.2
		Mirage F2	Strike	2	0	34.4	57.4	19.0	21,000	39,600	1 Snecma TF-306 tf	M 2.2
		Mirage G8	Var. Geom	2	0						2 Snecma Atar 9K/M53 tj	M 2.5
		Mirage 4	Bomber	2	0	38.8	76.4	17.7		70,000	2 Snecma Atar 9K tj	M>2
		Mirage 5	Ground Support	1	0	27.0	51.0	14.7	14,500	29,800	1 Snecma Atar 9C tj	M>2
		Alphajet [3]	Trainer/Close support	2	0	30.0	38.6	13.6	7,000	13,000	2 Snec./Tur M49 Larzac tj	M 0.85
		Jaguar [2]	Train./Tact	1-2	0	28.0	51.0	15.0	15,600	33,000	2 R-R Turbomeca RB 172 T260 tf	M 1.5
	1050	Alize	ASW	3	0	51.2	45.6	16.4	12,560	18,100	1 R-R Dart 21 tp	317
	1150	Atlantic	ASW/Patrol	12	0	119.1	104.2	37.2	52,470	96,000	2 R-R Tyne R. Ty. 20 tp	418
	941		STOL Trans	2	55-60	76.6	77.9	30.7	28,920	58,400	4 Tur. Turmo 3D-3 tp	293
		Falcon 10	Executive trans	2	4-7	42.9	45.5	14.3	10,400	18,200	2 AIR TFE731-2	M 0.87
		Falcon 20	Executive trans	2	8-14	53.5	56.3	17.4	15,760	28,660	2 GE CF700-2D tf	533
		Falcon 30	Commuter	2	30-40	59.0	65.0	20.0	21,000	35,200	2 Lycoming ALF 502D	M 0.8
		Mercure	Transport	2	130-150	100.2	111.5	37.2	60,350	119,000	2 P&W JT8D-15 tf	580
Reims Aviation: [8] 533 Reims (Marne)	Cessna F150		Personal, Trainer	1	1	33.2	23.9	8.0	1,030	1,600	1 R-R (Con) O-200-A	122
	Cessna FRA150	Aerobat	Trainer, Sport	1	1	33.2	23.9	8.0	1,080	1,650	1 R-R (Con) O-200-A	130
	Cessna F172		Personal, Utility	1	3	35.1	26.1	8.9	1,300	2,300	1 Lyc. O-320E2D	139
	Cessna FR172	Reims Rocket	Personal, Utility	1	3	36.7	27.0	8.9	1,430	2,550	1 R-R (Con) IO-360-D	153
	Cessna F177RG		Sport, Business	1	3	35.6	27.3	8.7	1,720	2,800	1 Lyc. IO-360-AIA	178
	Cessna F337		Passenger	1	5	38.0	29.9	9.2	2,725	4,630	2 R-R (Con) IO-360-C re	199
	Cessna FT337P		Business	1	4	32.8	29.1	9.4	3,060	4,700	2 (Con) TSIO-360-A	231
Avions Pierre Robin: Dijon	DR 400/108	2+2	Trainer	1	2	28.1	22.1	7.4	1,158	1,903	1 Lyc. O-235-C 2A re	146
	DR 400/125	Petit Prince	Train./Sport	1	3	28.1	22.1	7.4	1,170	1,990	1 Lyc. O-235-F re	149
	DR 400/140	Major	Train./Sport	1	3	28.1	22.1	7.4	1,220	2,170	1 Lyc. O-320-E re	155
	DR 400/160	Chevalier	Sport	1	3	28.1	22.1	7.4	1,240	2,330	1 Lyc. O-390 D	164
	DR 400/180R	Remorqueur	Glider Training	1	3	28.1	20.1	7.4	1,310	2,440	1 Lyc. O-360-A re	
	DR 400/180	Regent	Sport	1	3	28.1	22.1	7.4	1,310	2,440	1 Lyc. O-360-A re	160
	HR 100/210		Business	1	3	23.1	24.0	7.5	1,580	2,780	1 Lyc. IO-360D	177
	HR 200/100	Club	Trainer	1	1	27.0	21.1	6.3	1,110	1,670	1 Lyc O-235 C2C	143
	HR 200/125	Aerobin	Train/Aero	1	1	27.0	21.1	6.3	1,120	1,720	1 Lyc O-235 G1	156
GREAT BRITAIN												
Aviation Traders Ltd.: Southend Airport, Essex.	ATL-98	Carvair	Pass./Cargo	2	85	117.5	102.6	29.8	41,365	73,800	4 P&W R2000-7M2 re	250
	953-C	Merchantman	Cargo	3	0	118.0	122.8	36.1	122,232	141,700	4 R-R Tyne 506/10tp	445
British Aircraft Corp.: London, SW1		Concorde [9]	Supersonic Trans	3	108-128	84.0	204.0	40.0	170,000	385,800	4 Olympus 593 Mk. 602	M 2
	BAC 111	One Eleven 400	Transport	2	74	88.5	93.5	24.5	47,815	87,500	2 R-R Spey 25 Mk. 511-14	550
