Code to change the name of the Patent Office to the "Patent and Trademark Office"; to the Committee on the Judiciary.

By Mr. MAZZOLI:

H.R. 7600. A bill to amend the Uniform Time Act of 1966 to provide that daylight saving time shall begin on Memorial Day and end on Labor Day of each year; to the Committee on Interstate and Foreign Commerce.

H.R. 7601. A bill to provide that respect for an individual's right not to participate in abortions contrary to that individual's conscience be a requirement for hospital eligibility for Federal financial assistance and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLER:

H.R. 7602. A bill to encourage earlier retirement by permitting Federal employees to purchase into the civil service retirement system benefits unduplicated in any other retirement system based on employment in Federal programs operated by State and local governments under Federal funding and supervision; to the Committee on Post Office and Civil Service.

By Mr. MILLS of Arkansas:

H.R. 7603. A bill to establish a Joint Committee on Foreign Trade; to the Committee on Rules.

By Mr. MORGAN:

H.R. 7604. A bill to establish a national program of Federal insurance against catastrophic disasters; to the Committee on Banking and Currency.

By Mr. PATTEN:

H.R. 7605. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may disapprove the President's action and require him to cease such impounding; to the Committee on Rules.

By Mr. PEPPER:

H.R. 7606. A bill to amend the Merchant Marine Act of 1936, as amended; to the Committee on Merchant Marine and Fisheries.

By Mr. RUNNELS:

H.R. 7607. A bill to establish the El Malpais-Grants National Monument in the State of New Mexico, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. YOUNG of Alaska:

H.R. 7608. A bill to create a program to facilitate the construction of community marine ways, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. ZWACH:

H.R. 7609. A bill to make permanent the dairy indemnity program, the armed services and veterans hospitals dairy programs, and the suspension of the butterfat support program; to the Committee on Agriculture.

By Mr. FREY:

H.R. 7610. A bill to require the Secretary of Transportation to take into consideration the public interest in the freedom of movement of surface land transportation when prescribing rules and regulations to govern the opening of drawbridges across the navigable rivers and other waters of the United States; to authorize the Secretary of Transportation to assess a civil penalty for any violation of such regulations; and for other purposes; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. ST GERMAIN introduced a bill (H.R. 7611) for the relief of John Craig Spence; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

210. The SPEAKER presented a petition of Richard D. Shaver, Pinetop, Ariz., and others, relative to protection for law enforcement officers against nuisance suits; to the Committee on the Judiciary.

SENATE—*Tuesday, May 8, 1973*

The Senate met at 10 a.m. and was called to order by Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota.

PRAYER

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

O God and Father of all mankind, come upon this Nation with Thy forgiving and renewing power. Grant healing to our troubled spirits. Send some anodyne to our aching hearts lest we stumble into baser follies and more heinous transgressions. Bring us with penitent and contrite hearts under the shelter of Thy grace that we fail Thee not.

O Lord, grant to the President and all in authority over us, the wisdom and courage to do only what is right and good. And to all the people grant a complete loyalty to Thy law and a full measure of love and compassion that Thy kingdom may go forward and Thy will be done on earth.

In His name, who is Lord of Life, we pray. 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 8, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, May 7, 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.

CAMBODIA

Mr. MANSFIELD. Mr. President, the bombing activity now underway in Cambodia is being undertaken without the consent or the advice of the Congress. The administration is now asking for the transfer of funds to continue the bombing to the end of the present fiscal year and is doing so despite the fact that there is no legal, constitutional or other justification for such action.

Furthermore, we have been told that even if the Congress voted against the request of the Pentagon to transfer money for continued bombing in Cambodia that, notwithstanding such an action, the U.S. bombing of Cambodia would continue.

I would point out that recent court decisions have stated the approval of funds for the carrying out of activities of war implies approval of the policy inherent therein. In other words, approval of the Pentagon request to transfer funds which are allegedly being held in escrow at the present time would indicate approval of the bombing policy now underway in Cambodia.

Furthermore, we have been informed that the continuation of this policy would be of an indefinite nature. What the approval of this policy implies, in my opinion, is, in effect, a back door Tonkin Gulf resolution. I, for one, will not vote for the transfer of funds contained in the supplemental appropriations bill and I would hope that the Congress would uphold its constitutional authority and not bow to the type of procedure which confronts us in the Appropriations Committee at the present time, which will confront the House of Representatives on Thursday of this week and which, if approved in the Senate Appropriations Committee, will be before the Senate shortly thereafter.

What we are doing in Cambodia is wrong because it only intensifies the tragedy of Indochina. What we are doing in Cambodia is illegal because it is not sanctioned in the law or the Constitution. What we are doing in Cambodia cannot be legitimatized because it is a continuation of a war which was supposedly ended. What we are doing in Cambodia would not "undermine the essential agreement of the January agreement in Paris" because the "central achievement" was to get all Americans out of Vietnam and all our POW's released. This has been accomplished.

What we are doing is creating more refugees, killing more people, and if we follow the Pentagon's line of reasoning we are, in effect, "destroying Cambodia to save it." Even now, the press is blocked out by the American Embassy in Phnom

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Penh. Therefore, they do not have access to whatever meager information that Embassy would be able to compile.

The answer to the situation which confronts us in Cambodia is to stop the bombing now—today—and to do what we can to bring about the return of Prince Norodom Sihanouk so that he will be able to bring about a return to neutrality and unity in that war-stricken woebegotten country.

The ACTING PRESIDENT pro tempore. Does the Senator from Pennsylvania desire recognition?

Mr. SCOTT of Pennsylvania. No, Mr. President; I yield back my time.

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

Mr. PROXMIRE. Mr. President, first of all, I join the distinguished majority leader in his statement concerning Cambodia. I was present at the hearings at which the Secretary of Defense explained the position of the administration on Cambodia. I certainly intend to support Senator MANSFIELD in whatever position he desires to take and others take in opposing the bombardment of Cambodia and to prevent more funds from being used by the President to continue the unnecessary bombardment of Cambodia.

IN FAIRNESS TO PRESIDENT NIXON

Mr. PROXMIRE. Mr. President, some of the statements made by the press concerning the Watergate affair have, in my judgment, become grossly unfair to President Nixon. I say this recognizing that the press has done a tremendous job in covering one of the most important scandals in American history. The Washington Post has received the Pulitzer Prize for its reporting of this affair. I certainly think the investigation must continue until the whole story is told, no matter whom it touches or destroys, including the President himself.

But the actions of the press in printing sensational charges against the President made to lawyers investigating a grand jury is grossly unfair.

When former White House Counsel John Dean is reported throughout this country to have privately told grand jury investigators that the President was directly involved in a Watergate coverup, President Nixon is being tried, sentenced, and executed by rumor and allegation.

Who were the investigators?

What was Dean asked by the investigators?

Did the investigators have any testimony that contradicted Dean's story?

Another alleged eyewitness to this alleged meeting was John Ehrlichman. He will also testify to the grand jury. What will be his testimony? If he, as expected denies the Dean charge, can he provide any basis for disproving it? Will he agree that the meeting took place? If he denies that the meeting took place, can he prove his denial?

If Ehrlichman agrees that he met on this occasion with the President and John Dean, can Ehrlichman produce convincing testimony that Dean's version is wrong, and that the President, as he has told the Nation flatly and directly, did his best to uncover the facts, and did not participate in any way in a coverup?

Mr. President, all of this can and should be developed in good time, step by step. This story is unfolding, and nothing can hold it back. My point is this: It is unfair, unjust, and unwise to the President and to the country to rush into print with such a flat allegation against the President of the United States based on a charge that certain unidentified investigators for the grand jury have elicited certain information from a witness. The witness has not told this to the press. Some anonymous investigators allegedly have done so. But the story is partial; it is wholly unconfirmed. It may or may not have been disclosed to investigators. It may or may not be confirmed or refuted later. There is simply no way of knowing now whether it is true or not. But it may very well have gone a long way toward destroying the President of the United States.

I succeeded the late Senator McCarthy in the Senate. I was very much opposed to his motives and his tactics, which were to make severely damaging charges, such as accusing a person of being a Communist, knowing that they would be denied; but no matter how strongly they were denied, the charges still remained. I find this kind of persecution and condemnation without trial McCarthyism at its worst.

Mr. President, I ask unanimous consent that the Newsweek 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. PROXMIRE. Any responsible newspaper should regard as outrageous the printing of a secret allegation against even a convicted felon if that allegation were made by a witness as part of his bargain for immunity from his own prosecution.

Does not the President have the same simple right that every other American has—to be innocent until proven guilty?

Does not a man who has spent more than 20 years in the pitiless glare at the summit of national political life deserve to be believed, when he directly tells the Nation that he had no knowledge of these matters, until there is proof that he lied?

Does he not deserve at least this measure of faith until proven a liar?

The press is rapidly developing a reckless momentum of reporting innuendo and rumor in this Watergate case against President Nixon. The alleged direct involvement of the CIA itself on White House orders in the break-in to the files of Daniel Ellsberg's psychiatrist is only the latest example.

The Watergate investigations by the Senate, the grand jury, an independent special prosecutor and at least 20 of the best investigative reporters in the business is not going to stop until every significant fact is uncovered, examined, and given the full mass media treatment.

This is now far too rich and big a story—this scandal involving the most powerful man in the world—to smother or suppress. Literally no force on Earth can now hold it back.

With the rushing, careening momentum of these charges against the President, there is very serious question that the people of this Nation will be able to find in their hearts the sense of justice and fairness which President Richard Nixon, like every other American, deserves to have before he is ruined.

I am a Democrat. I have consistently voted against the President when he ran for office. I have opposed many of his major proposals when they have come before the Senate.

But let us not forget that this is the same Richard Nixon who is principally responsible for bringing this country, at long last, into a peaceful posture with the world's largest nation, mainland China.

He has successfully negotiated the first strategic arms limitation talks with Russia and greatly improved our relations with the world's other superpower.

He has made some very bad appointments but also some of the very best. Henry Kissinger, Arthur Burns, Elliot Richardson, and William Ruckelshaus are among the best appointments made in my memory by any President.

His private life has been a superlative example to the Nation. His two gracious and lovely daughters speak eloquently of his success as a father.

I fully recognize the reprehensible nature of his campaigns when he ran against Jerry Voorhis for Congress in 1946 and Helen Gahagan Douglas for the Senate in 1950. I deplore his ruthless orders for all-out bombing of Vietnam last Christmas and his continuation today of the cruel and useless bombing of Cambodia.

But none of this justifies the McCarthyistic destruction of President Nixon that is now going on with increasing vehemence daily in the press. The discovery and publication of facts proving wrongdoing by whoever may be guilty, including the President, is the American press at its best.

The present runaway tendency to rush into headlines with disputed, unproven secret charges against the President is the press at its worst.

EXHIBIT 1

JOHN DEAN POINTS A FINGER

The torrent of Watergate disclosures last week left no remaining doubt that there had been widespread shady activities—and a massive cover-up—at the topmost levels of the White House. By the weekend only one major question was still to be answered—whether Richard Nixon himself could remain clear of political and moral involvement. And John Wesley Dean III, the boyish, 34-year-old White House counsel who was fired by the President last week, was preparing to associate Mr. Nixon with the cover-up.

Mr. Nixon had cast his lot with John Ehrlichman and H. R. Haldeman, the White House palace guards who were sacrificed (however euphemistically) at the same time as Dean but still stood ready to challenge his story with whatever credibility they had left. But nearly a score of other Nixonians, past or present—including former Attorney General John N. Mitchell and such Administration figures as Jeb Stuart Magruder, Charles W. Colson, Herbert (Bart) Porter, Frederick C. LaRue, Dwight L. Chapin, Gordon Strachan and Robert C. Mardian—were dangling from the grand jury's fingertips, and the predictable orgy of intramural accu-

sation among the Nixon team had broken out into the open. Last week, two more names were added: White House aide Egil (Bud) Krogh Jr., who admitted ordering the burglary of the office of the psychiatrist of Pentagon papers defendant Daniel Ellsberg, and California lawyer Donald Segretti, who was indicted and arrested for alleged violations of campaign law.

In the end, the President's fate might well depend on how many of these increasingly frightened men might join Dean in linking him to the conspiracy—and whether their testimony would outweigh Haldeman's and Ehrlichman's. But for the moment, the story that mattered most was Dean's. As Newsweek's Nicholas Horrock and John Lindsay pieced it together, it was a self-serving tale, tailored to give Dean minimum exposure to criminal charges and maximum leverage in his haggling for immunity from prosecution. In Key Biscayne, a high Administration official heatedly denied its key accusations. But Dean seemed determined to press them, and they were explosive.

"THIS INCREDIBLE STUFF"

Dean first heard about the break-in, he told investigators, as he completed a wearying journey back to the U.S. from Manila on June 18, 1972, the day after the burglary. He called Washington to report that he would lay over in San Francisco for the night, but when they told him of the Watergate arrests he hopped the next plane east. Dean had not known of the break-in and bugging scheme, he said, but on the long flight to Washington he recalled some incidents that seemed disturbingly pertinent—especially two meetings in Mitchell's office in which political espionage had been discussed. One of these meetings was the now-famous presentation session in which G. Gordon Liddy flipped through a series of specially prepared charts as he outlined his plans for the 1972 campaign. "Dean sat there in shocked silence," according to a source, "while Liddy was talking about mugging, bugging, kidnaping and even a prostitution squad." After a second meeting, Dean said, he protested to Haldeman, "This incredible stuff shouldn't even be discussed in the Attorney General's office." Haldeman reportedly agreed.

This was the last time the Watergate plans had been mentioned in his hearing prior to his phone call from San Francisco, Dean insisted. But when he walked back into the White House, the place was bustling. Dean said Gordon Strachan, a Haldeman lieutenant, told him that there had been wiretap logs in Haldeman's office that Strachan, under orders from Haldeman, had sifted from the files and immediately destroyed. In another meeting in Ehrlichman's office, Ehrlichman and Chuck Colson agreed to have the safe in E. Howard Hunt's office opened in the Executive Office Building. The contents were brought to Dean's office the following morning, two and a half days after the break-in.

Dean went through the contents of Hunt's safe with his assistant, Fred Fielding. They found a pistol, electronic bugging equipment, a psychiatric profile on Daniel Ellsberg and the phony cables tying the death of former South Vietnam President Ngo Dinh Diem to President John Kennedy. Dean's reaction, as he told friends, was, "Holy s—!"

"GOOD JOB, JOHN"

Dean said he reported that same morning to Ehrlichman, and it was at this point that Ehrlichman made the suggestion that Dean dump it all in the Potomac on his way home to Alexandria, Va. Dean said he told Fielding later, "They want me to destroy this stuff," but both men agreed the move would be unwise. Dean instead gave most of the material to the FBI; the fake JFK cables were given in two folders to acting FBI director L. Patrick Gray III in the celebrated meeting in which Dean suggested to Gray that the documents "should never see the light of day." As Gray later testified, he put the incriminating papers in the FBI "burn bag" a few days later.

As Dean told his story to investigators last week, however, it differed in one vitally important detail from earlier versions: he said he was never asked for any report or investigation of White House involvement in the Watergate break-in, by either Mr. Nixon or anyone representing him. Indeed, Dean claims to have set eyes on the President only once between the time of the break-in and Aug. 29, when Mr. Nixon announced publicly that the White House counsel had assured him that no one "presently employed by this Administration" had been involved in Watergate. That one meeting was on Aug. 14 with about twenty other people present, Dean said, and the first he heard of his own supposed report was in a news broadcast on Aug. 29 when he was in California with the Presidential party.

Dean said he did not see Mr. Nixon personally until several days after the indictment of the Watergate Seven on Sept. 15, when he said Haldeman summoned him into the President's office. The two leaders "were all grins," Dean told investigators, because they had half expected Jeb Magruder to be indicted and were pleased that he hadn't been—presumably because of Dean's efforts 'to keep the lid on." "Good job, John," Dean says the President told him. "Bob told me what a great job you've been doing."

Dean did not try to absolve himself of all connections with the Watergate, according to investigators. The lawyer has acknowledged his role in the White House cover-up and admitted that he was involved in obtaining legal help for the Watergate defendants—though he said that the hush-money payments were made by Fred LaRue, Mitchell's assistant at the Committee for the Re-election of the President. Dean also said he talked with Liddy about the break-in two days after it occurred. Liddy told him then that Magruder had "pushed me and pushed me" to make the second Watergate raid. "We had been in the Watergate before, but they wanted us to go back," Dean quoted Liddy.

Months later, after the December plane crash that killed Hunt's wife as she carried $10,000 in $100 bills to an unknown rendezvous in Chicago, Dean's connection with the coverup became more intimate. Hunt, unnerved by his wife's death, sent his lawyer, William Bittman, to Chuck Colson with the message that "something had to be done" to prevent a long jail sentence for Hunt. Colson met with Ehrlichman and Dean, the counsel told investigators, and Ehrlichman said, "I'll check." He went in to see the President. When Ehrlichman returned, Dean said, he brought with him what he said was Mr. Nixon's promise of executive clemency for Hunt, Ehrlichman allegedly told Colson to reassure Bittman that "everything is okay," but not to be "too specific."