	BAC 111	One Eleven 475	Transport	2	74-89	93.5	93.5	24.5	50,154	97,100	2 R-R Spey 512-14 DW	550
	BAC 111	One Eleven 500	Transport	2	119	93.5	107.0	24.5	52,642	104,500	2 R-R Spey 512-14 DW	550
	1100	VC. 10 Standard	Transport	4	135	146.2	158.6	39.2	146,979	314,000	4 R-R Conway 540 tf	600
	1150	Super VC. 10	Transport	4	163	146.2	171.7	39.3	155,380	337,000	4 R-R Conway 550 tf	600
Military Aircraft Div	Mk. 53	Lightning	Interceptor/Fight	1	0	34.8	55.3	19.6			2 R-R Avon 302C tj	M 2+
	Mk. 55	Lightning	Trainer	2	0	34.8	55.3	19.6			2 R-R Avon 302C tj	M 2+
	BAC 145	Jet Provost Mk. 5	Trainer	2	0	35.3	34.0	10.1	5,550	8,524	2 R-R Bristol Viper 202	440
	BAC 167	Strikemaster	Light Strike, Train	2	0	36.9	34.0	10.1	5,850	11,500	1 R-R Bristol Viper 535	475
	S, A	Jaguar [10]	Tac. Strike	1	0	27.9	50.9	16.7		29,800	2 R-R /Turbomeca Adour	M 1.5
	B, E	Jaguar [10]	Adv. Trainer	2	0	27.9	53.9	16.7		29,800	2 R-R /Turbomeca Adour	M 1.5
	M	Jaguar [10]	Naval Strike	1	0	27.9	50.9	16.7		29,800	2 R-R /Turbomeca Adour	M 1.5
	Panavia 200	MRCA [11]	Multi-Role	2						40,000	2 Turbo Union RB. 199-34R	M 2+
Britten-Norman, Ltd.: Isle of Wight	BN2A-23	Islander	Light Transport	1	11	53.0	39.5	13.9	3,738	6,600	2 Lyc. IO-540-K1B5 re	180
	BN2A-24	Islander	Light Transport	1	9	49.0	39.5	13.9	3,588	6,600	2 Lyc. O-540-E4C5	170
	BN2A Mk. 3	Trislander	Transport	1	17	53.0	47.6	14.2	5,683	10,000	3 Lyc. O-540-E4C5	187
	BN3	Nymph	Utility	1	3	39.3	23.6	9.5	1,250	2,350	1 Lyc. O-320	135
	BN2A	Defender	Multi-Role mil	2		53	35.6	13.9		6,950	2 Lyc. IO-540K1B5	180
	BN4	Mainlander	Multi-Role transport	2	101	130	62.6	31.9	30,140	62,500	3 R-R Dart RDa 7	235
Hawker Siddeley Aviation, Ltd.: Kingston-upon-Thames.	AW 650	Argosy 100	Freighter	2-3	89	115.0	86.8	27.0	50,200	93,000	4 R-R Dart RDa 7 Mk. 526	300 cr.
	AW 650	Argosy 220	Freighter	2-3	89	115.0	86.8	27.0	28,800	93,000	4 R-R Dart RDa 7 Mk. 532	300 cr.
	AW 660	Argosy C. Mk. 1	Mil. Transport	4	69	115.0	89.1	27.0	57,400	97,000	4 R-R Dart RDa 8 Mk. 102	280 cr.
	698	Vulcan B. Mk. 2	Bomber	5	0	11.0	99.9	27.2			4 BS. Olympus 301 tj	
	HS 748	748 Series 2A	Transport	2	40-62	98.5	67.0	24.8	26,000	44,495	2 R-R Dart RDa 7 Mk. 532	312
	HS 780	Andover C. Mk. 1	Mil. Transport	2	56-58	98.2	78.0	30.1	28,650	50,000	2 R-R Dart RDa 12 tp	
	HS 801	Nimrod MR Mk. 1	Maritime Recon	12	0	114.8	126.8	29.7			4 R-R Spey Mk. 250 tj	
	DH. 104	Dove 8	Business	1-2	6	57.0	39.2	12.3	6,220	8,950	2 DH Gipsy Queen 70 Mk. 3	210
	DH. 106	Comet 4	Transport	4	81	115.0	111.5	29.5	73,600	162,000	4 R-R Avon 29 tj	530
	DH. 106	Comet 4B	Transport	4	101	108.0	118.0	29.5	75,100	158,000	4 R-R Avon 29 tj	540
	DH. 106	Comet 4C	Transport	4	101	115.0	118.0	29.5	75,600	162,000	4 R-R Avon 29 tj	530
	DH. 114	Heron 2	Transport	1-2	17	71.5	48.5	15.6	8,983	13,500	4 DH Gipsy Queen 30 re	183
	HS. 121	Trident 1C	Transport	3	109	98.8	114.8	27.0	62,265	117,000	3 R-R Spey RB. 163-1 tf	610
	HS. 121	Trident 1E	Transport	3	139	85.0	114.8	27.0	64,800	135,500	3 R-R Spey RB. 163-25 tf	605

Footnotes at end of table.

Manufacturer	General: Model designation	General: Aircraft name	General: Primary mission	General: Crew	Dimensions: Passengers	Dimensions: Wingspan, ft.	Dimensions: Max. length, ft.	Dimensions: Max. height, ft.	Weights: Empty weight, lb.	Weights: Gross weight, lb.	Powerplant, number, make and model	Max. speed, mph.
GREAT BRITAIN—Continued												
Hawker Siddeley Aviation, Ltd.: Kingston-upon-Thames—continued	HS. 121	Trident 2E	Transport	3	149	98.0	114.8	27.0	66,850	143, 00	3 R-R Spey RB. 163-25 tf	612
	HS. 121	Trident 3B	Transport	3	179	98.0	131.2	28.3	74,600	158,000	3 R-R Spey 512 tf.+1R-R RB. 162 booster.	590
	H.S. 125	Series 600A	Business	2	6-14	47.0	50.5	17.2	12,225	25,000	2 R-R Viper 601	520
	HS. 125	Series 400A	Business	2	6-10	47.0	47.4	16.5	11,397	23,300	2 R-R Bristol Viper 522 tj	510
	HS. 125	Dominie T. Mk. 1	Jet Nav. Trainer	2	2-4	47.0	47.4	16.5	10,500	20,500	2 R-R Bristol Viper 301 tj	485
	HS. 1182		Trainer/Ground attack	2		30.8	39.2	13.4			1 R-R RT-172-06-11	
	FO. 141	Gnat Mk. 1	Fighter	1	0	22.1	29.7	8.1	4,620	8,300	1 R-R Bristol Orpheus 701 tj	M .98
	FO. 144	Gnat T. Mk. 1	Trainer	2	0	24.0	37.8	10.5	5,518	9,081	1 R-R Bristol Orpheus 101 tj	M .95
		Buccancer Mk. 50	Strike/Recon	2	0	44.4	63.4	16.3			2 R-R Spey 1-1 BS605 rkt	
		Buccancer S. Mk. 2	Strike/Recon	2	0	44.4	63.4	16.3			2 R-R Spey RB. 168 tf	M>1
	P. 1099	Hunter F. GA Mk. 9	Ground Attack	1	0	33.7	45.8	13.3	14,600	25,500	1 R-R Avon Mk. 207 tj	M .93
	P. 1101	Hunter Y. Mk. 66	Trainer	2	0	33.7	48.8	13.3	14,000	23,000	1 R-R Avon Mk. 203 tj	M .93
	P. 1127	Kestrel	V/STOL eval	1	0	22.9	42.5	10.8	10,500	16,000	1 R-R Bristol Pegasus 5 tf	M .90
		Harrier G.R. Mk. 1 Mk. 50 (U.S. AV-8A).	V/STOL Strike/Recon	1	0	25.3	45.7	11.2	12,000	25,000	1 R-R Bristol Pegasus Mk. 101/102 (AV-8A 102/103).	M .95
		Harrier T. Mk. 2	V/STOL Trainer	2	0	25.3	56.0	12.3	13,200	25,000	1 R-R Pegasus Mk. 101 tf	M .95
Lockspeiser Aircraft, Ltd.: London W.1	LDA-1		Utility/Cargo	1		44.0	34.6	12.3	1,500	4,500	1 Lyc. O-540	150
Scottish Aviation Ltd.: Prestwick Airport	Series 100/120	Bulldog	Primary Trainer	1-2	1-2	33.0	23.3	9.0	1,430	2,350	1 Lyc. IO-360-A1B6	150
	HP 137	Jetstream Mk. 1	Light Transport/exec	1-2	18	52	47.1	17.5	7,550	12,500	2 Turbomeca Astazou-16	270
	Jetstream	200	Exec/Trans/Trainer	1-2	18	52.0	47.1	17.5	7,562	12,566	2 Turbomeca Astazou 16C2	285
Short Brothers & Harland, Ltd.: Queens Island, Belfast.	SC. 7 Series 3	Skyvan	Cargo/Passenger	1-2	19	64.1	40.1	15.1	7,100	12,500	2 AiR TPE 331-2-201A tp	203
	SC. 7 Series SM	Skyvan	Military Cargo	1-2	21	64.1	40.1	15.1	7,210	13,700	2 TPE 331-201A tp	203
	SC. 7 Series 3A	Skyliner	Passenger	2	19	64.1	40.1	15.1	7,345	13,700	2 TPE 331-201A tp	203
INDIA												
Director General of Civil Aviation: Safdarjung, New Delhi.	TC-101	Revathi Mk. 1	Trainer/Personal	1	2	32.1	24.9	9.1	1,278	1,950/1,690	1 R-R Con O-300-C	120
	TC-102	Revathi Mk. 2	Trainer/Personal	1	2	30.9	24.8	9.8	1,391	2,120/1,830	1 R-R Con O-300-C	120
SOUTH AFRICA												
Atlas Aircraft Corp. of S.A., Ltd.: Kempton Park.	MB326M	Impala	Trainer	2		35.2	34.9	12.2	5,500	9,500	1 R-R Viper 11 Mk. 22A tj	512
SPAIN												
Aeronautica Industrial, S.A.: Madrid 14.	AISA I-11B		Personal/Trainer	1	1	30.7	21.3	6.3	926	1,417	1 Con. C-90-12F re	124
	AISA I-115		Primary Trainer	2		31.3	24.1	6.9	1,346	1,980	1 ENMA Tigre G-4-B re	149
	S. 205-18F, R		Business	1	3	35.6	26.2	9.5	1,565	2,645	1 Lyc. O-360-A1A re	146-162
	S. 205-20F, R		Business	1	3	35.6	26.2	9.5	1,630	2,753	1 Lyc. IO-360-A1A re	156-174
Construcciones Aeronauticas, CASA: Madrid 8.	C. 207A	Azor	Mil. transport	2	30	91.2	68.4	25.4	23,369	36,400	2 R-R Bristol Hercules 730	283
	C. 212	Aviocar	STOL Transport	2	18	62.3	50	20.6	8,157	13,888	2 AiR TPE 331-5-251C	225
	SF-5A	Freedom Fighter	Fighter/Attack	1	0	25.3	47.2	13.2	8,085	20,677	2 GE J85-13 tj	M 1.4
	MBB 223[12]	Flamingo	Trainer	2	2+	27.2	24.4	8.8	1,510	2,315	1 Lyc. IO-360-C1B	236
	HA-220	Super Sacta	Ground Attack	1-2		34.2	29.4	9.4	4,894	8,157	2 Tur. Marobre 6 tj	497
SWEDEN												
Saab-Scania AB: Linkoping	Sk35C	Draken	Trainer	2	0	30.8	47.8	12.8		20,000	1 Flygmotor RM6B tj	M 1.8
	J35D, F[13]	Draken	AW Interceptor	1	0	30.8	50.3	12.8		23,000	1 Flygmotor RM6C tj	M 2
	S35E	Draken	Photo/Recon	1	0	30.8	50.3	12.8		22,000	1 Flygmotor RM6C tj	M 2
	35X	Draken	Ground Attack	1	0	30.8	50.3	12.8		35,000	1 Flygmotor RM6C tj	M 2
	Sk 35X	Draken	Trainer	2	0	30.8	50.3	12.8		35,000	1 Flygmotor RM6C	M 2
	AJ37	Viggen	AW Attack	1	0	34.8	53.5	18.4		35,000	1 Flygmotor RM8 tf	M 2
	Sk37	Viggen	Trainer	2	0	34.8	53.5	19.0		35,000	1 Flygmotor RM8 tf	M 2
	Sk60A		Trainer/Liaison	2	2	31.2	35.5	8.8		8,800	2 Turbomeca Aubisque tf	478 cr.
	Sk60B, C		Strike/Recon	2	0	31.2	35.5	8.8		10,400	2 Turbomeca Aubisque tf	478 cr.
	105O		Attack/Trainer	2	0	31.2	35.5	8.8		14,300	2 GE J85-17B tj	610
	105G		Attack/Trainer	2	0	31.2	35.5	8.8		14,300	2 GE J85-17 tj	610
Saab-Scania: Malmo Flygindustri: Malmo	Saab-MFI 15/17		Trainer/Utiilty	1	1-2	29.0	23.0	8.5	1,300	2,420/2,090	1 Lyc. IO-360 re	154