IF I GO, THEY GO

Sometime this spring—perhaps because the investigation was beginning to focus on Dean—the counsel lost his "good boy" status in upper White House circles and came under pressure from Haldeman, Ehrlichman and the President to resign. Mr. Nixon summoned Dean into the Oval Office, Dean told investigators, and pushed a document—a resignation that was a virtual confession—across his desk to Dean. "This has been prepared for your signature," the President reportedly said. Dean refused to sign, he said, because there was no provision for Haldeman's and Ehrlichman's departure—and Dean had resolved that "If I go, they go." After another discordant meeting with Mr. Nixon, Dean said he came under increasing pressure from Ehrlichman and Haldeman to resign, and eventually they suggested he take a weekend at Camp David to "do some thinking." In earlier accounts, this was the weekend in which Dean was supposedly asked to submit a written version of his earlier verbal "report" absolving the White House staff of any complicity in Watergate, but Dean said last week that all he was really asked for was his resignation.

Dean said he refused to submit it, and he went to see the President again on March 21—the date on which, as the President later asserted, he first learned that his staff may have been deceiving him. "Nobody seems to understand that my resigning is not the problem," Dean assertedly told Mr. Nixon. "The problem is that there is a massive cancer on the Presidency and it must be cut out." He thereupon spelled out the story of the Watergate cover-up, including details of the effort to hush it up by paying off those who had been indicted the previous September.

Dean also bore down hard, he said, on the fact that there had never been any study clearing White House staffers. Mr. Nixon replied that he had had verbal reports of Dean's work, but the counsel insisted. "Nobody asked me for a report, Mr. President," he said. "I did not go around asking people questions in their offices. There was no report." At this point, sources quoted Dean as saying that "the President came out of his chair" into a half crouch of astonishment and shock. In Dean's account, he reminded Mr. Nixon that the President had gone on national TV to absolve his staff on the basis of the nonexistent report—and whatever Mr. Nixon may have been thinking, the exchange ended the demands for Dean's immediate departure from the White House entourage.

What finally broke the White House silence was not Dean's doing so much as Pat Gray's. After the former acting director of the FBI disclosed in Senate confirmation hearings last March that Dean had "probably" lied to agents during the early investigation, Dean sent an emissary to Federal prosecutors with information implicating Magruder, Ehrlichman, Haldeman and Dean himself—the details to be forthcoming, the emissary said, in exchange for a promise of immunity. Without making any deal, the prosecutors began following up leads given them by the emissary. About ten days later, on April 13, Jeb Magruder got wind that he had been implicated and asked to see the prosecutors, telling them a story that pointed the heaviest finger at John Mitchell.

PEOPLE ARE GOING TO JAIL

A day after that, NEWSWEEK has learned, Magruder bumped into Bart Porter in Lafayette Park, across from the White House. "It's all over," the distraught Magruder reportedly said. "I just came from the White House. The President has directed everyone to tell the truth." Magruder said he had just confessed everything to Assistant U.S. Attorney Earl Silbert. "A lot of people are going to jail," Magruder told Porter. "Mitchell, LaRue, Mardian, myself, Dean, Colson, Strachan and maybe Haldeman. Silbert may indict *you*."

From that point onward, the case gathered steam on all fronts—including the White House, where Mr. Nixon was trying to resolve the showdown between Dean and the Haldeman-Ehrlichman group. On the face of it, there wasn't much of a contest. Dean was a Mitchell assistant brought into the Justice Department in 1969 after having been fired from his only job in private law for "unethical conduct" (he was accused by a senior partner of having promoted his own name rather than his client's in a contest over a St. Louis broadcasting license). Haldeman, on the other hand, was a Nixon loyalist of seventeen years' standing and Ehrlichman had been on board for fourteen years.

Was Mr. Nixon looking for a way to keep Haldeman and Ehrlichman while getting rid of Dean? According to Newsweek's sources, the White House counsel made that impossible when he told prosecutors three weeks ago that Ehrlichman knew about the burglary of Ellsberg's psychiatrist. Dean's main

motive, according to associates, was to establish his own credibility with Federal and Senate investigators, but it may not have done him much good. "If we need his testimony," said a prosecution source last week, "we'll have to give him immunity. If we don't, we'll just hang the ———."

The Administration's housecleaning may have been the shocker of the week, but it hardly stoppered the flood of other Watergate-related developments, great and small. Haldeman and Ehrlichman spent two days with the grand jury and Ervin's committee. Martha Mitchell, wearing baby blue, appeared at a lawyer's office in New York to give a deposition in connection with the Democratic Party's $6.4 million civil-damage suit against several principals in the Watergate case. Her rambling, two-hour statement, attorneys said later, was "amusing" and dealt mostly with the "creeps" and "kooks" from CRP who guarded her during the campaign.

Another famous relative, Mr. Nixon's 26-year-old nephew Donald—or someone who looked very much like him—appeared before a New York grand jury investigating Robert L. Vesco, the financier who shuffled $200,000 in secret cash to the Nixon campaign chest three days after a law went into effect requiring disclosure of such gifts. Young Nixon has worked as an assistant to Vesco since 1971 and describes the financier as his "best friend." Vesco himself reportedly sat out the week in Costa Rica, refusing to honor a bench warrant except in exchange for immunity. And the Justice Department responded to a sharply worded prod from the General Accounting Office, finally filed suit against CRP's financial arm because of the same Vesco contribution.

Two pieces of dirty work laid to CRP's espionage team moved a little closer to prosecution last week. Donald Segretti, the California lawyer hired as a trickster by former Haldeman assistant Dwight L. Chapin, was indicted on charges of trying to sabotage last year's Florida Democratic primary—allegedly by sending out campaign literature, attributed to Sen. Edmund Muskie, in which two rival Democrats were accused of sexual peccadilloes (the tales: that Sen. Hubert Humphrey had been caught with a prostitute in his car in 1967 and that Sen. Henry M. Jackson had twice been arrested for homosexual activities in the 1950s).

RX FOR A BURGLARY

Across the country, meanwhile, defense lawyers in the Ellsberg trial were permitted to introduce testimony from the Washington grand jury disclosing that Howard Hunt and Gordon Liddy had been ordered to break into Ellsberg's psychiatrist's office of Bud Krogh—at the time an Ehrlichman protégé in the White House and more recently a Department of Transportation Under Secretary. Krogh abruptly left, and was reported to have begun singing to Federal prosecutors in Washington.

But the most dramatic late-week revelation belonged, fittingly enough, to John Dean. Four days after being fired by Mr. Nixon, Dean disclosed that he had removed nine classified documents related to Watergate from his White House office prior to his departure. In papers filed with the U.S. district court in Washington, Dean asked Judge John J. Sirica to take custody of two keys to a safe-deposit box in Alexandria, Va., where the papers are stored. Just before that maneuver, the White House had rushed forth a ruling that all classified material was barred from disclosure by security laws—but whether this would be enough to top Dean's latest ploy is an open question.

For all the cascade of new information, the week's events left Federal prosecutors in a curious state of gloom about their ultimate chances of tracking the Watergate case to its last White House cranny. "When these people make statements under oath and they lie," said a prosecutor, "what the hell can you do? You can't go into the Prime Minister's office anywhere in the world and look at his files and slap handcuffs on his people. If you think government works that way, you're crazy. Maybe what I'm saying is that there are some things beyond redress."

Mr. SCOTT of Pennsylvania. Mr. President, I ask unanimous consent that the 5 minutes normally allotted to me at this time be reinstated.

Will the distinguished Senator yield to me the remainder of his time?

Mr. PROXMIRE. I reserve my time.

Mr. SCOTT of Pennsylvania. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. SCOTT of Pennsylvania. Mr. President, I congratulate the distinguished Senator from Wisconsin, not because he speaks as a Democrat but because he speaks responsibly as a Senator.

As I recall, it was the Senator from Wisconsin who, about the 19th of June, first proposed a special prosecutor.

Mr. PROXMIRE. That is correct. I proposed that John Williams and Arthur Goldberg be appointed to investigate and get to the bottom of this matter, as two men who would have the faith and trust of the Nation and Congress.

Mr. SCOTT of Pennsylvania. That is correct.

The Senator and I had a colloquy about the desirability of proceeding to clear up this entire mess 2 days after it happened. There was this discussion on the floor of the Senate.

The Senator again has justified the respect in which he is held in taking the position he has taken against McCarthyism. I, too, am glad that as a sitting Member of the other body, I was the first Member of Congress to criticize the late Senator McCarthy for his tactics of those days; and I agree with what the Senator has said here. The end does not justify the means.

A Pulitzer prize was awarded in one instance to someone involved in the publication of the Pentagon papers. The Pentagon papers—I am not going to argue that whole case over—were stolen documents. The Pulitzer prize was given for action which was based upon theft and thievery; and a great newspaper has argued continually that the end justifies the means, that the national interest compelled the publication of the Pentagon papers. I am not arguing that case with them. I am simply saying that the end does not justify the means where the means was wrong.

As the Senator has pointed out, this brings me to the point on which I wanted to agree with him: The revelation of rumors of what was said in the grand jury, the revelation of the desperate tactics of the people caught in this web, in an attempt to gain immunity for themselves, people who are willing to bring down everybody, including the President, if they can—the publication of that kind of thing as alleged front-page news or magazine news is unwarranted, is unfair, and is not in the best tradition of journalism.

The Senator may recall that I apologized to the press quite recently for the fact that many of us had said derogatory things about the Watergate investigation. It turned out that this free press had done a good job, and we have said so. But it is not a good job to publish wrongfully the unpublished and unauthorized release of grand jury transcripts. It is not right to publish the rumors of what a witness allegedly said in the grand jury, as the Senator has said.

I think that while we are praising the journalists and the media, while we at least have had the decency to apologize for having derogated their efforts—at least, I have said this—we have the same duty, as the Senator has so well put it, to make clear that there are limits beyond which neither Senators nor journalists nor anyone else should go.

None of us can say that a wrongful means justifies a desired end. It is certainly not even a desired end to try to bring down the President through malice, through rumor, through unsubstantiated whisperings, through the quotation of what a scared man allegedly said in an effort to ease the penalties he fears will fall on himself.

I have not said much about this aspect of the matter before; but I think that the Senator from Wisconsin, with the instinct he has shown so many times for the right time to say the right thing, has made an important point, and I hope that the media will treat it accordingly.

The media, when they are responsible, are the finest press in the world. But when they ride momentum and suddenly decide that a whisper can be turned into a charge, or a rumor into a fact, or a wrongful deed by one person into an alleged wrongful deed by another, up to that point unconnected, then the media are acting irresponsibly as well.

I am glad the Senator has pointed it out. I think it is time we realize what we are doing to this country when we run wild, when demagoguery appears, be it on this floor or be it in the media or anywhere else, because we are shaking and alarming and scaring the people of this country, who have no way of assessing the fairness of these charges. What the people hear over television or what they read in the newspapers is that somebody has said something terrible about the President. It is not clarified to them. Television always says, "Oh, there is not time." Well, there is always time to tell the truth, especially if you are going to tell something wrong first.

But there is not time, the argument goes, to tell the people, "Look, the President did not do this. There is no proof he did it."

This is simply a statement of a scared person who is supposed to have said something in the grand jury. We do not know what he said, and on which, as the distinguished Senator from Wisconsin said, he has not been cross-examined. As he said, we do not know if it is true.

None of this is analyzed for the benefit of the people. All they know is that a great miasma sweeps through Washington bringing clouds of suspicion on everyone from the President on down.

I end up by congratulating the Senator for saying what he did not need to say. There was no compulsion on him to say what he said, and he said it out of a sense of fairness, and it needed to be said. I want to pay my respects to him

for having made a timely observation that fairness is fairness, whether it be in the media, public life, or anywhere else.

Mr. PROXMIRE. I thank the distinguished minority leader. I wish to conclude by saying that those who feel that it is possible that the Watergate scandal may be suppressed, that facts the country has a right to know may not come out, should stop and reflect. They should reflect on the momentum that is present today. There is the Ervin committee that will conduct a thorough investigation; there will be an independent prosecutor; some 20, 30, or 40 of the best investigators in this country are working on this matter also, some of them full time. There is no question the facts will come out. The one thing that could prejudice the truth is premature charges that are shown later to have been false; the denial never catches up with the initial smear and charge. If we are simply more careful and thoughtful about this and if the press will be more careful and thoughtful about it, I am convinced the country will be far better served.

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

Mr. PROXMIRE. I am happy to yield.

Mr. MANSFIELD. I wish to commend the distinguished Senator from Wisconsin for his sense of fairness and understanding of the law. I am one, along with those others who have spoken this morning, who has a great veneration for the office of the Presidency, just as I have a great veneration and dedication for the Senate and the Congress as an institution. But we do have grand juries operating at the present time. We do have hearings in Federal courts on both coasts at the present time. We do have a Senate committee made up of some of the outstanding Members of this body who, I think, will do a good, fair, impartial job. They will get at the facts and the facts should be laid bare because what the distinguished Senator is saying, if I interpret him correctly, is, in effect, to let the facts speak for themselves.

So I would hope that rather than judge people ahead of time we will wait until the evidence is in, as it was in the case of the Watergate trials, where the men had a fair trial before Judge Sirica, were judged guilty and sentenced to various terms of imprisonment.

But rumors and innuendos flourish and take hold. From the seed comes plants of various kinds. But rumors, innuendos, and the like are not facts, and the innocence or guilt of any individual involved in this messy, sordid situation will have to be determined on that basis and that basis only.

So I commend the distinguished Senator for his sense of fairness, understanding of the law, and the forthright speech he made in the Senate this morning.

Mr. PROXMIRE. I thank the Senator.

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

Mr. PROXMIRE. I yield.

Mr. ROBERT C. BYRD. Mr. President, I, too, congratulate the distinguished Senator from Wisconsin (Mr. PROXMIRE), and I associate myself with the remarks of the able and distinguished majority leader just made in connection with the Senator's prepared speech.

Mr. PROXMIRE. I thank the Senator. Mr. President, I yield the floor.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. BIDEN). Under the previous order, the Senator from Michigan is recognized for not to exceed 15 minutes.

Mr. BEALL. Mr. President, I ask unanimous consent that the time allotted to the Senator from Michigan under the order be allotted to me.

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

Mr. BEALL. Mr. President, I yield such time as he may require out of my time to the distinguished Senator from Tennessee.

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

Mr. BROCK. Mr. President, I thank the Senator from Maryland.

Before I begin my prepared remarks. I wish to add my sincere appreciation to the Senator from Wisconsin for his contribution. I think it was statesmanlike and entirely consonant with our system of jurisprudence and due process of the law, and his recognized respect for the law. I very much appreciate his remarks, and I am grateful that he took this occasion to deliver them. I hope they will be heeded.

CAMPAIGN REFORM

Mr. BROCK. Mr. President, if anything decent is going to come out of the Watergate affair I think it is going to come in the area of campaign reform, and I think it must.

Public reaction to the scandal surrounding the attempted bugging of the Democrat National Headquarters and to other political espionage in the 1972 presidential campaign, to date has centered on the guilt or innocence of the persons charged as responsible.

It is both normal and necessary that these persons be identified and prosecuted if culpable. However, in the final analysis, it is necessary to look beyond the personalities and address ourselves to the preservation and strengthening of our political system, and to those reforms which have been proven necessary if we are to eliminate future assaults on its integrity.

Those in both parties who seek short-term political advantage may achieve their goal by sensationalism and name-calling, but those who are truly concerned as I think the Senator from Wisconsin just demonstrated, about the basic fundamental implications of the Watergate affair, have a more difficult, and perhaps less headline-grabbing job to do.

We must address ourselves to the root causes of the problem and seek to correct them.

We need new legislation on campaigns and campaign spending. We need new thinking, and a fresh approach, and I would like to call on the Congress to direct its attention to shaking up the whole campaign situation, top to bottom.

There are a number of bills already introduced which bear on the campaign problem, but I believe we need a much more comprehensive approach.

I have some ideas, which I would like to discuss today, and I would hope that others would come forward with new concepts as well. Now, when Watergate-fueled public concern has heated the iron, is the time to strike a blow for true campaign practices reform.

Particularly in my role as chairman of the Republican Senate Campaign Committee, it is my hope that any new legislation may become law in time to be in force for the 1974 congressional elections. In that instance, it may be possible to judge any changes that might be necessary prior to the 1976 presidential campaign, so that by that time a tested and ironed-out law may be in force at that time.

Before detailing the thrust of my proposal, I would like to spend just a moment on the question of the Watergate affair itself and what it represents to our political process, its integrity, and its preservation.