SWITZERLAND											
Fabrique Federale d'Avions: Emmen	C-3-605		Target Tub	2	0	44.1	39.5	13.3	5,800	7,270	1 Lyc. T-53-L-7 tp	264
	Mk.58A	Hunter	Ground Attack	1	0	33.7	48.8	13.3			1 x RR Avon-Mk. 207 tj	M 0.93
Flug-und Fahrzeugwerke AG: Altenrhein	AS 202/15	Bravo	Training/Sport	1	2	31.9	24.6	9.2	1,420	2,200	Lyc. O-320-E2A re	200
Pilatus Aircraft Ltd.: 6370 Stans	PC-6/H2	Porter	STOL Utility	1	7-10	49.7	36.2	10.4	2,580	4,850	1 Lyc. GSO-480-B1-A6tf	140
	PC-6/B2-H2	Porter	STOL Utility	1	7-10	49.7	26.2	10.4	2,480	4,850	1 UACL PT6A-20 tp	155
WEST GERMANY												
Deutsche Airbus GmbH: [14] Munich	A300B2	Airbus	Transport	3	281	148.0	177.0	54.4	167,500	300,000	2 CF6-50C tf	585
	A300B4	Airbus	Transport	3	231	148.0	177.0	54.4	172,000	330,000	2 CF6-50C tf	585
Dornier AG: Friedrichshafen	Do. 27 H-2		STOL Utility	1-2	4-6	39.4	32.5	11.5	2,700	4,080	Lyc. GSO-480-B1B6 re	160
	Do. 27 Q-6		STOL Utility	1-2	4-6	39.4	31.5	8.9	2,490	4,080	1 Lyc. GO-480-B1A6 re	152
	Do. 28 B-1		STOL Utility	1-2	6-8	45.2	29.5	12.6	3,960	6,000	2 Lyc. IO540-A1A5 re	167
	Dol 28 D-1	Skyservant	STOL Utility	1-2	8-11	49.2	37.4	12.8	4,719	8,040	2 Lyc. IGSO-540-A1E re	200
	Do. 28 D-2	Skyservant	STOL Utility	1-2	8-11	49.2	37.6	12.8	5,765	8,390	2 Lyc. IGSO-540-A1E re	202
	Do. 31		VTOL Testbed	2		59.2	67.6	28.0	37,900	54,000	2 R-R Bristol Pegasus [5] tf. +8 R-R RB. 162-4.	400
		Alphajet [15]	Trainer/Air support	2		30.0	39.4	12.6	6,940	13,230	2 Snec./Tur. Larzac 04	M 0.85
Messerschmitt-Boelkow-Blohm GmbH: Hamburger Flugzeubau Div.: Finkenwerder.	HFB 320	Hansa Jet	Business/Train. Commuter/ Freight/QC.	2	12	47.5	54.5	16.2	11,960	20,280	2 GE CJ610-5 or -9 tj	M 0.83
	C-160 [18]	Transall	Mil. Transport	4	80	131.3	105.2	38.5	61,850	108,250	2 R-R Tyne R Ty 20 tp	310
MBB Aircraft Div.: Ottobrunn/Munich	MBB 223	Flamingo	Trainer	2	2+	28.9	24.4	8.8	1,540	2,360	1 Lyc. IO or AIO-360 re	153
	Panavia 200 [17]	MRCA	Interdiction	2	0					40,000	2 Turbo Union RB. 199-34R	M 2+
Poschel Aircraft: 7901 Ulm-Allewind	P-300	Equator	STOL Amphibian	1	5-7	40.5	28.0	10.1	1,980	3,968	1 Lyc. TIO-540 re	240
	P-400	Meridian	STOL Amphibian	1	5-7	40.5	28.0	10.1	1,800	4,400	1 Allison 250-C20 tp	320 cr.
Sportabia-Putzer GmbH & Co. KG: D-5377 Dahlem Schmidtheim, Flugplatz Dahlemer Binz.	Fournier RF4D		Personal/Train	1	0	36.9	19.8	5.1	605	860	1 Rectimo 4 AR 1200	155
	Fournier RF 5		Personal/Train	1	1	45.0	25.6	6.4			1 Sport.-Limb. SL 1700 E	155
	SFS 31	Milan	Training/Gliding	1	0	49.2	19.8	5.1	670		1 Rectimo 4 AR 1200	120
	SF 25B	Falke	Training/Gliding	1	1	50.2	24.9	5.2	760	1,190	1 Stamo MS 1500/1	95
	SF 25C	Falke	Training/Gliding	1	1	50.2	24.9	5.2	825	1,250	1 Sport.-Limb. SL 1700 EA	115
	RF 5B	Sperber	Training/Gliding	1	1	55.9	25.3	6.4	1,012	1,500	1 Sport.-Limb. SL 1700 E	143
	RF 55	Sperber	Training/Gliding	1	1	55.9	25.3	6.4	1,020	1,500	1 Franklin 2A-120A	143
FW-Vereinigte Flugtechnische Werke: Bremen.	VA K-191B		Experimental V/STOL	1		20.2	48.3	14.1	12.500	18,000	2 R-R RB. 162-81 & 1 MTU/R-R RB. 193-12.	610
	VFW 614		Transport	2	40-44	70.5	67.5	25.6	26,900	41,000	2 R-R/Snecma M 45 H Mk. 501 tf.	455
YUGOSLAVIA												
Yugoslav Soko: Mostar	G2-A	Galeb	Trainer	2		34.3	34	10.8	5,780	9,210	1 R-R Viper 11 Mk. 22-6	500
	G-3	Soko Galeb-3	Trainer	2		38.2	34.1	11.9	6,095	10,860	1 R-R Viper-522 tj	540
	J-1	Jastreb	Strike/Recon	1		38.2	35.2	11.9	6,095	10,860	1 R-R Viper-531 tj	500
	J-5A	Soko Jastreb 5A	Strike/Recon	1		38.2	35.2	11.9	6,290	11,020	1 R-R Viper-522 tj	513
	J-5B	Soko Jastreb 5B	Strike/Recon	1		38.2	35.2	11.9	6,353	11,470	1 R-R Viper-600 tj	534