It is important to remember that this is a scandal quite different from those great scandals in past American history. No one had their hand in the Federal till. No one was taking bribes in return for governmental favors. No one was selling secret documents to foreign powers, or to anyone else.

What it was, instead, was a case of dirty campaigning, illegal and unethical. In sum, it was a political crime. Viewing it so, it is to our campaign laws that we must look if we seek to apply the lessons of Watergate to the future.

Campaign workers come in all sizes and shapes. Volunteer or paid, they run the gamut in terms of their contribution, their commitment, and their attitude.

Some make but a desultory contribution to the campaign effort. Others may work quite hard indeed, without ever knowing exactly why.

And there are those who, by their very nature, are motivated by extremely strong commitments to the policies and programs of their candidates. More than other citizens, they regard the potential triumph of their opponents as a great blow to the country. Given this intense commitment, they behave perhaps somewhat differently than their less-political neighbors.

Clearly, the proverbial Ivory soap percentage of all these people would never, under any circumstances whatever, act in a way that was not totally honorable and ethical. Indeed, they are the very backbone of the American policial process. Without them, and their commitment, no candidate has a chance of election. Without them, the American system fails.

But there are subtle and compelling forces at work on the intensely committed people, and a very few may take the first step toward compromising their principles. It may begin with tearing down an opponent's posters, repeating a rumor about him they really do not believe, or in some other small way seeking to damage his campaign.

These little sins, or misdemeanors, really, may seem to them to be relatively

harmless, but somwhere along the continuum that stretches from decent, legitimate support to the monstrous illegality of the Watergate affair is a point where the end by no description can justify the means.

At some point too, a new element enters. It is the element that makes the wrongdoing truly criminal and serious criminality possible. It is money.

The simple fact is that few persons have the resources to escalate their misdemeanors into wholesale criminality. Taken to its final step, it was the existence of huge sums of money, in suitcases, safes, and special bank accounts, that permitted the Watergate affair to happen.

Without ready money, conspirators, in such limited numbers as they are, are relegated to daydreaming a "mission impossible" plot out of thin air while they clip newspapers in campaign headquarters.

Without ready money, there would have been nothing to cover up—indeed, there would have been no incident at all.

It is therefore, the existence of uncontrolled, unreported, large quantities of money—and in this specific instance, cash—that is the corrosive element, and it is to the question of campaign financing and spending that I turn my attention in seeking meaningful and workable reform.

There have been a number of attempts to legislate new policies regarding the vast sums of money which now seem necessary for a modern political campaign, but regrettably, they have not been greatly effective. They have been difficult to enforce, discriminatory against certain groups and candidates, and—to which the Watergate is eloquent testimony—ineffective.

No less an expert than Phillip Hughes, Director of the Office of Federal Elections, testified before a Senate subcommittee this year that current laws are inadequately enforced, and that the current machinery imposes great difficulties for those charged with its administration. Additionally, he points to substantial legal, constitutional, and administrative problems in enforcing the existing law, or any quantitative extension of it.

What is called for, then, I think, is a new concept, and a new approach. May I suggest the following attack on the problem:

First, all Federal election candidates should be required to designate a single financial institution which would be the repository for all of their funds. It would be illegal for them to have any other funds whatsoever, under any name, anywhere else, except for a small imprest petty cash fund, itself funded from the central repository. The designation of the repository would be made to the General Accounting Office of the United States.

Second, all campaign contributions must be forwarded directly to the repository, along with the name, address and social security number of the donor and no cash contribution in excess of $100 could be accepted. Campaign treasurers may accumulate small donations—less than $100—for a period not greater than 5-working days, then transmitting them to the repository. As is presently the case, the treasurer must keep records on the cumulative contributions of small donors, so as to identify any that may, by a series of donations, contribute in the aggregate more than $100, at which point the treasurer must notify the repository.

Third, the repository shall weekly publish a list of all donors, together with their addresses, social security numbers, and the amounts of their donations. It shall include under a separate heading all "miscellaneous" donations, and the name, address, social security number, and aggregate donated amount of any persons whose aggregate small contributions shall exceed $100. A copy of these lists shall be mailed to the General Accounting Office, as well as published, and both the repository and the GAO must make other copies available to the public.

Fourth, all disbursements from the campaign treasury must be made in the form of a check drawn on the repository institution—except for petty cash expenses. No other method of payment from a campaign organization shall be considered legal.

Fifth, the repository must publish a weekly list of disbursements, based on canceled checks in a manner similar to that discussed above, and in accordance with procedures drawn up by the GAO.

Sixth, contributions in kind—and this is a particularly interesting and difficult area that must be addressed in the future by legislation—must be reported by the treasurer to the repository, together with an estimate of their value and such other information as the GAO may require. The estimate of value must be certified as reasonable by the campaign treasurer, as well as the purpose stated to which the donated item or service is to be put.

Seventh, severe penalties for the violation of these provisions shall be in force, and may be applied to the candidate, campaign treasurer, repository, or officer thereof, or to any other person who knowingly and willfully violates the law.

The essence of these seven suggestions is to come up with a law which will assure that campaign contributions are totally exposed to public scrutiny and are open and above board. No more cash, no more bank accounts under various names, no more delayed reporting.

It will, I believe, go a long way toward making the subject of campaign financing the honest business that all of us believe it should be. But an additional step is needed, and that is to do something about the incredible cost of the campaign itself.

This is a terribly thorny problem, but one of great importance. There have been a number of attempts to limit the cost of campaigns, going back at least to the Corrupt Practices Act of 1925. In 1940, the Hatch Act contained a provision which provided that no Presidential campaign or committee could spend more than $3 million.

This law, as amended, is a mockery because all it has done is to create a proliferation of committees on behalf of one candidate. Thus, in 1968, the three major candidates, their parties, and special committees, spent at least $60,000,000 on the Presidential campaign, despite the law that would have limited that campaign spending to $9 million.

The most recent law attempts to place a direct, per-voter limit on the amount of money that can be spent on communications media advertising, but does not affect other forms of campaigning, although there have been measures introduced in this session of the Congress that would make such an extension.

In so many words, Mr. President, no matter how we try and what we write as to the extent of our legislation and the specificity of it, these limitations have not worked. I really wonder whether they can work, because they are all subject to attempts on the part of candidates and their managers and others to get around it when they feel that something has to be done. I question whether it is really the basic way to go about cutting the costs of campaign spending.

Let me suggest an alternative. I think that perhaps a much easier way to deal with the problem, and one that would have great appeal to the American people, is to limit campaigns in terms of time. This would have the effect of measurably reducing campaign costs.

Only so many television commercials or newspaper ads can be run during a given time; shorten the time reference and we reduce the costs.

In so many words, my idea is to limit campaign advertising to 35 calendar days, 5 weeks, preceding a general or primary election or a national political nominating convention.

Candidates could still make speeches, shake hands and make news. But that is the right of any citizen, and it would be both unnecessary and improper to interfere with it. But that it is the right of any citizen. It would be unnecessary and improper for us to attempt to interfere with it.

Provision would of course have to be made to provide for the payment of such expenses as may be required to meet the candidate filing laws of any State, and to provide for the operation of the ongoing political party organizations.

I would also envision a system whereby committees promoting a candidate, or seeking to draft him to run for office, would be permitted to exist prior to the announcement of this candidacy.

But at the time of that announcement, so far as all expenditures and all receipts are concerned, they must cease. They must give way to the candidates as far as expenditures are concerned. They could continue to exist in name, as could such usual groups as "Labor for Jones" and "Youth for Smith," but these groups would be prohibited from maintaining or spending funds on their own.

And of course, none of the committees could spend any money for advertising prior to 35 days before the election and then only by donation through the single campaign repository.

Finally, I would like to see changes dealing with contributors to political campaigns, and new regulations for the contributions of the candidate himself,

his family, and other classes of potential contributors including corporations and labor unions. We need new thinking on maximum limits to contributions, and revisions in tax deduction provisions so as to encourage small donations on the part of individual citizens. It can be done. It was done in 1964, and it can be done on a regular basis in my opinion.

The general tone of these aspects should be liberal. It is my opinion that the key to honesty and impartiality lies in making donations broadly based and subject to full public disclosure.

Knowledge is the basis of rational decision. I fully believe that given access to all the facts, the American people will make the right decision.

We have a great many urgent needs in America today, vital needs to which those in and out of government must address their energies and abilities. If we are to get on with them, we need to put the Watergate affair behind us. The judicial process will see to it that those who are personally guilty of criminal acts relative to Watergate are fully dealt with.

Let us do something positive now. Let us try to get some real reform. Let us try to demonstrate our faith in the finest system of government history has bestowed on a free people.

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

Mr. BROCK. Mr. President, I yield to the distinguished Senator from Arizona.

Mr. GOLDWATER. Mr. President, I want to congratulate my friend, the Senator from Tennessee (Mr. BROCK), for a splendid statement, a statement that is well thought out. It is a statement that I hope will have an effect on the appropriate committee in this body so that we can attempt to pass meaningful legislation.

As the Senator knows, I occupied the job he now has for 7 long years. I was constantly stunned and shocked by what I received from the various States of this Nation on behalf of various candidates in terms of money.

I am afraid that one major obstacle will stand in the way of meaningful reform, and that is that people still contribute in terms of $100 bills. There is no way on God's green earth that this can be accounted for if the contributor does not want it accounted for and if the candidate does not want it accounted for.

That, however, constitutes a relatively small part of the overall money received in a campaign. It is so small, in fact, that I question whether there is any substantial impact involved.

I like the Senator's suggestion about shortening campaigns. I think that the British have the right idea. I think that 5 weeks might be too long. I have often said that both campaigns should begin by Labor Day and that the candidates then have 4 or 5 weeks in which to campaign and make their points.

I remember at one time when we were dealing with this subject, I asked the late Walter Reuther if he would agree that a candidate would have to approve of each committee formed to raise money for him. He made a very cogent remark when he said,

No, it was his constitutional right to give up to $5,000 for any Senatorial campaign that he wanted to, and that the candidate need not know about this.

He could, for example, buy $5,000 worth of radio time and speak for or against a candidate. And he could do the same thing in the newspapers.

I cite this merely to show that there are some constitutional obstacles and some legal obstacles. However, I believe that they can all be overcome.

I think that every committee organized to help a candidate should have the knowledge and the blessing of the candidate. That is the only way to get around it. A man that wants to give more than $5,000 could have a left-handed, red-haired secretary's committee for Brock. And he could give money to that committee or to any other committee all down the line.

These are points that I want to raise so that we can understand them as we get into this problem. We are faced with a very serious problem. I remember in my first campaign for the Senate that it cost a little under $45,000. My last campaign cost more than $400,000. I have told my committee that I will not spend more than $200,000 in my coming campaign.

I think that spending more than that is wasteful. I think that there are better and more honest ways to campaign.

I remember that the late President Jack Kennedy and I had agreed that if we ran against each other, we would, in effect, travel together, make speeches from the same stump and debate each other, which is old-fashioned, but still the best way to get away from the Madison Avenue impact where they can literally tailor the man to meet the job. He or she—since we now have to consider that in politics—can have his or her face lifted. He or she could have sparkling things put in his or her hair and look like the brightest young thing that ever came down the pike.

That is the way you sell soap. That is not the way to sell the United States, or Members of Congress, or the Presidency; but we are into that.

So I am hopeful, I say in all seriousness to my friend from Tennessee, that we will pay attention to what he has suggested today, and to other suggestions that I know are lying dormant somewhere around here. I am sure there is not a Member of this body who would not want to see the process of running for public office shortened, cheapened, and cleaned up. When I say cheapened, I refer, of course, to the amount of money involved.

I assure my colleague that in the year ahead, in this job, he is going to have an opportunity to witness some of the things I have witnessed, and in time will be more sure of what he was saying.

Mr. BROCK. Mr. President, the Senator is very kind. I say that not only because of my respect for the Senator from Arizona's past experience as a national candidate, a senatorial candidate, and a member of the Senate campaign committee, but because of my respect for his integrity and his knowledge of the constitutional process. I am deeply grateful, and very much appreciate his remarks, because this is a problem that affects Democrat and Republican, liberal and conservative, and affects the integrity of the people of this country and of the political process itself, and that is something sacred beyond any individual, and always must be if we are to preserve it.

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

Mr. BROCK. I yield.

Mr. BEALL. I, too, would like to join in congratulating the Senator from Tennessee for what appears to be a very worthwhile proposal to do something about the too long and too costly election campaigns to which we are all subjected these days.

Unfortunately, it seems that one of the first considerations that an individual has to make as he seeks to run for or seeks reelection to public office is the consideration of how to raise the money to pay the tremendous expenses incurred in acquiring the necessary advertising and other campaign machinery to get elected or reelected. I note that many of our colleagues who are going to be running in 1974 are now going about the business to see that proper fundraising efforts are put forth.

I have not had a chance to read the Senator's statement, but from listening to it I gather that the basis of his suggestion is that there be full and frequent public disclosure of all expenditures that take place during a campaign. I think that must be at the heart of any meaningful reform. It seems to me the one way we can control what happens in an election and the one way we can make the public concerned about what happens in an election is to make sure that, on a regular and frequent basis, there is a full disclosure of the amount of money being received by every candidate and a full disclosure of the amount of money being spent by the candidate. I think this must be the basis of any meaningful reform that takes place, and I congratulate the Senator.

I would like to say further that I agree that campaigns are too long. I was interested in the Senator's proposal that we limit to 35 days the time in which campaign advertising can be run. I guess that would probably work. I am wondering, since Labor Day seems to be the traditional starting point of all political campaigns in this country, whether the Senator would agree that perhaps it would be worthwhile to consider moving the election day forward also, as a method of getting at the length of campaigns.

Mr. BROCK. I think that would be perfectly logical. If we want to start at Labor Day, let us just add 35 days to that, or 30, if you like. I think we all might benefit from the process. I think the politicians might find it refreshing to note that they were not boring the American people to death, which extensive campaigns can on occasion do.

Let me tell the Senator how much I appreciate his remarks, and state that he has found the cogent point of this entire matter, and that is disclosure, public disclosure. Let the people know what is going on, and then we will not have any problems relative to contributions. Let them see how much was received on what dates. Let them see where they spent the money, for what purposes, and on what dates, at every stage of the campaign.

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

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

Mr. MANSFIELD. Mr. President, would the Senator like a minute or so of my time?

Mr. BUCKLEY. Yes, I would appreciate it.

Mr. ROBERT C. BYRD. Mr. President, may I be recognized?

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may yield my time to the majority leader, the full 15 minutes if he needs it, and that the order for laying down the unfinished business at 10:59 a.m., to be followed by proceeding immediately to the consideration of the EDA bill, be modified accordingly.

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

Mr. MANSFIELD. Mr. President, I yield 2 minutes to the Senator from New York (Mr. BUCKLEY).

Mr. BUCKLEY. I thank the distinguished majority leader.

Mr. President, I too, want to compliment the Senator from Tennessee for focusing our attention on what so urgently needs to be done: A thorough review of our whole approach to national elections, not only in the light of our Watergate experience, but also in the light of our experience with the recently enacted campaign bill. We have had our first shakedown cruise, as it were.

I understand from those who have worked within its limitations that much improvement needs to be made. I think one thing we need to address, and the Senator has alluded to it, is to make sure that any new approach will really go across the board and affect everyone, labor unions and everyone else. This, as we know, last year was somehow avoided. It must be made to apply to everyone who would contribute.

One question in my mind has to do with the limitation of 35 days. I would only say that, while the thought of any such limitation is delightful, as one who was relatively unknown in a State as large as New York, I doubt if I could have made it with the campaign limited to that length of time.

I believe the limitation on total campaign spending, rather than on time, would be the right approach.

Mr. BROCK. The Senator may be correct. We have just simply failed to do that heretofore; we have not limited campaign costs, and they have increased enormously, even after the passage of the bill.

I frankly think perhaps we can achieve a basis of limiting the total cost by limiting direct media advertising to 35 days, but not by any description limiting campaign activities. Then the Senator could have conducted his campaign and engaged in all kinds of campaign activities, including direct mail and other forums.

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

Mr. BROCK. I thank the Senator from New York for his comments.

Mr. MANSFIELD. Mr. President, before I start on my remarks, I commend the distinguished Senator from Tennessee for offering his proposals, and I would hope it would not be too long before we could jointly bring to the floor legislation dealing with the need for campaign reform, because campaigns are too long, and they are too expensive and too tiring, not only on the candidates but on the people themselves, with too much repetition. I would hope something could be done on a bipartisan basis to bring about these reforms, which would be not only in the interest of the people as a whole, but in the interest of those of us who are running on an individual basis.

I commend the distinguished Senator.

Mr. BROCK. I thank the Senator from Montana, and he has my unqualified commitment to support such a measure.

THE WATERGATE CONSPIRACY

Mr. MANSFIELD. Mr. President, on January 16, 1973, at the request of Senator SAM ERVIN, chairman of the Senate Select Committee on Presidential Campaign Activities, I dispatched identical letters to the following:

Hon. Richard Helms, Director of Central Intelligence, Central Intelligence Agency, Washington, D.C. 20505.

Committee To Re-elect the President, 1701 Pennsylvania Avenue, Washington, D.C.

Hon. Richard Kleindienst, Attorney General of the United States, Department of Justice, Washington, D.C.

Hon. Patrick L. Gray III, Director, Federal Bureau of Investigation, Washington, D.C.

John W. Dean III, Esq., Counsel to the President, Executive Office of the President, The White House, Washington, D.C.

Hon. Elmer B. Staats, Comptroller General of the United States, General Accounting Office, Washington, D.C.

Maurice H. Stans, chairman, finance, Committee To Re-elect the President, 1701 Pennsylavnia Avenue, Washington, D.C.

The Republican National Committee, 310 First Street, SE., Washington, D.C.

Earl L. Silbert, Esq., Principal Assistant U.S. Attorney, U.S. District Courthouse, Third and Constitution NW., Washington, D.C. 20001.

Each of the above individuals and organizations acknowledged the receipt of the communication through the person to whom it was delivered.

The signed receipts follow:

OFFICE OF THE MAJORITY LEADER,
Washington, D.C., January 17, 1973.

Hon. RICHARD HELMS,
Director of Central Intelligency,
Central Intelligence Agency,
Washington, D.C.

ROBERT J. KELSO.

COMMITTEE TO RE-ELECT THE PRESIDENT,
1701 Pennsylvania Avenue,
Washington, D.C.

MELAINE O'GORMAN.

Hon. RICHARD G. KLEINDIENST,
Attorney General of the United States,
Department of Justice,
Washington, D.C.

BERNETTA EVANS.

Hon. PATRICK L. GRAY III,
Director, Federal Bureau of Investigation,
Washington, D.C.

C. CARSON.

JOHN W. DEAN III, *Esquire,*
Counsel to the President, Executive Office of the President, The White House, Washington, D.C.

F. J. CARRALL.

Hon. ELMER B. STAATS,
Comptroller General of the United States,
General Accounting Office,
Washington, D.C.

GLADYS M. RIGSBY.

MAURICE H. STANS, *Chairman,*
Finance Committee to Re-elect the President,
1701 Pennsylvania Avenue,
Washington, D.C.

ELAINE O'GORMAN.

THE REPUBLICAN NATIONAL COMMITTEE,
310 First Street, S.E.,
Washington, D.C.

JEAN M. DAVENPORT.

EARL J. SILBERT, *Esquire,*
Principal Assistant U.S. Attorney, United States District Courthouse, Third and Constitution, N.W., Washington, D.C.

PIERCY N. LASSIKAS for E.J.S.

The following communication, identical in each case, was sent to the above listed individuals and organizations and reads as follows:

As you may be aware, the Senate is to conduct a full and complete investigation of the allegations of illegal or improper activities during the recently completed national elections. This investigation is to include an examination of the events surrounding the break-in at the Democratic National Committee headquarters in the Watergate, the reports of political sabotage and espionage, questions concerning the receipt and accounting of campaign funds, and the practices and procedures of the various agencies and officials in their investigation of such activities.

I am writing to request that you not destroy, remove from your possession or control, or otherwise dispose or permit the disposal of any records or documents which might have a bearing on the subjects under investigation, including but not limited to all records pertaining in any way to the financing and operations of any activity related to or affecting the nomination or election of any person during the recent Presidential campaign.

Sincerely yours,

MIKE MANSFIELD.

Late in the afternoon of Friday, May 4, 1973, the press began calling my office on the basis of a statement made by Mr. John Dean and/or his attorney at which time I instructed Mrs. Salpee Sahagian, administrative assistant to the majority leader, to read the contents of the communication in full and the names of those to whom the communication was sent. This was done. I received several inquiries from the press since and the same procedure was followed.

I also ask unanimous consent to have printed at this point in the RECORD copies of the replies I received from Attorney General Richard G. Kleindienst, Comptroller General Elmer B. Staats, Acting FBI Director Patrick L. Gray III, and Principal Assistant U.S. Attorney Earl J. Silbert.

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

THE ATTORNEY GENERAL,
Washington, D.C., January 18, 1973.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I have your letter dated January 16, 1973 pertaining to the Senate conducting a full and complete investigation of the allegations of illegal or improper activities during the recently completed national elections. You can rest assured that the request contained in your letter will be complied with.

My most sincere best personal regards and respect as always.

Sincerely,

RICHARD G. KLEINDIENST.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., January 22, 1973.

Hon. MIKE MANSFIELD,
U.S. Senate.

DEAR SENATOR MANSFIELD: This is in reply to your letter of January 16, 1973, calling our attention to the impending Senate investigation of allegations of illegal or improper activities during the recent national election and requesting that we not dispose or permit the disposal of any records or documents which might have a bearing on the investigation.

The Federal Election Campaign Act of 1971, Public Law 92-225, contains provisions requiring the extended retention of records related to our activities under this law. Most, if not all, of the relevant records under the control of the General Accounting Office would be covered by this statute. Even were this not the case, however, we have no intention of disposing of any of the records now in our possession or which might come into our possession during the course of the audits now in process by the Office of Federal Elections which might have a bearing on the matters under investigation.

Sincerely,

ELMER B. STAATS,
Comptroller General of the United States.

U.S. SENATE,
January 23, 1973.

SENATOR: Peggy received a call from Dave Bowers of the FBI.

Mr. Bowers said that Mr. Gray received your letter of January 16 but he understood that the Attorney General had replied on Jan. 18 and this reply was for the whole Department including the FBI. Therefore, the FBI Director would not be replying.

If there are any questions, contact Mr. Bowers. 175-2541.

DONNA.

Mr. MANSFIELD. Mr. President, I did not hear any further from the other individuals or organizations contacted initially.

This morning, I received in the mail a "Motion To Lodge Document with the Court" filed in the U.S. District Court for the District of Columbia and signed by Charles Norman Shaffer, 342 Hungerford Court, Rockville, Md. 20850, attorneys for John Wesley Dean III. The document filed with the court reads as follows and includes, in addition, a certificate of service that the motion to lodge document with the court was mailed to me on May 4, 1973, and to Earl J. Silbert, Esquire, Seymour Glanzer, Esquire, and Donald Campbell, Esquire, assistant U.S. attorneys, U.S. Courthouse, Washington, D.C. 20001.

Also returned with the motion was a copy of the letter which I dispatched to Mr. John Dean on January 16, as well as a copy of the envelope in which the letter was enclosed and also, under exhibit B, photostatic copies of an advertisement put out by the Alexandria National Bank of Alexandria, Va.

In order to keep the record straight, and in view of the fact that my office has been approached by the press on various occasions, I ask unanimous consent that all the communications, documents, and whatever, be printed in the RECORD, so that they will be there for all to see.

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

[U.S. District Court for the District of Columbia]

MOTION TO LODGE DOCUMENT WITH THE COURT

United States of America v. John Doe, et al., criminal case No. 1827-72.

Comes now John Wesley Dean, III, by his attorneys, Shaffer, McKeever & Fitzpatrick, for the relief and upon the grounds hereinafter described:

1. That John Wesley Dean, III (hereinafter referred to as "Dean"), for a substantial period prior to Monday, April 30, 1973, had been a member of the President's Staff serving at the White House in the capacity of Counsel to the President of the United States.

2. That on or about Monday, April 30, 1973, at approximately 12:00 noon while in another jurisdiction some distance from the Federal City his secretary advised him by long distance telephone that the wire services were then carrying a news bulletin that the President had demanded and received from him and others their resignations from their White House Staff positions and that later during the evening of the same date the President, on nationwide television, would formalize the announcement.

3. Thereafter on the same date at approximately 2:00 p.m. Ronald Ziegler, the Presidential Press Secretary, by a long distance telephone call confirmed to him the Presidential action earlier reported by the wire services' news bulletin.

4. That during the tenure of his appointment as Counsel to the President of the United States and prior to his termination in that office on or about Monday, April 30, 1973, Dean carried a total security clearance covering his possession and use of classified security information which lapsed immediately upon his termination.

5. That on or about January 16, 1973, during the period of his tenure and while possessing or having under his control classified material the Honorable Mike Mansfield directed a letter to Dean which he shortly thereafter received, copies of which are attached hereto marked Exhibits A and A-1, and prayed to be taken as a part hereof, reading in relevant part:

"The Senate is to conduct a full and complete investigation of the allegations of illegal or improper activities during the recently completed national elections. This investigation is to include an examination of the events surrounding the break-in at the Democratic National Committee headquarters in the Watergate, the reports of political sabotage and espionage . . . and the practices and procedures of the various agencies and officials in their investigation of such activities.

"I am writing to request that you not destroy, *remove from your possession or control,* or otherwise dispose or permit the disposal of any records or documents *which might have a bearing* on the subjects under investigation. . . ." (Emphasis added.)

6. That although Exhibit A describes itself as a "request" there are reasonable grounds to believe that the letter has directory effect to preserve autoptic evidence for the Senatorial inquiry described therein and any violation of its terms may expose Dean to subsequent charges of contempt of that body and obstruction of its investigatory endeavors.

7. On the other hand, Title 18, United States Code, Section 798, among other things, forbids anyone to communicate, furnish (excepting the lawful demand of information to any regularly constituted committee of the Senate or House of Representatives of the United States of America or joint committee thereof), transmit or otherwise make available to an unauthorized person or publish any classified information.

"(3) concerning the communication intelligence activities of the United States. . . ." under penalty of felony criminal prosecution leading to fine and/or imprisonment.

8. That for a substantial period prior to and since his termination from office above-described in Paragraphs 2 and 3, Dean has had within his possession and subject to his control a certain document containing forty-three (43) numbered pages together with eight (8) related supplementary documents plastic bound in a blue cover and carrying a security classification.

9. That Dean has reason to believe that some, if not all, of the content of the documents described in Paragraph 8, above, fall within the scope of the coverage of Exhibit A and that the said documents may have "a bearing on the subjects under investigation" by the Senate; however, a reasonable interpretation of the character of Exhibit A supports the view that the Exhibit does not meet the statutory exception of Title 18, United States Code, Section 798(c) reading:

"Nothing in this section shall prohibit the furnishing, upon lawful demand, of information to any regularly constituted committee of the Senate or House of Representatives of the United States of America, or joint committee thereof."

10. That prior to April 30, 1973, Dean, anticipating the reasonable likelihood of either (a) a covert break-in to his office before his termination by persons unknown or (b) sealing of his files after his termination by governmental agents and thereby run the risk of illegitimate destruction of the documents involved, removed the documents described to a safe and secure place under his custody and control.

11. That following Dean's return from the other jurisdiction above-described in Paragraph 2, on or about Thursday, May 3, 1973, he contracted in his name for a safe deposit box located within the Alexandria National Bank (hereinafter referred to as "the Bank") at Alexandria, Virginia, and was assigned Safety Deposit Box No. 592 and placed therein the documents above-described in Paragrapn 8.

12. That the Bank delivered to Dean two (2) duplicate safety deposit box keys both of which are affixed to a paper attached hereto marked Exhibit B and prayed to be taken as a part hereof.

13. That short of breaking the locks to the said safety deposit box access can only be obtained by the use of one of the keys affixed to Exhibit B in conjunction with a separate key maintained by the Bank at its banking house in Alexandria, Virginia.

14. That if this Honorable Court should grant the within Motion, then (a) Dean will have effectively transferred the documents involved beyond his own actual or constructive possession and control, which Dean believes he, as a terminated White House Staff member should no longer exercise, and (b) the problem of a statutorily unauthorized delivery to Senator Mansfield or members of the government's prosecutorial staff, none of whom may carry the requisite security clearance will be obviated, and (c) the risk of an unauthorized destruction of relevant evidentiary material "which might have a bearing on the subjects under investigation" either by the United States Senate or the District of Columbia Grand Jury inquiring into the matters under investigation.

15. That because of the events above-described in Paragraphs 2 and 11, Dean was not previously confronted with the problem concerning the appropriate disposition of the

classified material herein described and he did not sooner file the within Motion.

Wherefore, the premises considered, Dean respectfully prays this Honorable Court to pass an Order:

1. Directing the Clerk of this Honorable Court to remove the two (2) keys attached to Exhibit B and hold them in a safe place subject to the further Order of the Court; and

2. For such other and further relief as to this Honorable Court shall seem appropriate.

EXHIBIT A

U.S. SENATE,
Washington, D.C., January 16, 1973.

JOHN W. DEAN III, Esquire,
Counsel to the President, Executive Office of the President, the White House, Washington, D.C.

DEAR MR. DEAN: As you may be aware, the Senate is to conduct a full and complete investigation of the allegations of illegal or improper activities during the recently completed national elections. This investigation is to include an examination of the events surrounding the break-in at the Democratic National Committee headquarters in the Watergate, the reports of political sabotage and espionage, questions concerning the receipt and accounting of campaign funds, and the practices and procedures of the various agencies and officials in their investigation of such activities.

I am writing to request that you not destroy, remove from your possession or control, or otherwise dispose or permit the disposal of any records or documents which might have a bearing on the subjects under investigation, including but not limited to all records pertaining in any way to the financing and operations of any activity related to or affecting the nomination or election of any person during the recent Presidential campaign.

Sincerely yours,

MIKE MANSFIELD.

EXHIBIT B

SAFE DEPOSIT KEY ENVELOPES

Why risk loss
of both keys
KEEP
ONE
SAFE DEPOSIT BOX KEY
IN THIS ENVELOPE
ALEXANDRIA NATIONAL BANK
ALEXANDRIA, VA.
MEMBER OF THE FEDERAL DEPOSIT
INSURANCE CORPORATION

Why risk loss
of both keys
KEEP
ONE
SAFE DEPOSIT BOX KEY
IN THIS ENVELOPE
ALEXANDRIA NATIONAL BANK
ALEXANDRIA, VA.
MEMBER OF THE FEDERAL DEPOSIT
INSURANCE CORPORATION

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may yield the remainder of my time to the distinguished Senator from Illinois (Mr. STEVENSON).

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

(The remarks Senator STEVENSON made at this point on the submission of Senate Resolution 109, dealing with the appointment of a special prosecutor, are printed in the Routine Morning Business section of the RECORD under "Submission of a Resolution.")

VOTER REGISTRATION ACT

The PRESIDING OFFICER (Mr. HUDDLESTON). Under the previous order the Chair now lays before the Senate the unfinished business, S. 352, which the clerk will state.

The legislative clerk read as follows:

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

The Senate resumed the consideration of the bill.

Mr. McGEE. Mr. President, for several weeks, as the New York Times noted editorially today, the subject of voter registration by mail has occupied the attention of this body. The time to vote is upon us. Not today, as the Times has written. But it will be here tomorrow. A substantial majority of the Senate favors the bill. Opponents, to quote the Times editorial, "talk of fraud, but what they fear is democracy."

Mr. President, the time to expand America's democratic processes is now. The bill is before us. It is well considered. It has been long debated. There is no reason on Earth for not calling a halt to this senseless filibuster and acting on good faith. I ask unanimous consent that the Times editorial entitled "Time To Vote," which gives the case for acting on this bill now briefly, but persuasively be printed in the RECORD.

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

TIME TO VOTE

For several weeks an informal coalition of some Republicans and Southern Democrats has been conducting a quiet filibuster in the Senate against a bill to permit voter registration by postcard. Supporters of the bill have abundantly demonstrated that inconveniently located registration offices, inadequate time and arbitrary deadlines make it unnecessarily difficult for would-be voters to get their names on the registration lists. These man-made obstacles explain to a considerable extent why the United States has the lowest rate of political participation of any democracy.

However, Congressional diehards steadfastly oppose a simplified registration system because they are unenthusiastic about anything that makes it easier for poorer and less well-educated persons to vote. The opponents talk of fraud but what they fear is democracy.

A substantial majority of the Senate favors the bill. A recent effort to break the filibuster fell two votes short of the necessary two-thirds. Today the Senate tries again to impose cloture. The time to stop talking and start voting has clearly arrived.

CONTROL OF TIME ON CLOTURE MOTION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow the time during the debate on cloture under rule XXII, which will be 1 hour, be equally divided between and controlled by the distinguished Senator from Wyoming (Mr. McGEE) and the distinguished Senator from Hawaii (Mr. FONG).

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

EXTENSION OF AUTHORIZATIONS OF PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

The PRESIDING OFFICER. Under the previous order, the unfinished business will be laid aside temporarily, and the Senate will now proceed to the consideration of H.R. 2246, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2246) to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 1-year period.

The Senate proceeded to consider the bill, which had been reported from the Committee on Public Works with an amendment to strike out all after the enacting clause and insert:

SECTION 1. The first sentence of section 105 of the Public Works and Economic Development Act of 1965, as amended, is amended by striking out the word "and" after the words "June 30, 1971," and by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and not to exceed $200,000,000 for the fiscal year ending June 30, 1974.", and by striking in the last sentence the words "and June 30, 1973," and inserting in lieu thereof ", June 30, 1973, and June 30, 1974,".