[1] See STOL aircraft table for de Havilland.
[2] Joint program with British Aircraft Corp. Two-seat version of Jaguar is 3 ft. longer.
[3] Joint project with Dornier.
[4] Mirage 3S is Swiss version. Mirage 30 for Australia & Swiss Mirage 3S are similar to Mirage 3E. Mirage 3CJ is Israeli version and 3CZ is South African.
[5] Also available with 2 Snecma/Turbomeca Larzac 03 giving max. speed of 541 mph.
[6] Zlin 526L has Lycoming AIO-360-B1B engine.
[7] Zlin 42L has Lycoming AIO-320-B1B engine.
[8] Built under U.S. license.
[9] Joint program with Aerospatiale.
[10] Joint program with Breguet administered by Sepecat.
[11] Joint British, German, Italian program.
[12] MBB license with Aerospatiale.
[13] J35F carries Saab-built Hughes Falcon missile.
[14] Deutsche Airbus prime contractors are MBB and Aerospatiale.
[15] Joint project with Breguet/Dassault.
[16] Joint project with Aerospatiale and VFW.
[17] Joint project with BAC, Aeritalia.

Mr. GOLDWATER. If we continue to threaten the aircraft industry by threatening cuts in research and development in NASA and cuts in research and development in military aircraft and the purchase of military aircraft, we are going to see a sad but further decline in America's position. The entire opportunity of the future, the jobs for our children and grandchildren are to be found in continued technological development and advancement, and the ill-behooved Congress, whichever one it is, to threaten the future domination of America in aviation and in space.

ORDER FOR ADJOURNMENT UNTIL MONDAY, MAY 7, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Monday next.

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

MESSAGES FROM THE PRESIDENT

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

REPORT ON UNITED STATES FOREIGN POLICY FOR THE 1970's—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. BARTLETT) laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on Foreign Relations. The message is as follows:

To the Congress of the United States:

This Administration attaches fundamental importance to the articulation as well as the execution of foreign policy.

Public understanding is, of course, essential in a democracy. It is all the more urgent in a fast changing world, which requires continuing, though redefined, American leadership. One of my basic goals is to build a new consensus of support in the Congress and among the American people for a responsible foreign policy for the 1970's.

These were the reasons that I began the practice of annual Presidential Reports to the Congress. This fourth Review, like the previous ones, sets forth the philosophical framework of our policy and discusses major trends and events in this context. Two other important documents complement this one with the more detailed record of current questions and policies. The Secretary of State's third annual report of April 19, 1973, covers our specific country, regional, and functional policies and provides basic documentation. The Secretary of Defense's yearly report of April 3, 1973, presents a thorough accounting of our policies and programs for national defense.

It is my hope that this Report will inform and lift the national dialogue on our purposes and our place in the world.

RICHARD NIXON.

THE WHITE HOUSE, *May 3, 1973.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. BARTLETT) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

QUORUM CALL

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

The PRESIDING OFFICER (Mr. BARTLETT). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR RECOGNITION OF SENATORS GRIFFIN AND ROBERT C. BYRD AND FOR TRANSACTION OF MORNING BUSINESS ON MONDAY, MAY 7, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday, immediately following the recognition of the two leaders or their designees under the standing order, the distinguished Senator from Michigan (Mr. GRIFFIN) be recognized for not to exceed 15 minutes, that he be followed by the junior Senator from West Virginia (Mr. ROBERT C. BYRD) for not to exceed 15 minutes, and that there then be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes.

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

CONSIDERATION OF UNFINISHED BUSINESS ON MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, at the close of morning business on Monday, the unfinished business would automatically be laid before the Senate.

The PRESIDING OFFICER. At the end of the morning hour; that is correct.

ORDER FOR THE VOTER REGISTRATION ACT TO BE LAID BEFORE THE SENATE ON MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of routine morning business on Monday, the unfinished business, the Voter Registration Act, be laid before the Senate.

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

ORDER FOR THE UNFINISHED BUSINESS TO BE TEMPORARILY LAID ASIDE AND FOR THE CONSIDERATION OF THE PUBLIC BROADCASTING BILL ON MONDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at no later than 3 p.m. on Monday, the unfinished business be temporarily laid aside, that the Senate then proceed to the consideration of S. 1090, the public broadcasting bill, and that the unfinished business remain in a temporarily laid-aside status until the close of business that day or until S. 1090, the public broadcasting bill, is disposed of, whichever is the earlier.