SEC. 2. Subsection (e) of section 201 of the Public Works and Economic Development Act of 1965, as amended, is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and shall not exceed $50,000,000 for the fiscal year ending June 30, 1974."

SEC. 3. (a) Subsection (b) of section 301 of the Public Works and Economic Development Act of 1965, as amended, is amended by inserting in the first sentence immediately after the word "hereof" the following: ", except that in the case of a grant under this subsection to an Indian tribe the Secretary is authorized to defray up to 100 per centum of such expenses".

(b) Section 302 of the Public Works and Economic Development Act of 1965, as amended, is amended by striking out the word "and," after the words "June 30, 1969," and by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and $12,500,000 for the fiscal year ending June 30, 1974."

SEC. 4. Subsection (g) of section 403 of the Public Works and Economic Development Act of 1965, as amended, is amended by inserting after "1973", the following: "and not to exceed $25,000,000 for the fiscal year ending June 30, 1974,".

SEC. 5. The first sentence of subsection (d) of section 509 of the Public Works and Economic Development Act of 1965 is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and for the fiscal year ending June 30, 1974, to be available until expended, $75,000,000.".

SEC. 6. (a) Section 2 of the Act of July 6, 1970, as amended (Public Law 91–304), is amended by striking out "1972" and inserting in lieu thereof "1974".

(b) The amendment made by subsection (a) of this section shall take effect May 31, 1972, and any area designated as a redevelopment area for the purposes of the Public Works and Economic Development Act of 1965, as amended, on or before that date and which has had such designation terminated or modified in accordance with section 402 of such Act of 1965 on or before the date of enactment of this Act shall, for the purposes of such Act of 1965, be held and considered as a designated redevelopment area during such period and shall continue to be designated as a redevelopment area until

otherwise terminated or modified in accordance with the provisions of section 402 of such Act of 1965 and section 2 of the Act of July 6, 1970, as amended by this Act (Public Law 91-304).

The PRESIDING OFFICER. Debate on this bill is under control, with time on each amendment limited to 30 minutes, except an amendment by the Senator from Tennessee (Mr. BAKER), on which there will be 1 hour, and an amendment by the Senator from New Hampshire (Mr. COTTON), on which there will be 1 hour. Time on the bill is limited to 2 hours, to be divided 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).

Who yields time?

PRIVILEGE OF THE FLOOR

Mr. MONTOYA. Mr. President, I ask unanimous consent that the following members of the staff of the Committee on Public Works be permitted the privilege of the floor during the consideration of and all votes on H.R. 2246, a bill to amend the Public Works and Economic Development Act of 1965: M. Barry Meyer, Bailey Guard, John Yago, Philip T. Cummings, Judy Parente, David Sandoval, Richard Herod, and Robert Baca.

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

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

Mr. MONTOYA. I yield to the distinguished Senator from Idaho.

Mr. McCLURE. Mr. President, I make a similar request for Mr. Michael Hathaway of my staff.

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

Who yields time?

Mr. MONTOYA. I yield myself such time as I may require.

Mr. President, the bill before the Senate (H.R. 2246), extends for 1 year the programs authorized by the Public Works and Economic Development Act of 1965, continues the moratorium on the de-designation of redevelopment areas for an additional year, and provides 100-percent funding for technical assistance to Indian tribes under title III of the act. The bill also reduces authorizations from the present level of $1.2 billion to $362.5 million for fiscal year 1974, thereby approximating this year's appropriation level of $367 million. This reduction is offered in a spirit of cooperation with the President and in recognition of the need to maintain a fiscal balance as we seek to provide fundamental public services.

In the 1974 Federal budget, the administration offers an alternative set of programs to take the place of those that would be extended by the bill we have before us today. Basically, the administration recommends that various programs authorized by the Public Works and Economic Development Act be distributed to programs authorized by the Rural Development Act, the Water Pollution Control Act, the Small Business Act, and the Housing and Urban Development Act. Other activities would be incorporated within manpower and better communities revenue sharing proposals. Economic assistance to Indian communities would be taken over by the Bureau of Indian Affairs.

There is merit in some of these proposals and suggestions. Recognizing the need for improvements in existing economic development programs, I submitted during the 92d Congress and in this session of Congress legislation that would establish a new regional development program, a program that would incorporate the lessons learned from past experience and that would better address the unique problems of today. The response to this legislation (S. 232) has provided the Subcommittee on Economic Development, of which I am chairman, with suggestions that must also be considered in the formulation of any new development program. Hearings by my subcommittee are being scheduled to consider these proposals. They may also serve as a forum to discuss the merits of the administration's proposals. The extension of current programs is essential, however, because assistance to the Nation's economically disadvantaged areas must continue uninterrupted. Congress is not yet prepared to offer a new development program or to accept the administration's revenue-sharing proposals.

Furthermore, there is no reason to believe that the dispersal of the activites now carried out by the Economic Development Administration would improve or strengthen efforts to assist economically distressed areas. There is greater reason to believe that this diffusion would weaken or eliminate such efforts.

Our Nation has not been able to solve the problem of economic stagnation or deterioration with respect to every region of our country. It is doubtful that it ever will, completely. Economic progress itself creates disruption—"creative destruction" as one renowned economist described it. New technology, increased competition, depleted resources, changing trade patterns, changing tastes, obsolescence—all these factors have an economic impact, an impact that can fall disproportionately among the Nation's regions. And we must not forget the shock to a regional economy that can be initiated by a change in national priorities. We are told, for example, that a changing defense posture and budgetary considerations call for a shutdown of 40 military bases throughout the land and a cutback at 234 more. Again, the economic impact of this federally created shock would not be absorbed equally across the country. Rhode Island and Massachusetts would bear the brunt of this particular blow. Similarly, an area struck by a natural disaster can suffer the same economic distress as that caused by an economic downturn or a base shutdown. The Nation now faces the massive task of revitalizing economies disrupted by tropical storm Agnes and by recent flooding.

There is nothing inherently wrong in adjusting national priorities to meet changing national needs, just as there is nothing inherently wrong in the economic process of "creative destruction." Changes in policy will be made. Progress will hopefully continue. Nature will have its way. But we need not sit idly by while a stricken community struggles for its very existence. Why put up with this unnecessary suffering? Why put up with this unnecessary waste? Persons and communities caught stranded by a changing economic tide need assistance to establish a new and steady course. Most often the assistance provided by society is insignificant when compared with the benefits repaid. Why should we as a society not provide this timely assistance. In this regard and as a part of the hearings devoted to formulating a new development program, I intend to determine what action has been planned by our Government in order to provide economic assistance to communities and persons to be affected by defense cutbacks.

The American economy is a complex set of interrelated and dynamic systems. Private and public decisions can have large and far-reaching implications; implications of regional and even national scope. We no longer live in a simple shopkeeper economy where economic disruption to one productive unit has little or no affect on another. We need an agency in Government that concerns itself primarily with economic dynamics. We must have specialists in this important area. The programs authorized by the Public Works and Economic Development Act have done much of the job up to now, within their legislative and budgetary constraints.

An indiscriminate observation of these programs might see duplication with activities of other Federal agencies because similar tools are often used, but the fact that similar tools are being used does not necessarily mean that the same objectives are being sought. For example, neurologists and cardiologists both use many similar instruments, and they are both concerned with the physical well-being of the people. Should society, therefore, eliminate one of these specializations?

The Economic Development Administration and the regional commissions are interested in the social well-being of our citizens, as are the Departments of Housing and Urban Development and Agriculture; but the Economic Development Administration and the commissions concentrate on providing the services needed to guarantee economic well-being to those communities that need special consideration—special treatment to get back on their feet. Of course, HUD is concerned with the social ills of our urban communities. Of course, Agriculture is concerned with the health of our rural communities. But the know-how and expertise focused upon the concerns of economic development are found within the Department of Commerce. They are the ones that have researched new methods to cure the most difficult cases of unemployment and underemployment. They are the ones that have through timely and appropriate action given a new lease on life to hundreds of communities throughout the land.

Under the leadership of Paul Douglas, former Senator from Illinois, a renowned economist in his own right, Congress in 1965 saw the need for a special effort in the area of regional economic development. Have we now eliminated the plight of economic stagnation throughout the land? Have we come to grips with

the process of "creative destruction"? Do Federal decisions no longer disrupt entire segments of our society that we may relax our economic surveillance? A glance at economic statistics tells one that we have not yet won a final victory over economic distress, that we have not yet found adequate methods for adjusting to economic change. I remind my colleagues that there are still four and a half million persons in this country that cannot find work. Over two million persons that seek full-time jobs can find only part-time work. Close to three quarters of a million persons have given up hope of finding a job, altogether. Unemployment has remained at 5 percent or more for 2½ long years. Close to 26 million persons have incomes below the poverty level. No, we have not yet solved the problem of economic distress.

It has been argued in recent years that we must live with an unemployment rate of 5 percent or more, that aggregate economic growth required to reduce unemployment beyond this level would create inflationary pressures too great for the economy to bear. I find this line of reasoning faulty on two counts. First, I do not accept the inevitability of a 5-percent rate of unemployment. Second, I believe that the medication for an unemployment problem at the margins of our economy is not the stimulation of the entire economy. The effort must concentrate in those areas, geographic and human, where the problems exist. These problem areas call for swift, precise, and specialized action.

The programs we discuss today represent a concentrated approach to the Nation's problem areas. They, by design and by budgetary constraint, are not policy instruments for aggregate economic growth. They attack the hardest and most difficult problems of unemployment. They create little inflationary pressure, for they activate idle resources and do not compete for scarce resources. In short, they represent a workable policy for reducing marginal unemployment—without fanning the fires of inflation.

There are today over 1,000 areas in the country that because of low incomes or high unemployment, or both, qualify for assistance under these programs, and I ask unanimous consent to have printed in the RECORD at this point a table listing the number of qualified areas by basis of qualification, from the inception of these programs to present time. These figures tell me once again that we have not yet found the solution to economic distress. We are not yet ready to dismantle our concentrated effort, inadequate though it may now be. Indeed, this information shows that since 1969, the number of qualified areas has risen steadily to the record high of today—this, after a record of steady improvement during the late 1960's. It appears to me that our efforts should be intensified, not abandoned, that new solutions should be sought.

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

QUALIFIED AREAS BY BASIS OF QUALIFICATION, FISCAL YEARS 1966–72

Basis of qualification	Begin fiscal year 1966	End fiscal year 1966	Begin fiscal year 1967	End fiscal year 1967	Begin fiscal year 1968	End fiscal year 1968	Begin fiscal year 1969	End fiscal year 1969	Begin fiscal year 1970	End fiscal year 1970	Begin fiscal year 1971	End of fiscal year 1971 and begin fiscal year 1972 [1]	End of fiscal year 1972 and begin fiscal year 1973 [1]	Mar. 31, 1973
Title I:														
102(a) Substantial unemployment	99	115	153	178	64	52	46	63	33	36	29	179	380	474
Title IV:														
401(a)(1): Substantial and persistent	353	353	458	486	401	453	465	491	477	528	518	482	502	[2] 407
401(a)(1): Population loss	52	52	98	101	119	106	106	106	106	106	106	152	152	[3]
401(a)(2): Median family income	188	188	163	177	184	178	172	172	172	172	172	205	335	[4] 295
401(a)(3): Indian reservations	54	54	55	66	74	78	78	89	89	106	106	118	125	137
401(a)(4): Sudden rise in unemployment	1	1	1	7	7	29	26	31	21	29	29	62	83	127
401(a)(5): ARA holdovers	533	533	—	—	—	—	—	—	—	—	—	—	—	—
401(a)(6): [5] Special impact	—	—	—	—	—	—	—	—	—	1	3	4	9	12
401(a)(7): Decline in per capita employment	—	—	—	—	—	—	—	—	—	—	—	—	131	[6] 182
401(d): One redevelopment area per State	—	—	12	12	12	13	12	12	12	12	12	12	12	10
Total, all qualified areas	1,280	1,296	940	1,027	861	909	905	964	910	990	975	1,214	1,729	1,644
Designated areas (Title I and IV)	—	810	812	936	779	845	796	880	821	906	906	989	1,140	1,184

[1] As a result of the 1970 and 1971 amendments to the Public Works and Economic Development Act of 1965, there were no area-qualification terminations in 1971; thus, the numbers of qualified areas shown for the end of fiscal year 1971 (June 30, 1971) are identical to those shown for the beginning of fiscal year 1972 (July 1, 1971). Moreover, the 1972 annual review and area-qualification terminations were not completed until Dec. 29, 1972; thus, the number of areas shown at the end of fiscal year 1972 (June 30, 1972) are identical to those shown at the beginning of fiscal year 1973 (July 1, 1972).

[2] This is the number of areas qualifying solely on the basis of substantial and persistent unemployment. Additional areas meeting this criterion are counted in other categories as noted below.

[3] Areas previously qualified in this category with 1950–60 net outmigration of 25 percent or more and median family income between 40 percent and 50 percent of the national median. Areas now qualify on the basis of median family income not in excess of 50 percent of the national median regardless of population loss. Accordingly, no areas are currently included in this category.

[4] This is the total number of areas meeting the low income criterion. 68 of these areas also currently qualify as 401(a)(1) unemployment areas, and 2 qualify as 401(a)(7) areas, but they are not included in the numbers shown for those categories.

[5] Figures relate only to the urban program.

[6] This is the total number of areas meeting the "decline in per capita employment (p.c.e.)" criterion, except for 2 areas which also qualify as low income areas and are counted in that category. 31 of these p.c.e. areas also currently qualify as 401(a)(1) unemployment areas and 8 of them qualify as 401(a)(4) "sudden-rise" areas, but they are not included in the numbers shown for those categories.

Mr. MONTOYA. History will show that economic strength is the major life force behind a great nation. How then can we budget $8.5 billion for research and development in defense and at the same time budget zero for research and development in economic development? Does this difference represent an appropriate allocation of our national energy? We have only a limited supply of human and natural resources at our disposal. We must invest a greater share of these resources for more productive and creative endeavors.

The struggle for clean air and pure water is one such endeavor, but let us not thereby forget the mandate to provide economic integrity to all citizens. In our fervent efforts to cleanse the environment, let those of us who already have had economic opportunity and that now have economic security not forget the needs of our less fortunate citizens. Is it wise, for example, to provide $7.4 billion in budget authority for EPA one year, then turn around and provide zero in budget authority for EDA the next? In concern over one problem, let us not forget the other.

And nowhere is a misallocation of resources more evident than in the field of education. Soaring unemployment among our young adults is testimony to the inadequacies of our educational system. For example, the average annual rate of unemployment in 1971 for persons 16 to 21 years of age was 14.3 percent. For blacks and other races it was 28 percent. The rate of unemployment for persons 16 to 19 years old was 16.2 percent. For blacks it was 33.5 percent. That is, one out of three of these young adults that went out seeking work were told "no, you cannot work." Yet, too often do these same individuals, now anxious to assume adult responsibilities, waste precious years stuck in a regimen that is totally inadequate for their wants and for their needs. And let me quickly point out that this is not simply a problem among blacks. Of the 1.8 million persons of age 16 to 21 that found themselves unskilled and unemployed, 1.4 million or 78 percent were white.

Little has been done to correct the imbalance of our educational system, but a good part of what has been done has been accomplished with the assistance of the programs we are considering today. Since its inception and as of February 1973, the Economic Development Administration has helped to construct 86 badly needed technical and vocational schools throughout the country. I would like to submit the listing of these projects and I ask unanimous consent that

it may be printed in the RECORD at this point.

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

VOCATIONAL SCHOOLS AND SKILL TRAINING CENTERS FUNDED BY EDA PUBLIC WORKS PROGRAM

	EDA amount	Number of projects
Fiscal year—		
1966	$7,504,000	4
1967	3,863,000	8
1968	12,635,000	16
1969	20,981,000	14
1970	13,314,000	11
1971	8,629,000	12
1972	9,719,000	16
1973 (as of Feb. 20, 1973)	3,205,000	5
Total	79,850,000	86

VOCATIONAL SCHOOLS AND SKILL TRAINING CENTERS FUNDED BY EDA PUBLIC WORKS PROGRAM AS OF FEB. 20, 1973

Location	EDA money	Date approved
Arkansas:		
Pocohontas	$600,000	Feb. 11, 1971
Malvern	570,000	June 16, 1970
Fort Smith	765,000	Mar. 13, 1970
East Camden	750,000	Nov. 3, 1966
Fayetteville	480,000	Feb. 25, 1969
Alaska:		
Fairbanks	2,250,000	Jan. 19, 1972
Nome	851,000	June 26, 1970
Arizona:		
Gila River Indian Reservation	1,151,000	Apr. 10, 1969
Whiteriver	290,000	May 7, 1968
California:		
Fresno	82,000	Mar. 22, 1972
Columbia	254,000	Nov. 28, 1970
Stockton	750,000	Nov. 4, 1968
San Diego	160,000	Oct. 10, 1966
San Jose	350,000	May 25, 1967
District of Columbia	2,907,000	May 18, 1971
Georgia: Clarke/Athens	250,000	June 18, 1968
Idaho:		
Fort Hall	882,000	June 1, 1972
Desmet	82,000	Jan. 24, 1972
Lewiston/Nez Perce	750,000	Nov. 14, 1969
Illinois: Chicago	6,452,000	Dec. 31, 1968
Kentucky:		
Glasgow	551,000	June 16, 1972
Mayfield	478,000	June 9, 1972
Benton	482,000	Apr. 17, 1972
Fulton	326,000	Mar. 8, 1972
Murray	195,000	Dec. 31, 1970
Louisiana: Opelousas	291,000	June 7, 1971
Massachusetts: Fall River	3,053,000	Mar. 25, 1966
Minnesota: South St. Paul	153,000	May 18, 1972
Mississippi:		
Clarksdale	349,000	Sept. 24, 1969
Fayette	242,000	June 4, 1968
Kosciusko	101,000	Mar. 25, 1966
Missouri:		
Louisburg	[1] 458,000	Dec. 22, 1971
Doniphan	379,000	Dec. 23, 1971
Lilbourn	1,625,000	Nov. 14, 1969
Montana:		
Rosebud	216,000	Sept. 23, 1970
Box Elder	545,000	Mar. 24, 1969
Silver Bow	425,000	May 18, 1966
Nevada: Owyhee	82,000	Feb. 13, 1973
New Jersey:		
Newark	5,823,000	Jan. 31, 1969
Do	1,541,000	June 14, 1968
Camden	1,650,000	June 14, 1967
Passaic	3,925,000	June 29, 1966
New Mexico:		
Rio Arriba	160,000	Mar. 16, 1972
Santa Fe	990,000	Oct. 4, 1968
Zuni Reservation	254,000	Sept. 20, 1968
Mescalero, Apache Reservation	281,000	June 18, 1968
Espanola	811,000	May 10, 1968
Acoma Reservation	325,000	Mar. 19, 1968
Jemez Pueblo	230,000	Oct. 22, 1968
San Juan Pueblo	75,000	Oct. 3, 1968
Bernalillo	223,000	May 18, 1967
New York: Brooklyn	1,446,000	Sept. 15, 1972
North Carolina:		
Lumberton	861,000	May 22, 1970
Morehead City	881,000	Feb. 18, 1970
Elizabethtown	181,000	June 12, 1968
Kenansville	215,000	Apr. 5, 1968
Sylva	275,000	May 10, 1968
Wilson	510,000	May 7, 1968
North Dakota: Fort Yates, Standing Rock Reservation	515,000	May 21, 1971
Oklahoma:		
Vinita	2,059,000	Apr. 6, 1971
Ardmore	425,000	Nov. 18, 1969
McAlester-Kiamichi	1,328,000	May 7, 1968
Purcell	978,000	Apr. 30, 1969
Wilburton	718,000	May 9, 1968
Shawnee	1,224,000	May 20, 1968
Puerto Rico:		
San Juan	461,000	Mar. 22, 1972
Do	4,585,000	Jan. 28, 1970
Yauco	1,264,000	June 11, 1969
Guayama	2,075,000	Apr. 30, 1968
South Carolina:		
McCormick	[1] 142,000	Oct. 20, 1972
Orangeburg	1,320,000	Nov. 7, 1972
Aiken	408,000	Sept. 17, 1971
Bamberg, Denmark	976,000	May 20, 1971
Greenwood	246,000	Dec. 31, 1970
Florence/Darlington	1,652,000	May 20, 1970
Kingstree	1,490,000	Apr. 10, 1969
South Dakota: Rosebud	40,000	Nov. 4, 1966
Texas:		
Beeville	215,000	Sept. 28, 1972
Gonzales	120,000	Nov. 25, 1970
Waco	500,000	Jan. 30, 1969
Lower Rio Grande Valley	2,369,000	Apr. 9, 1968
Rio Grande	10,000	Apr. 19, 1967
Virginia: Warsaw	720,000	Jan. 17, 1972
Virgin Islands: St. Thomas-St. Croix	250,000	July 23, 1970
Washington: Seattle	1,846,000	Mar. 16, 1972
Wisconsin: Antigo	680,000	Dec. 28, 1966

[1] PWIP.

Mr. MONTOYA. Mr. President, these vocational schools which have been constructed in different areas of the country have become showcases, and other areas are beginning to follow the example by mustering financial resources to build such schools in those areas. So, in effect, this seed we have planted has stimulated the interest of the whole country in the concept of vocational education for our youth.

Most nations have long since recognized and nurtured the potential of their young adults, not so severely separating the earning process from the learning process. We must do better in terms of technical training and in terms of on-the-job training at nonpoverty wages. We must remember the 80 percent of those entering high school that do not go on to get college degrees. This is an area for which I have great concern, and this is one of the many areas in existing programs for which the administration has provided no acceptable alternative—eliminating, in fact, the only source of Federal assistance for the construction of needed technical and vocational facilities.

We must increase our efforts in the area of vocational education, not reduce them. We must strengthen our efforts in the area of regional economic development, not dilute them. Administration alternatives offer uncertainty for certainty. Some proposals are completely unacceptable. We must pass this bill extending the life of the Economic Development Administration and the Regional Action Planning Commissions until a suitable and certain alternative is provided. We must continue an economic development effort in this country.

Mr. President, I have discussed in some detail why it is important to maintain on-going programs of economic development. The continuation of these programs has been a matter of priority for the Subcommittee on Economic Development and the Committee on Public Works.

We could not have brought this bill to the Senate at this time without the support and participation of the distinguished chairman of the committee, the Senator from West Virginia. Senator RANDOLPH was an early advocate of federally sponsored economic development programs.

He is the father of the Appalachian Regional Commission.

He saw the problems that existed in his own State and found them reflected in other distressed areas throughout the United States. Without his leadership, programs enacted 10 years ago and those that followed, including that specifically directed at the problems of the Appalachian region, would not have come into being. It is his experience in this field and his inspiration as an effective legislator and chairman that have greatly facilitated our work in this area.

I am grateful to the members of the subcommittee for their diligence in these matters and for their participation in the development of this legislation. Senators MUSKIE, GRAVEL, BENTSEN, BURDICK, MCCLURE, STAFFORD, SCOTT, and DOMENICI all have made important contributions to the measure now before us. At the full committee level, the ranking minority leader, the distinguished Senator from Tennessee (Mr. BAKER), was of great assistance, as were Senators CLARK, BIDEN, and BUCKLEY.

Mr. President, this bill was carefully prepared by the Subcommittee on Economic Development and the Committee on Public Works. Its provisions were thoughtfully considered in their relationship to the needs of our country and within the framework of the existing governmental structure for executing economic development programs. I am convinced that it meets existing needs in these respects, and I strongly urge the Senate to approve this legislation.

Mr. NELSON. Mr. President, I support the Senate Public Works Committee version of H.R. 2246. This bill extends the Economic Development Administration for another year, and provides an authorization of $362.5 million for fiscal year 1974.

There has been much discussion in recent months about the effectiveness of the assistance programs of the Federal Government. Questions have been raised about the cost-benefit ratio of such programs, about administrative mishandling of programs on the local level, and about the vast duplication of programs which has resulted from our sincere efforts to provide relief to Americans who have not shared in the American dream.

Certainly it is the obligation of Congress to keep a constant and watchful eye on our programs for public assistance to be sure that they provide that assistance to those who are in need of such help, and to guarantee that these programs accomplish the ends they were meant to accomplish.

Speaking from a knowledge of the extremely beneficial work of the Economic Development Administration in northern Wisconsin—and especially of the Upper Great Lakes Regional Commission created under title V—it can be said that this program is one that has ably demonstrated its worth to the people and to the Government.

Northern Wisconsin has for many years been a depressed area. Since the decline of the mining, logging and shipping industry in the area, the northern half of the State has suffered from a

whole series of economic problems which have placed a severe hardship on the citizens.

First. Unemployment in the area consistently ranks higher than the national average. In the upper Great Lakes region, the unemployment rate is 6.3 percent, while the national average is 5 percent.

Second. Per capita income ranks more than 20 percent lower than the national average. Upper Great Lakes area per capita income is $8,268, while the national average is $9,590.

Third. Throughout the three-State area in the upper Great Lakes region, the number of families below the poverty level was 11.3 percent of the total population. The national figure was 10.7 percent.

Fourth. In the upper Great Lakes region, there are 19.1 medical personnel for every 10,000 people. Nationally, there are 26.5 medical personnel for every 10,000 persons.

Fifth. In the upper Great Lakes region, population between 1960 and 1970 declined by 2.7 percent, while the total three State area average population change was a gain of almost 1 percent.

While these statistics illustrate the extent of economic depression that has gripped the upper Great Lakes region. nothing can better convey that problem than the realization that this area once boomed from an extensive lumber, mining and shipping industry. Blessed with thousands of square miles of forest land. and abundant mineral resources under the ground, and the Great Lakes system to carry the raw material to market, northern Wisconsin gave its heart to the development of the Nation. But the forests were logged out, the deposits were depleted, and now the area stands as a shadow of its former prosperity.

Public officials and citizens have been aware for many years what kind of action was necessary to restore the quality of existence for northern Wisconsin. Businesses would have to be started so that jobs could be provided to the unemployed, transportation facilities would be required to make it easier to travel to the area, local residents would have to be aided in their efforts to protect the environment in order to expand the recreation industry in the area.

Early in 1965, I cosponsored an amendment to the Appalachian regional development bill with Senators HART, MONDALE, and MCCARTHY to create an Upper Great Lakes Development Authority. The purpose of the amendment was to give emphasis to the fact that in dealing with poverty and economic depression, Congress should concentrate on all areas suffering from such problems, not just those which have received extensive national publicity. This was the first effort to recognize the need for areawide coordination of economic assistance outside of Appalachia. Although that specific amendment was not approved, the leadership of the Senate and the administration assured me that they would wholeheartedly support future efforts at regional development legislation. In August of 1965, the Public Works and Economic Development Act was passed.

Title V of that act created the Upper Great Lakes Regional Commission, which covers 119 counties in northern Wisconsin, Minnesota, Michigan, and the Michigan Upper Peninsula. The principle of the commission was simple: to provide a mechanism for local, State, and Federal cooperation what would result in coordinated action to encourage the sound economic development of the upper Great Lakes area.

Through the years 1966 through 1971, the Upper Great Lakes Regional Commission funded 58 supplemental grants in Wisconsin. Total project costs amounted to $32 million of which $4.5 million was supplied by the commission. In 1972, 18 projects totaling $6.7 million received Upper Great Lakes Commission grants of a little over $1 million. So far in 1973, the commission has approved grants totaling $3 million for 17 projects and involving $770,544 in commission funds.

Such statistics do not provide an indication of the scope of Upper Great Lakes aid to the citizens of northern Wisconsin, but a few examples will:

The village of Wausaukee in Oconto County had been able to attract some beneficial industry to the community, but was unable to raise the money needed as its share toward the construction of improved water and sewer facilities needed for this expanding industry. The Upper Great Lakes Regional Commission not only provided a $33,000 grant to the community, but aided in raising an additional $16,000 needed in order to allow the community to proceed with the project. The facilities will provide service to a business which will employ 40 new workers who were previously out of jobs.

Job training has been a large part of the Upper Great Lakes activity. While it is possible to attract new industry, it is important that local citizens be given the opportunity to fill the job openings made available. Upper Great Lakes established job training centers in health occupation skills in Marshfield, shipbuilding skills in Sturgeon Bay, and forester skills in Rhinelander. The commission is also embarking on a program of training native Americans for resource management positions in the forests of the area.

Regional isolation has been a major problem for some areas. The Upper Great Lakes Regional Commission helped finance improvements at the Minocqua-Woodruff Airport where $1.2 million in additional revenue has been generated each year since the projects' completion.

The commission has also provided assistance which leads to development efforts on a longer range scale which are innovative, demonstrative, and regional in nature. One such project enabled the three State departments of natural resources in Minnesota, Wisconsin, and Michigan to coordinate their activities to develop strong procedures for the preservation and restoration of the more than 17,000 inland lakes in the 119 county region.

It is important to note that not only does the Upper Great Lakes Regional Commission provide the basic funding for many programs, its supplemental investments of $32 million in the 6-year history of the Commission have alone generated more than $125 million in additional State, Federal, and local assistance. This shows approximately a ratio of four dollars generated by every one dollar of Great Lakes Commission funds invested. Clearly, the benefits which have been provided by the Upper Great Lakes Regional Commission, even with limited funding, provides persuasave evidence of the value of the program.

Mr. President, the bill that is before us will provide the very minimum amount of funding necessary to carry on the functions of title V and the Economic Development Act. Support for the 1-year extension has come from many local and State leaders in Wisconsin. Gov. Patrick J. Lucey, who serves as the chairman of the title V governors, as well as the State legislature and scores of local government leaders have offered their support for the extension of the EDA. In a telegram to the entire Wisconsin delegation earlier this year, the Governor and the leaders of both parties in the legislature said—

> This legislation is critical to the economic development of central and northern Wisconsin. Significant gains have been made despite limited funds during the past six years . . . The Commission decision-sharing effort provides cooperation in making investments to meet resource development needs in northern Wisconsin.

The Milwaukee Journal, one of the most distinguished papers in the Nation, has supported the EDA extension in saying:

> There is too little understanding of the importance of the federal catalyst in trying to revive the economy and livability of depressed northern counties in the Great Lakes region. The highly promising catalyst for the last six years—the Upper Great Lakes Regional Commission—would be eliminated under President Nixon's 1974 budget . . . This federal state partnership could be seized as the model for the 'new federalism' that President Nixon says he is pursuing. It would be a serious blow to Wisconsin and the whole upper lakes region if this effective vehicle for both planning and action were wiped out.

The Economic Development Administration is one Government program that has demonstrated that it deserves to be extended, at least for another year. In that time, there can be additional investigation as to ways in which we can make the whole Government assistance program more coordinated and less costly.

But to fail to extend the EDA would be to ignore our basic responsibility to the citizens of this country to preserve and improve the programs which provide significant aid to people and areas which have suffered economic hardship.

It has been stated that we ought not to approve the Senate committee version of H.R. 2246 because it is unlikely that the President will sign the bill. If we were to act in such a manner, there would be no progressive legislation approved by Congress. For too long, we have allowed ourselves to lose the power of appropriation and legislation that is given to Congress in the Constitution. We have heard much this year about the battle between the White House and the Congress, and how the President has won the first two rounds.

Mr. President, we are not involved in any boxing match in this Chamber. We cannot rest after every 15 minutes, and the battle does not end after 15 rounds. What is at stake is the very essence of the Constitution, the balance of power

which is designed to provide laws which aid the people, not the special interests.

The bill that we have before us is a good bill, although the funds authorized are not nearly enough to deal adequately with the problems at hand. But Congress must demonstrate its concern for the economically depressed areas of the United States.

It can do that by giving its approval to H.R. 2246 this afternoon.

Mr. BUCKLEY. Mr. President, I appreciate this opportunity to state for the RECORD my position with respect to the proposed 1-year extension of the Public Works and Economic Development Act and the alternatives to this bill offered by my colleagues, Senators MCCLURE and BAKER and Senator DOMENICI.

During consideration of the Public Works and Economic Development Act in committee I voted against extending authority for the Economic Development Administration for 1 year and filed views dissenting from the majority opinion of the committee. I ask unanimous consent that my statement, as it appears in the Senate Public Works Committee report, be printed in the RECORD at this point.

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

ADDITIONAL VIEWS OF MR. BUCKLEY

As a matter of political philosophy it has long been my position that the solutions to society's problems are best sought in the private sector or, where public action is required, at the lowest level of government competent to handle a specific problem. I believe, in other words, in the ancient rule of "subsidiarity," as it places responsibility on the appropriate level of government that is closest to the problem and most responsive to the people directly affected.

During the 1960's, we fell into a careless and lazy habit of referring an increasing number of problems to Washington. This habit has not only failed to produce the anticipated results; it has not only wasted limited resources, raised taxes to an all-time high and produced an almost uncontrollable inflation—but it is threatening to produce a sprawling bureaucracy too large for any President or any Congress to control.

We have found that, to the body politic, this habit of turning to government can be addicting. A new governmental program begins as a means of "solving" a problem, but ends up by making the supposed beneficiaries dependent on it.

I have often argued that it is essential that we work to return areas of public responsibility to levels of government which are more responsive to the people; likewise that it is necessary for Congress to exercise discipline in voting federal authorizations to a far greater extent than it has so far been willing to do.