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

ORDER FOR TIME LIMITATION ON BROADCASTING BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the debate on S. 1090, the public broadcasting bill, be limited to 1 hour, to be equally divided between the Senator from Rhode Island (Mr. PASTORE) and the Senator from Tennessee (Mr. BAKER), and that the time on any amendment thereto, debatable motion, or appeal be limited to 30 minutes, the time to be equally divided in accordance with the usual form.

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

The text of the unanimous-consent agreement is as follows:

Ordered, That, during the consideration of S. 1090, a bill to amend the Communications Act of 1934, debate on any amendment, debatable motion, or appeal shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill, the Senator from Rhode Island (Mr. Pastore): *Provided,* That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee: *Provided further,* That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill, debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the manager of the bill (Mr. Pastore) and the Senator from Tennessee (Mr. Baker): *Provided,* That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion or appeal.

ORDER FOR ADJOURNMENT FROM CLOSE OF BUSINESS ON MONDAY UNTIL 10 A.M. ON TUESDAY, MAY 8, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday, it stand in adjournment until the hour of 10 a.m. on Tuesday.

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

TRANSACTION OF ROUTINE MORNING BUSINESS ON TUESDAY

Mr. ROBERT C. BYRD. I ask unanimous consent that on Tuesday, after the two leaders have been recognized under the standing order and upon the completion of any 15-minute orders for the recognition of Senators which may prior thereto be entered, there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes.

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

ORDER FOR THE RESUMPTION OF THE UNFINISHED BUSINESS ON TUESDAY

Mr. ROBERT C. BYRD. I ask unanimous consent that at the conclusion of routine morning business on Tuesday, the Senate resume its consideration of the unfinished business.

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

EXTENSION OF AUTHORIZATIONS OF THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965—UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. I ask unanimous consent that at no later than 11 a.m. on Tuesday, the unfinished business be temporarily laid aside, and that the Senate proceed to the consideration of H.R. 2246, an act to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 1-year period; that the unfinished business remain in a temporarily laid-aside status until the close of business on that day or until the disposition of H.R. 2246, whichever is the earlier.

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

Mr. ROBERT C. BYRD. Mr. President, I am also authorized by the distinguished majority leader to propose the following unanimous-consent request on H.R. 2246:

I ask unanimous consent that debate on the bill be limited to 2 hours, to be divided as follows: 30 minutes to be under the control of the distinguished Senator from New Hampshire (Mr. COTTON), and the remaining time to be under the control of and equally divided between the distinguished Senator from New Mexico (Mr. MONTOYA) and the distinguished Senator from Tennessee (Mr. BAKER);

Provided further, that time on any amendments, debatable motions, or appeals be limited to 30 minutes, and divided and controlled in the usual form, with the further proviso that on an amendment to be proposed by Mr. BAKER, there be a time limitation of 1 hour, the time to be equally divided between and controlled by Mr. BAKER and Mr. MONTOYA;

Ordered further, that time on an amendment by Mr. COTTON be limited to 1 hour, the time to be equally divided between and controlled by Mr. COTTON and Mr. MONTOYA;

Ordered further, that the time allotted for debate on the bill may be yielded by those in control thereof to any Senator on any amendment, debatable motion or appeal.

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

ORDER FOR ADJOURNMENT FROM TUESDAY UNTIL 11 A.M. ON WEDNESDAY, MAY 9, 1973

Mr. ROBERT C. BYRD. Mr. President, with the approval of the distinguished majority leader and the distinguished assistant Republican leader—I have not cleared this yet, but I think it will probably be agreeable to both—I ask unanimous consent that when the Senate completes its business on Tuesday, it stand in adjournment until the hour of 11 o'clock a.m. on Wednesday, and that at the hour of 12 o'clock noon on Wednesday, the 1 hour of debate on a motion to invoke cloture, which will be filed on Monday, begin running.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House receded from its disagreement to the amendment of the Senate to the joint resolution (H.J. Res. 393) 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, and concurred therein.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, May 3, 1973, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 93) to provide a temporary extension of the authorization for the President's National Commission on Productivity.

LEGISLATIVE PROGRAM

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

Mr. ROBERT C. BYRD. I yield.

Mr. MANSFIELD. I state for the information of the Senate that if at all possible, it will be the intent next week to call up Calendar No. 109, S. 70, a bill to promote commerce and establish a Council on Energy Policy, and for other purposes, and also, if possible, Calendar Nos. 120, 121, and 122, a trio of health bills which we think will be in satisfactory shape to consider at that time.

So it looks as if we will have a pretty busy week next week, if our hopes are fulfilled; and if not, at least we have indicated what the joint leadership hopes will be considered by the Senate during the course of the next week.

Mr. BURDICK. Mr. President, will the Senator from West Virginia yield?

Mr. ROBERT C. BYRD. I yield.

Mr. BURDICK. Could the Senator advise me if unanimous consent would be required to permit the filing of a cloture motion on Monday?

Mr. ROBERT C. BYRD. There is nothing to keep any Senator from filing such a motion on Monday when the unfinished business is before the Senate, and that is the intention of the distinguished majority leader, I understand.

Mr. MANSFIELD. Yes, it is my intention to file a cloture motion on Monday, and the usual procedure will follow, with 1 legislative day intervening, and the next day for the vote to occur.

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.

UNANIMOUS-CONSENT AGREEMENT ON CONSIDERATION OF SENATE RESOLUTION 106

Mr. ROBERT C. BYRD. Mr. President, my attention has been called to the fact that the distinguished Senator from Massachusetts (Mr. BROOKE) has offered a resolution today, asked for its immediate consideration, and the request was objected to, and, of course, that resolution goes over under the rule. I would not want to shut the distinguished Senator from Massachusetts out with respect to further consideration of his resolution that goes over under the rule on Monday.

I therefore ask unanimous consent to modify the previous order as follows:

I ask unanimous consent that the Senate not resume consideration of the unfinished business on Monday next until the resolution which is going over, under the rule, is acted on, one way or another, or until the close of the morning hour, whichever is the earlier.

The PRESIDING OFFICER (Mr. BARTLETT). Is there objection to the request of the Senator from West Virginia?

Mr. HARRY F. BYRD, JR. Mr. President, reserving the right to object, there is no time limitation, I assume, on the resolution submitted by the distinguished Senator from Massachusetts?

Mr. ROBERT C. BYRD. There is a time limitation only under the rule, that being the close of the morning hour—the unfinished business would automatically come up at that time, in any event. But in the event that the resolution going over, under the rule, would be disposed of, let us say, prior to the close of the morning hour, there would be a hiatus between that time and the hour of 2 o'clock.

Mr. HARRY F. BYRD, JR. I thank the distinguished Senator from West Virginia but I want to establish that there is no time limitation on debate on the resolution submitted by the distinguished Senator from Massachusetts.

Mr. ROBERT C. BYRD. Not as such, but there would be a time limitation, in a sense—by virtue of the normal operation of the Senate rule—until 2 p.m. The debate on that resolution could not extend beyond the hour of 2 o'clock on Monday in any event, at which time the unfinished business would be resumed automatically. There is no time limitation agreement on the resolution in the sense which the able Senator has in mind.

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

Mr. ROBERT C. BYRD. Only to the extent of the rule is there a time limitation.

The PRESIDING OFFICER (Mr. BARTLETT). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

The text of the unanimous-consent agreement is as follows:

Ordered, That, during the consideration of H.R. 2246, an act to amend the Public Works and Economic Development Act of 1965, debate on any amendment (except an amendment by the Senator from Tennessee (Mr. BAKER) on which time for debate shall be limited to 1 hour, to be equally divided and controlled by the Senator from Tennessee (Mr. BAKER) and the Senator from New Mexico (Mr. MONTOYA), and an amendment to be offered by the Senator from New Hampshire (Mr. COTTON) on which time for debate shall be limited to 1 hour, to be equally divided and controlled by the Senator from New Hampshire (Mr. COTTON) and the Senator from New Mexico (Mr. MONTOYA)), debatable motion or appeal shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: *Provided*, That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill, debate shall be limited to 2 hours, to be divided and controlled as follows: 30 minutes to the Senator from New Hampshire (Mr. COTTON), 45 minutes to the Senator from New Mexico (Mr. MONTOYA), and 45 minutes to the Senator from Tennessee (Mr. BAKER): *Provided*, That the said Senators or any of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion or appeal.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I hope that this will be the final quorum call of the day.

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.

DESIGNATION OF "NATIONAL HISTORIC PRESERVATION WEEK"

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Joint Resolution 51.

The PRESIDING OFFICER (Mr. BARTLETT) laid before the Senate the amendment of the House of Representatives to the joint resolution (S.J. Res. 51) to authorize and request the President to issue a proclamation designating the calendar week beginning May 6, 1973, as "National Historic Preservation Week," which was to strike out the preamble.

Mr. ROBERT C. BYRD. Mr. President, it is my understanding that this matter has been cleared on both sides. Therefore, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

ORDER FOR RECOGNITION OF SENATOR McGOVERN ON MONDAY, MAY 7, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday, following the recognition of the two leaders under the standing order, and prior to the recognition of Mr. GRIFFIN, the distinguished Senator from South Dakota (Mr. McGOVERN) be recognized for not to exceed 15 minutes.

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

RELATING TO FORM OF UNANIMOUS-CONSENT AGREEMENTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that with respect both to H.R. 2246, the Public Works and Economic Development Act, and S. 1090, the public broadcasting bill, the agreements in connection therewith—in both instances—be in the usual form.

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

AUTHORITY FOR COMMITTEES TO FILE REPORTS DURING THE ADJOURNMENT OF THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, during the adjournment of the Senate over to Monday, committees may be authorized to file reports.

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

AUTHORITY FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, during the adjournment of the Senate over to Monday, the Secretary of the Senate may be authorized to receive messages from the other body and/or from the President of the United States, and that appropriate referral thereof may be made.

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

AUTHORIZATION FOR CERTAIN ACTION TO BE TAKEN DURING THE ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, during the adjournment of the Senate over to Monday, the Vice President, the President pro tempore, and the Acting President pro tempore may be authorized to sign duly enrolled bills and joint resolutions.

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Monday is as follows:

The Senate will convene at 12 o'clock noon. After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes, and in the order stated: Mr. McGOVERN, Mr. GRIFFIN, and Mr. ROBERT C. BYRD.

There will then be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes.

Upon the disposition of the resolution submitted today by the distinguished Senator from Massachusetts (Mr. BROOKE), Senate Resolution 106—which goes over under the rule—or not later than the hour of 2 o'clock p.m. on Monday, the unfinished business, S. 352, the voter registration bill, will again be laid before the Senate and consideration thereof will be resumed.

A cloture motion will be entered on Monday by the distinguished majority leader and the requisite number of Senators, with the vote on the cloture motion to occur on Wednesday next at circa 1:15 p.m.

At not later than 3 o'clock on Monday afternoon, the unfinished business will be temporarily laid aside and the Senate will proceed to the consideration of S. 1090, the public broadcasting bill. There is a time agreement thereon. Yea and nay votes could occur on amendments or on passage.

I wish also to say that yea-and-nay votes could also occur on the unfinished business on Monday, prior to taking up S. 1090, or subsequent to any disposition of S. 1090 on Monday.

ADJOURNMENT TO MONDAY, MAY 7, 1973

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Monday.

The motion was agreed to; and at 3:27 p.m. the Senate adjourned until Monday, May 7, 1973, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate May 3, 1973:

DEPARTMENT OF DEFENSE

Robert C. Hill, of New Hampshire, to be an Assistant Secretary of Defense, vice G. Warren Nutter, resigned.