For these reasons I have strongly and enthusiastically endorsed the efforts of President Nixon to restore a more effective distribution of power and responsibility within the federal system and to return authority and accountability for public programs to state and local government officials through the device of special revenue sharing.

One element of this effort has been the proposal, as evidenced in the Administration's 1974 budget, to phase out the Economic Development Administration programs and to substitute a plan of action which would meet the policy objectives of the Public Works and Economic Development Act to stimulate economic development while reducing the federal presence and consolidating the modest federal effort which remains in effect.

There appears elsewhere in this report a letter to the Chairman of this Committee from the Secretary of Commerce which outlines the specific features of the Administration's blueprint for the termination of the Economic Development Administration. While there are likely to be differences of opinion as to how such a reorganization should be ideally effected, I believe the Administration's proposal is reasonable and adequate to sustain the on-going planning efforts through fiscal year 1974, until such time as state and local officials decide which programs and which organizational units ought to be continued.

The federal role will continue in evidence in the effort to encourage economic development principally through the Rural Development Act. However, the nature of the federal response to economic development will be shifted from that of extending categorical grants to a greater reliance on business and industrial loans and an expanded community facilities loan program. As stated in Secretary Dent's letter to the Committee, guidelines and procedures to implement the Rural Development Act are now in preparation and are expected to be ready by July 1, 1973. Thus, from the standpoint of both the planning and the program for economic development, the Administration's proposals already provide an adequate mechanism for the orderly "transition" between existing programs and their successors. This is another way of saying that now is as good a time as any to terminate the Economic Development Administration.

It is understandably difficult for members of this Committee, which has been responsible for writing the Public Works and Economic Development Act, to agree to the termination of the entire program which that Act created. It is also difficult for those of us whose constituents might benefit from a continuation of the program as it now exists to take the risk of embracing a new and untested approach to economic development. Furthermore, there is great temptation to increase expenditures on existing programs in the belief that the problems would be more readily solved if only there were adequate funding. These are examples of the difficult choices which must be made by the Congress if we are to do more than talk about fiscal responsibility and the need to reverse the flow of power to Washington, as many of us believe must be accomplished. Only if special revenue sharing and executive reorganization are supported by the Congress can we expect to see State and local governments revitalized as they are weaned of their dependence on Washington. For this reason. I dissent from the majority opinion of the Committee and oppose the extension of the Public Works and Economic Develpment Act.

Mr. BUCKLEY. Mr. President, as my statement indicates, I am personally satisfied that appropriate machinery can be in place to enable State and local officials to continue operating economic development programs by the time the authority for the Economic Development Administration expires at the end of the current fiscal year. On the other hand, I can also appreciate the concern of some of my colleagues that the Congress has not yet had sufficient opportunity to fully consider certain administration proposals which have only recently been submitted, such as the Better Communities Act introduced in the House of Representatives on April 19, 1973.

The proposed substitute offered by Senator DOMENICI, to authorize a 4-month extension, has the advantage of giving Congress ample time to consider the special revenue sharing proposals. As Senator DOMENICI argues, this would commit the Congress to examine without delay the administration's proposals for program reform. I support the Domenici amendment both for the discipline it imposes on the Congress to consider special revenue sharing as quickly as possible, and because it is a step in the desired direction of reducing the commitment of Federal dollars to programs that ought to be eliminated. I also support the proposed substitute sponsored by Senator BAKER and Senator MCCLURE to extend for 1 year only three of the programs authorized under the Public Works and Economic Development Act because it is preferable to a 1-year extension of the entire program from the standpoint of keeping unessential Federal expenditures to a minimum.

Finally, I would like to restate my wholehearted support of the thrust of President Nixon's domestic initiatives in returning responsibility for Federal programs, such as those administered under the Public Works and Economic Development Act, to State and local governments. I believe that the proposed special revenue sharing programs promise to be the most effective mechanisms for achieving this objective and I urge my colleagues to consider them quickly and sympathetically.

Mr. President, I ask unanimous consent that the prepared statement by the administration outlining their objections to the 1-year extension of the Public Works and Economic Development Act be printed at the conclusion of my remarks. In doing so, I do not wish to suggest that I support each and every argument advanced by the administration. I do feel, however, that it will help place the discussion in perspective.

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

ADMINISTRATION STATEMENT IN OPPOSITION TO H.R. 2246, AS AMENDED

The programs of the Economic Development Administration (EDA) have helped to some extent to alleviate unemployment in the depressed areas of the nation.

However, on the other hand, the EDA programs have been far too localized and have unnecessarily involved the federal government in the details of local development. The categorical nature of EDA has also led to a distortion of local priorities.

In general, the achievements of EDA's programs have not lived up to expectations and the Administraion is therefore opposed to enactment of H.R. 2246, as amended.

President Nixon's 1974 Budget proposes to reduce this needless federal local involvement by returning decision-making to the states and localities as well as by reducing the undesirable overlap and duplication among those federal agencies which are involved in community and area development. EDA's phaseout coupled with President Nixon's budget proposals for the federal assistance for economic development will provide a big step forward in the right direction. In keeping with this new emphasis, the Administration has provided that EDA's objectives will be assumed by other departments and agencies which will administer their programs to accomplish these goals.

THE EDA PROGRAM

Since September 1965, the programs under the Public Works and Economic Development Act and administered by EDA have tried to resolve national economic problems by attempting to stimulate the creation of jobs in economically depressed areas.

However, EDA's programs have not proven successful in accomplishing the objective of overcoming the national problem of imbalances in employment and income. EDA's impact has instead been localized; there is no need for the strong federal decision-making role in localized kinds of projects with which EDA has been involved.

RURAL ECONOMIC DEVELOPMENT

The new Rural Development Act to be administered by the Department of Agriculture is a program which will encourage the participation of the private sector in helping to meet economic and social needs and provide state and local officials greater authority in project decisions.

Under this Act, the Department of Agriculture will have the primary responsibility for rural development activities including water and other community facility projects which have represented over half of the past EDA funding. The President's 1974 Budget provides $678 million for Agriculture's new activities under the Rural Development Act, an increase of $348 million over the fiscal year 1973 obligation level. Most of these funds will be used for community facilities and commercial and industrial development. Funds in the amount of $645 million will be available July 1, 1973 under the Act to insure and guarantee loans for water and community facilities and industrial development.

The appropriate agencies of the Department of Agriculture are now preparing guidelines and procedures to implement the Rural Development Act and will be ready by July 1, 1973. In some instances, relatively small changes have been required in existing regulations and the program is already being implemented. On the other hand, in those activities involving the business and industrial loans and the expansion of the Department's community facilities loan program, the guidelines are requiring more intensive preparation and review within Agriculture and other departments. It is expected that these programs will be promptly initiated following the necessary clearance and administrative preliminaries. Procedures are also being developed to allow for greater state and local involvement and control of investment decisions.

The Department of Agriculture has already approved a number of loans for electric and telephone service under the Rural Development Act.

Industrial development loans authorized under the Act may be made in communities with a population of 50,000 or less. All other programs under the Act are available to communities with populations of 10,000 or less. The majority of EDA's assistance has been placed in communities of similar size. For fiscal years 1966 through 1972, 81.5 percent of EDA's obligations have been made for projects located in localities of 50,000 or less people. Sixty percent of EDA's obligations went to localities of 10,000 or less.

In addition, communities of all sizes will obtain assistance for waste disposal facilities in 1973 and 1974 through an additional $5 billion already made available for grants for such facilities under the Federal Water Pollution Control Act Amendments of 1972. $2 billion of this amount will be available for interceptor sewers. The above programs will involve the requisite state and local control to assure that funds expended thereunder may be used for industrial project purposes.

HUD PLANNING AND MANAGEMENT ASSISTANCE

In 1974, all planning and management grants under the proposed Responsive Governments Act (currently HUD "701" program) will be made to states, thereby allowing Governors to make suballocations to local governments and other eligible recipients in accordance with their state priorities. The 1974 Budget request for this vital program is $110 million, a $10 million increase over 1973. The $10 million is provided specifically to permit the states, if they wish, to continue the interstate regional commission planning programs heretofore funded by EDA.

If the states decide to retain the current regional commissions, they will determine the budgets for the commissions and how the funds are to be used. States which are not in commissions may establish commissions. There will be no unilateral federal decision to abolish any current regional commission, except to eliminate the federal veto, the federal staff, and direct federal involvement.

Also, because of the increased discretion available to the states under the planning and management program, they will be able to continue district planning efforts previously funded by EDA.

The Administration has stated that in the event the Public Works and Economic Development Act is not extended EDA funds will be provided this year to district planning organizations to ensure EDA support through all of fiscal year 1974. Additionally, the Administration will provide administrative expense funds to member states to help cover FY 1974 administrative costs of regional commissions. This will guarantee a smooth transition for these districts and for the existing regional commissions.

ECONOMIC DEVELOPMENT TO AID SMALL BUSINESS

The Small Business Administration (SBA) programs will be expanded to allow for more loans and guarantees to businesses. The 1974 Budget proposes a $642 million increase for SBA programs of which $632 million is for loan guarantees under the SBA 7(a) and economic opportunity programs.

INDIAN PROGRAMS FOR ECONOMIC DEVELOPMENT

EDA's Indian program is being phased down. However, as proposed in the 1974 Budget, $25 million will be shifted to a new Indian block grant program in the Bureau of Indian Affairs to assist federally recognized tribes in carrying our development projects as provided in tribally prepared plans.

Indian leaders were consulted on this approach prior to its being included in the President's Budget.

SPECIAL REVENUE SHARING PROPOSALS

Local comprehensive manpower programs under Manpower Revenue Sharing will be phased in beginning July 1, 1973 under existing authorities. For fiscal year 1974 an appropriation of $1,340,000,000 is requested for such programs as vocational counseling and skill training. Administrative regulations will be issued by July 1, 1973.

The Administration has submitted legislation to authorize a Better Communities Act for special revenue sharing which will involve sharing $2.3 billion during the first full year beginning July 1, 1974.

All of the activities and kinds of projects now eligible for assistance under urban development categorical grant programs, including the EDA program, will be eligible for assistance from this new special revenue sharing fund. The proposed Better Communities Act will also be a source of funds for smaller communities.

In addition, the Administration will propose another program of Special Revenue Sharing for Education to begin in FY 1974. $2.8 billion will be requested for this program and will include funds for vocational and adult education.

SUMMARY

The President's Budget for 1974 will terminate EDA's programs to allow for more consolidated efforts to stimulate economic development. The program recommendations of the President, if utilized by state and local authorities under sound areawide development plans, will not only build on the experience of past programs such as EDA's but will increase the amount of funding for rural areas and improve state and local management and decision-making flexibility.

The President's 1974 Budget will also contribute to the continuing fight against inflation by redirecting on-going federal programs so as to avoid duplication and thereby increase their efficiency.

Notwithstanding the fact that H.R. 2246, as amended, reflects a cut in EDA and regional commission appropriations authorizations, these amounts are still above 1973 actual appropriation levels, exclusive of the supplemental appropriations for Tropical Storm Agnes. To extend the Public Works and Economic Development Act would be fiscally unwise and improvident.

Mr. FULBRIGHT. Mr. President, as an original cosponsor of the Public Works and Economic Development Act of 1965, I strongly support its extension and shall vote for H.R. 2246 as reported by the Senate Committee on Public Works.

We are considering this measure today because of the President's veto of similar legislation after the 92d Congress adjourned last year. Subsequent to that veto, the President requested in his 1974 budget message that the programs under this act be phased out.

Under the heading "Economic Development Assistance", the President's budget message classifies these as "low priority programs" to be "curtailed in 1973 and terminated in 1974 as part of the governmentwide effort to reduce nonessential expenditures."

These so-called "nonessential expenditures" have in many cases in the past made the critical difference in keeping small rural communities alive in my State, and in revitalizing and aiding in the development of many others.

Extending the Public Works and Economic Development Act by enacting this legislation today will enable the Economic Development Administration and the regional commissions to continue their important work which, as I say, has greatly benefited the people of Arkansas.

Since its inception EDA has spent over $55 million on some 228 projects in Arkansas accounting for 29,000 new jobs. The Ozarks Regional Commission project funds add 11.1 million to this total and have provided over 4,500 jobs and placed over 2,000 students in continuing programs which provide them with needed technical and vocational skills.

Such statistics attest to the significant role that the Public Works and Economic Development Act has played in stemming outmigration in Arkansas and reversing this trend in the State. I have frequently emphasized this factor over the years in supporting funds for EDA and its programs for I believe that in helping to make our small rural communities attractive places to live and in providing them the grants and loans for public facilities to attract industry and business we help alleviate the pressures on our already over crowded and troubled urban areas.

Mr. MONDALE. Mr. President, I rise to give my full support to H.R. 2246, the 1-year extension of the Public Works and Economic Development Act. While I can appreciate the President's concern for cutting out wasteful and unproductive Federal programs, I cannot agree that EDA is such a program. Time and

time again, this program has demonstrated its usefulness as a tool for expanding the economic base and increasing employment in those communities that have suffered severe economic hardship. Through technical assistance, public facilities grants and loans, business loans, and other assistance, EDA has enabled economically distressed communities to "help themselves" back to the road of economic recovery. I am advised that the EDA and the regional commissions have created more than half a million jobs in this country since 1965 and these are important jobs located in those areas suffering from staggering unemployment.

In Minnesota alone, some 55 economically depressed areas qualified for EDA assistance. As a result of some 220 EDA approved projects, Minnesota communities have built recreation projects, industrial parks, vocational training facilities, and sanitation and sewer facilities. These projects have created new jobs and have expanded existing industry and attracted new industry.

The 40 public works projects alone completed in Minnesota have created some 5,600 direct new jobs at a cost of $9.7 million—about $1,700 per job. This is indeed a bargain investment when one considers the taxes generated by this employment. If each worker pays $1,000 per year in taxes, some $5.6 million is recovered in one year. This does not include the additional indirect jobs and economic benefits provided by these projects.

In Alexandria, Minn., 389 new jobs were created directly from a $699,000 EDA sewer and water treatment project.

Thief River Falls with a population under 10,000, received a $370,000 EDA grant for a water and sewer line extension to a junior college, nursing home, and industrial park. Eight hundred and twenty new jobs were directly created and new industry attracted.

Through an EDA grant, Detroit Lakes has started developing an industrial park that has already created 200 jobs, with an additional 260 new jobs anticipated.

In 1969, South St. Paul suffered a severe economic setback when a meat packing company closed down and left 2,700 workers unemployed—representing an annual payroll of $10 million. The EDA joined in partnership with South St. Paul in 1970 to launch a program of economic recovery. The city has since received a grant to construct water and sewer line extension, a new well and pumphouse to serve a large industrial area and allow for the location of new industry and creating an estimated 525 new jobs. In addition, EDA has provided a technical assistance grant to help provide the professional capability for the economic development program of South St. Paul and a grant to help construct a vocational training facility to provide training for the unemployed and underemployed in the meat packing industry.

While South St. Paul has had a slow economic recovery, it is fair to say that without the assistance of EDA, the progress would have been much slower.

These few examples demonstrate that EDA is indeed a useful and productive program and should continue without interruption. The vital job that this program is performing is needed today as much as ever and I urge its extension.

Mr. MUSKIE. Mr. President, today's consideration of the Economic Development Act extension gives us the opportunity to respond meaningfully to some of the most critical problems facing our economy. In the last few weeks the economic crisis facing this country has been temoprarily pushed off the front pages. But the economic problems of depressed communities throughout America continue unabated. The legislation we are considering today represents an extension of the Federal Government's commitment to solve these special economic problems.

The programs funded by the Economic Development Act have not been perfect. They have been but the first small step in our attempt to bring imagination and emphasis to solving the special economic problems of depressed areas. And these programs have made valuable progress. They deserve to be continued during the next year. And while this commitment continues, Congress will have an opportunity to thoroughly evaluate proposals to restructure the Federal economic development effort.

The administration's alternative to continuing EDA represents irresponsible neglect of the need for economic development.

The administration has proposed that EDA be terminated and that its functions be assumed by other agencies in the Federal Government. These proposals are unproven. They are unexplained and they deny our commitment to solve the special problems of economically depressed areas.

The value of continuing EDA programs is shown by the progress they have made in my own State of Maine. For instance, through EDA loans of over $8 million Eastern Fine Paper in Brewer, Maine, and Lincoln Pulp and Paper Co. in Lincoln, Maine, restarted their plants and are now thriving industries, providing hundreds of jobs. Clearly without EDA loans—loans which the Small Business Administration could not grant—these industries would not have survived.

Another example is the Saco Valley Independent Development Corp. in York, Maine. In 1970 the corporation received several million dollars in business loans from EDA to successfully diversify their product line, insuring jobs for years ahead.

EDA public works grants and business loans to the Bangor area helped the construction of the Bangor International Airport, and the development of an industrial park in Brewer. These projects have provided an incredible economic impetus to this area of the State. The airport provides access to Bangor, the industrial park, and jobs. Without public works grants aimed specifically at economic development, there would be no Bangor "growth center" now and much less future economic potential in that area of the State.