U.S. COAST GUARD

The following-named lieutenant commanders of the Coast Guard Reserve to be permanent commissioned officers in the Coast Guard Reserve in the grade of commander:

Glen N. Armitage
Richard L. Atkins
William R. Babineau
Robert H. Bacchus
Ernest J. Bader
Thomas M. Bader
James H. Barmettler
James P. Barnett
Henri L. Bignault
David J. Bond
Edward D. Brickley
Allan K. Brier
Lawrence A. L. Budreau
Richard Buell
Arthur F. Busalacchi
Willis W. Carnegie
Alan B. Chamberlain
Robert V. Chiarenzelli
Raymond Condo
Hugh J. Costello
Jay W. DeCoulter, Jr.
Juan J. Del Castillo
Harmon G. Eakles
Ernest G. Erspamer
James W. Fenimore, Jr.
David A. Gayner
Richard E. Goss, Jr.
Randolph B. Grinnan III
Paul J. Hanson
Charles H. Jehle
Guy B. Jones
Joseph F. Lavelle
Morton M. Levine
Robert K. Liput
Aristedes Manthous
John D. McLean
Earl R. McNinch
Myron J. Menaker
David B. Michel
Benjamin Muse, Jr.
James S. Painton, Jr.
David L. Pearl
Wilton Phillips, Jr.
John C. Raynor
Bolivar T. Recio
Henry G. Satterwhite
Norman R. Smith
Bennett S. Sparks
Robert A. Spatols
William A. Stone, Jr.
Raymond T. Sullivan, Jr.
George L. Sutton
Norman G. Swanson
William J. Tangalos
Fenwick Taylor
William N. Taylor
James R. Treese
Donald J. Willenborg
Donald G. Wolf
Carl A. Zellner

HOUSE OF REPRESENTATIVES—*Thursday, May 3, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Thou shalt keep the commandments of the Lord thy God, to walk in His ways and to fear Him.—Deuteronomy 8: 6.

Almighty God, in whose presence is our power, by whose grace we find goodness, and through whose spirit we receive strength for daily living, give to us the assurance that in life and death, in victory and defeat, in joy and sorrow Thou art with us always, all the way.

Grant unto us an awareness of Thy renewing life in nature and of Thy redeeming love in our human nature. Keep us ever grateful for this glorious land in which we live and for which we daily labor.

Amid the stress and strain of these troubled times help us to be loyal to the royal within ourselves and in the midst of the strife and struggle of these difficult days may we be faithful to our faith in the highest and best we know.

Lead us, we pray Thee, to a deeper dedication to Thee that we may walk the ways of truth and love for the good of our country and for the benefit of all mankind.

In the spirit of Him who was ever true to Thee, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 3841. An act to provide for the striking of medals in commemoration of Roberto Walker Clemente.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 755. An act to provide 4-year terms for the heads of the executive departments;

S. 795. An act to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes; and

S. 1264. An act to authorize and direct the Secretary of the Treasury to make grants to Eisenhower College in Seneca Falls, N.Y., out of proceeds from the sale of silver dollar coins bearing the likeness of the late President of the United States, Dwight David Eisenhower.

MAJORITY LEADER THOMAS P. O'NEILL, JR., CONDEMNS THE REPUBLICAN LACK OF MORAL CONSTRAINT

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. O'NEILL. Mr. Speaker, Governor Reagan of California was quoted yesterday as saying that the Watergate spies acted illegally—but that they are not criminals at heart.

A Republican leader in the other body said the other day that the bugging was the work of "zealous amateurs."

These refrains are distressingly familiar—they recall the dictum uttered by the Republican Presidential candidate in 1964. He said:

Extremism in the pursuit of freedom is no vice, and moderation in the pursuit of justice is no virtue.

This ends-justifies-the-means attitude seems to persist within the Republican philosophy of government, as if it were transmitted from one generation of candidates to the next like some malignant gene.

We have seen high administration officials who felt that they alone were competent to judge what was right and wrong for this Nation and who felt that they were beyond any moral or legal constraints in pursuing their goals.

Disdain has pervaded this administration's dealings with Congress. We have seen it in the arrogance of certain officials, the reluctance of the administration to consult with Congress, the abuse of impoundment, the exaggeration of the doctrine of executive privilege.

This is not a closed society. We must eradicate this pernicious attitude that the administration knows best. We are a government of shared and balanced powers, and Congress must continue to exercise its rightful share of authority in the governance of this Nation.

CONGRATULATING JOHN CONNALLY

(Mr. ARCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCHER. Mr. Speaker, because John Connally is a resident of my Seventh Congressional District in Texas, I take particular pleasure in welcoming him to the Republican Party.

For a long time I have believed that this is where he belongs. He will find a comfortable home in the Republican Party as other Democrats have before him.

My Republican colleagues and I can only be uplifted by the Governor's decision and by his commitment to our party, the same way that we would be uplifted to hear of anyone taking a step to reinforce his personal convictions.

I spoke with Governor Connally yesterday to convey to him my personal best wishes, and I gave him my warmest encouragements and compliments for following the dictates of his conscience in alining himself with the party closest to his own beliefs.

John Connally is an outstanding man and he is a person people believe in and a person people respect. His dedication to our country and his belief in our Nation's goodness and potential greatness are sincere and contagious. He is an example to all of us.

We Republicans hope that many Americans will follow his example now and join his party as that which best represents the philosophy of the majority.

CALL OF THE HOUSE

Mr. HILLIS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 120]

Abdnor	Badillo	Burke, Fla.
Alexander	Beard	Carney, Ohio
Anderson, Calif.	Bell	Clark
Anderson, Ill.	Biaggi	Conable
Andrews, N.C.	Blatnik	Conyers
Ashley	Brown, Mich.	Cronin