Not every area or community in my home State will be a potential "growth center," like Bangor. However, several towns and cities in the State have begun projects which could be critical to their economic prosperity. For example, an airport in Lincoln is depending on EDA funds; a company in Howland needs technical assistance to decide the best possible use for an empty plant which once employed 300 people; and pollution abatement programs in Machias, Searsport, and Guilford require funding.

A planned Lewiston industrial park has been seeking EDA funds for nearly 2 years. The park, which has a total of 117 acres and is projected to generate a total of over 600 jobs, clearly has the potential for a major employment impact in the Lewiston area. The city of Lewiston is ready to commit resources—ready to expand its economy. Yet the administration is saying, "No, you must wait for new, untried programs—programs whose futures are not certain." This makes no sense to me.

And, so, in Maine as in other States and areas across the country EDA is desperately needed. Economic development is not easy, nor are its results quickly realized. However, the key to its success lies in a greater degree of coordination and increased effective targeting of areas with growth potential—not, as the administration tells us, with a decentralization of programs, not with the termination of a program whose results have, for the most part, proven its effectiveness.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. On whose time?

Mr. McCLURE. On the time of the Senator from Tennessee (Mr. BAKER).

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BAKER. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. BAKER. Mr. President, when I entered the Senate, the Economic Development Administration was a new tool created to grapple with the problems of impoverished areas. Since the mid-1960's, EDA has been effective in fostering community growth in many areas that were afflicted with high rates of unemployment and low rates of investment.

But, over the last decade we have witnessed the unprecedented proliferation of Federal categorical grant programs. These well-intentioned efforts to meet needs for establishment of basic community facilities and to promote industrial and commercial growth in lagging areas have resulted in a vast increase in Federal spending and more unfortunately in a greatly diminished role for our States and cities in formulating growth policies. Federal bureaucracies have burgeoned and the responsiveness of government to the people has decreased proportionately.

In the face of this trend the present administration has called for a reevaluation of the Federal role in State and lo-

cal economic development area. With public and congressional support the administration has begun to implement a bold policy of realining domestic programs, consolidating some and returning more of the responsibility for economic growth programs to the State and local governments.

In general I applaud and support these efforts. I hope and expect that the future will record this as a turning point, marking the beginning of a new attitude toward growth policy and programs.

During the next few years we will be confronted by a difficult period of transition, and care must be taken during this period not to abandon efforts to rationalize and coordinate remaining Federal categorical grant programs and not to disestablish delivery systems which might provide or perform valuable services under future programs.

The EDA program has enabled many Americans to find new work and hope for the future. In my own State, it has produced important results. Tennessee, for example, has 39 title IV regions, more than all but five other States. Tennessee has 17 title I regions; only six States have more such regions.

But, as with many programs, the particular needs of one decade are not necessarily met by the programs of the previous decade.

The response of the administration has been to suggest that we abandon EDA, melding its components into broader programs funded by revenue sharing and new community development programs.

Such a proposal sounds very attractive—possibly more attractive than an across-the-board extension of the existing EDA effort. But a consolidation and restructuring of the Federal community development effort will not, by itself, solve many of the problems confronted by communities now eligible for EDA assistance.

Yet the alternative proposed in the committee version of H.R. 2246 also lacks the imagination we need to realistically meet the problems of economically deprived areas of our Nation. A flat reduction in the authorization of all EDA programs fails, I believe, to meet the goals of either the administration or the Congress.

The committee report admits this much when it states on page 2:

> The programs authorized under this Act may not have lived up to the hopes of the Congress or to the goals set by the Administration—and any shortfall may be legislative as well as administrative. But the need for reform and improvement does not justify abandoning needy communities or discarding the effort to direct specific attention to problems which are admittedly complex and stubborn.

Mr. President, I agree, and that is why I believe the Senate should turn its attention later in the day to an alternative embodied in the proposal of the distinguished Senator from Idaho (Mr. McCLURE), which would prune away unnecessary programs from the Economic Development Act while holding firmly to the more essential aspects of the EDA efforts.

Later today we will debate proposals by the Senator from Idaho (McCLURE) and by the Senator from New Mexico (Mr. DOMENICI).

May I say that it has been a distinct pleasure for me to work with the distinguished ranking Republican member of the Economic Development Subcommittee, the Senator from Idaho (Mr. McCLURE) in the consideration of these measures in the Public Works Committee, and with the distinguished Senator from New Mexico (Mr. DOMENICI), as well.

The Senator from New Mexico is striving in another manner to bridge the gap between the expiration or abolition of EDA on the one hand and the recognition of the efforts of the administration to redesign and restructure the delivery system for local economic development projects.

Mr. President, I have further remarks I intend to make later about the merits and the attractiveness of the McClure and the Domenici approaches. However, I will reserve those statements until these measures are called up.

I conclude my opening remarks by simply saying that while these amendments which will be offered later by the Senator from Idaho and the Senator from New Mexico are attractive and appealing, and while I believe that we have done the job of reducing the level of expenditure of the EDA program, I cannot frankly say, because I frankly do not know, that they will receive favorable consideration by the administration. However, the amendments are designed to establish priorities and avoid duplication and limit the scope of the program to its most essential elements.

In closing, I commend the chairman of the full committee, the Senator from West Virginia (Mr. RANDOLPH), for his efforts to develop an acceptable approach to a complex problem and for his leadership in being able to bring to the floor a proposal that recognizes the existing need by cutting the authorization to one-fourth of the House-passed bill.

Thus clearly we have in our proposal a minimum program for this bill that we can enact in order to assure a continuation of the Economic Development Administration.

Mr. President, may I say a particular word of commendation to our colleagues, the Senator from New Mexico and the Senator from Idaho. I also pay a word of commendation to the chairman of the subcommittee and to all members of the subcommittee on both sides of the aisle for having tried to produce in the Senate a series of proposals and amendments, each with merit, which, with fair and honest debate by the membership, will help in the adoption of the bill.

Mr. BAKER. Mr. President, at this time I understand that under the unanimous-consent order the control of the time for debate on the bill on this side was awarded to the senior Senator from Tennessee. If there is no objection, I should like to designate the Senator from Idaho (Mr. McCLURE) to control the time on this side.

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

Mr. BAKER. Mr. President, I have two unanimous-consent requests, if I might make them at this time.

I ask unanimous consent that the Senator from Utah (Mr. BENNETT) be added as a cosponsor of amendment No. 86 to S. 2246, which is referred to as the McClure-Baker substitute for the Public Works Development Act of 1973.

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

Mr. BAKER. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. On whose time?

Mr. MONTOYA. On mine.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MONTOYA. Mr. President, I yield such time as he may require to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I have followed with interest the statements of the Senator from New Mexico (Mr. MONTOYA) and the Senator from Tennessee (Mr. BAKER). They, with other members of the Subcommittee on Economic Development and the parent committee, given very careful consideration to the importance of the economic development program.

I join the chairman of the Subcommittee on Economic Development (Mr. MONTOYA) in support of H.R. 2246, a 1-year extension of the Public Works and Economic Development Act of 1965.

Since the creation of our Subcommittee on Economic Development, the Senator from New Mexico (Mr. MONTOYA) has exercised leadership that reflects his own energy and his deep concern for the people of our country who have not shared in its general economic well-being. Two years ago, the subcommittee under Senator MONTOYA began a comprehensive examination of economic development programs in this country and ways in which our past experience could be applied on a broader scale. He has pursued this effort with diligence and, in the 93d Congress, has continued the work which will result in proposals for a new national economic development program.

Authorizations for the programs under the act are as follows: $200 million for direct and supplementary public works grants under title I; $50 million for public works and development facilities loans under title II; $12.5 million for technical assistance and research under title III; $25 million for loans and grants to growth centers and for bonuses to economic development districts under title IV; and $75 million for the regional commissions programs under title V. Total authorizations for fiscal year 1974, therefore, are $362.5 million. This amount compares with an authorization of $1.2 billion for fiscal year 1973.

Appropriations for fiscal year 1973 were

$367 million, including a $40 million supplemental appropriation for disaster assistance. Thus, what we offer today is the bare minimum. We do this in order to help bring the Federal budget under control and at the same time continue needed Federal assistance to economically distressed areas.

We do not intend, by this reduction in authorizations, to condone the wholesale dismantling of the Economic Development Administration or the Regional Action Planning Commissions. I recognize that the administration has the responsibility to manage agency personnel and other resources in the most efficient manner, but I cannot accept the actual or threatened discharging or transferring of large numbers of employees while Congress is still considering an extension of these programs or while the transition to a new program is being undertaken. I am concerned that any person transferred or separated as the result of administrative reorganization be given full protection in accordance with Civil Service Commission procedures. If Congress determines to transfer all economic development responsibilities to the Department of Agriculture, the Department of Housing and Urban Development and others, I expect that the training and expertise of the employees of the Economic Development Administration and the Commission would qualify them for priority consideration for any positions to be filled and that they would be granted such preference.

An important feature of this bill is the moratorium it imposes on the dedesignation of areas eligible to participate in programs of the Economic Development Administration. Last year there were plans developed to designate some 300 such areas in 36 States, including 13 counties in West Virginia, which badly need the assistance offered by these programs. It is important that eligibility be maintained for all areas and that no dedesignation take place until the total economic development program is examined.

The programs of the Economic Development Administration and the Regional Commissions have been successful in promoting regional cooperation and in providing the public investment basic to economic development and job creation. Over half a million jobs have been created since these programs began. Hundreds of needed public facilities have been put in place and will continue to serve community needs for years to come. All this has been accomplished with an 8-year expenditure of $2.4 billion. The United States spends 10 times this amount each year alone for unemployment and welfare payments. Certainly there can be no doubt that these programs have succeeded in fulfilling a useful and needed service.

In addition to jobs and facilities, these programs have initiated and nurtured innovative experiments in Federal, State, and local cooperation. The partnerships as represented by the economic development districts, and the regional commissions have succeeded in mobilizing limited human and natural resources, and directing them to the areas where they might do the most good and reap the greatest returns.

Districts have been so successful as multicounty agents that in most instances they have been adopted by other Federal agencies as well. In fact, more than two-thirds of the funding for 120 surveyed development districts comes from Federal sources other than the Economic Development Administration. Similarly, two-thirds of the surveyed districts are designated A–95 "clearinghouses." This review procedure was initiated by the Office of Management and Budget to improve coordination at all levels of government and to give local people a stronger voice in the decision-making process. The composition of district boards reflects widespread participation by local groups. As of October 1972, for example, 55 percent of board members were elected officials. Seventeen percent were representatives from the business and industry community, and 10 percent were representatives of various minority groups.

As with the districts, the regional commissions have also been succesful as decision-sharing partnerships and have received strong bipartisan support from the Nation's Governors. These commissions have proven to be action as well as planning and coordinating agencies. The first five commissions—New England, Coastal Plains, Ozarks, Great Lakes, and Four Corners—helped fund over 800 projects through 1972. The value of these projects was $468 million, of which the commissions, utilizing the leverage of supplemental funding, provided $78 million.

Clearly, these two experiments in regionalism have been successful. They have encouraged cooperative efforts to solve common problems. They have mobilized resources to attack the results of economic distress. But the struggle for economic equity goes on. Should the Federal Government now withdraw its support from these partnerships? Many communities do not have the capability or the resources to make heavy lumpsum investments in needed public capital. They will continue to need outside help. In addition, they may not have the expertise required to plan for needed development projects. They will need assistance to provide for this expertise. They may pool their resources, but even this might fall short. They may use shared revenues—if they are forthcoming, but even this would require a cooperative effort. They may cooperatively succeed in undertaking a development program, but even then it would have to be in accord with State and Federal programs and priorities.

As I understand it, the administration proposes that Federal assistance specifically to economically lagging areas and that Federal participation in the development process at the regional level be terminated. In place of the economic and planning assistance programs authorized by the Public Works and Economic Development Act, the administration proposes general community assistance under the Rural Development Act and the Better Communities Revenue Sharing Proposal.

Additional community assistance is promised under the Water Pollution Control Act. Planning and lending activities would be undertaken by the Department of Housing and Urban Development and the Small Business Administration, respectively. Economic assistance to Indian tribes would be undertaken by the Bureau of Indian Affairs. This dispersal of activities will, we are told, provide a more concentrated effort to stimulate economic development. I fear, however, that the net result of this scattering of programs would be to dilute, not strengthen, efforts to assist economically lagging areas.

The administration argues that the programs of the Economic Development Administration have been too localized, that they unnecessarily involve the Federal Government in loval development, and they distort local priorities. On the other hand, the administration maintains that these programs have fallen short of expectations because they have not overcome the national problem of imbalances in employment and income. I remind the Senate that the programs we speak of today involve an annual expenditure of only $350 million, providing for grants, loans, technical assistance, research, and administration. We cannot expect a program of this magnitude to counteract all the resultant dislocation associated with a trillion-dollar economy.

The authors of this legislation never expected these programs to provide general equilibrium in the labor market. Indeed, private industry, supported by aggregate economic measures, can and should bring full employment to the country—with full employment defined at 4 percent or less unemployment. The authors of this legislation were concerned for those persons and areas of the country that, because of their peculiar circumstances, have not shared in general economic growth. The programs were designed to assist those communities that needed help; and they have addressed problems identified by State and local officials. These programs have been the last resort for many communities. I doubt these communities would label this assistance as an act of unnecessary involvement.

The administration has offered the activities authorized by the Rural Development Act as the primary alternative for current economic development programs. But in presenting the conference report on the Rural Development Act, Senator TALMADGE, Chairman of the Agriculture and Forestry Committee stated:

> . . . I wish to point out at this time that the bill before us does not duplicate . . . loans and grants available from Small Business Administration, Economic Development Administration, Department of Housing and Urban Development, and the Environmental Protection Agency.
>
> "We seek here not to duplicate or supercede these other programs, but to supplement and strengthen them. The bill specifically provides for cooperative participation in joint loans and grants with these other agencies.

Thus, the authors of the rural development program saw it not as a substitute for, but as a complement to the programs of the Economic Development Administration. Further, the rural program as it has been offered by the administration

would be a loan program, not a grant program. Loans are of no use to a community that has no borrowing capabilities—be they rural or urban. A grant program is still needed in any effort to assist economically lagging areas.

There has been much concern that 81.5 percent and 60 percent of all obligations by the Economic Development Administration have been made for projects located in communities with populations of 50,000 or less and 10,000 or less, respectively. These statistics are cited as rationale for allowing areawide economic development efforts to be shifted out of the Department of Commerce and into the Department of Agriculture. This information is frequently quoted because no community with a population greater than 50,000 can qualify for industrial development loans under the rural development program, and no community with a population greater than 10,000 can qualify for any of the other programs. Thus, over a third of the population lives in areas that would not be eligible to receive any assistance under this program. Over half of the population, 55 percent, would not be eligible for programs other than industrial development loans. About 65 percent of the population would be eligible for these loans. The economic assistance programs in the Department of Commerce have no such population restrictions. In fact, a comparison of population concentrations with obligated funds for economic development shows much less disparity in effort on a per capita basis than one might expect.

The administration argues that communities of all sizes will obtain assistance for waste disposal facilities from the Environmental Protection Agency under the Federal Water Pollution Control Act Amendments of 1972. But grants for sewage collection systems for new economic development projects cannot be made under this act. The limited funds being made available to the States will be urgently needed to meet Federal water quality standards and must be used for waste treatment plants, not for new water and sewer systems.

The business loan and loan guarantee program administered by the Economic Development Administration would, under the administration proposal, be taken over by the Small Business Administration. The loan programs of these two agencies, however, are entirely different. The Small Business Administration does not specifically address the problems of depressed areas. They make loans to small businesses, and these loans can be no larger than $350,000 to any one firm. In contrast, loans by the Economic Development Administration are used as part of an overall economic program to help secure major employers for low-income, high-unemployment areas. Further, EDA provides mainly direct loans based on interest rates charged to the Federal Government for its borrowing. The Small Business Administration provides mainly loan guarantees at going market rates. There is considerable fluctuation in these two rates, both through time and on an individual basis, but as of April 1973, the allowable rate for guaranteed loans was 9¼ percent while the rate for Government borrowing stood at 6⅞ percent. Government rates were 4¼ percent at the beginning of the EDA program.

The administration would provide $10 million, or $200,000 for every State, for planning and management grants under the "701" program of the Department of Housing and Urban Development. This alternative will be part of the proposed Responsive Governments Act and is offered in place of the program now offered by the Title V-Regional Action Planning Commissions. Again we find that the administration's proposal gets away from providing targeted assistance to needy areas and offers in its place general community assistance. This planning assistance to all States is undoubtedly needed, but it will not take the place of the "Title V" commissions. In addition, the proposed alternative would eliminate Federal participation in development efforts, and it would eliminate any supplemental funding authority. This latter provision in the current act has allowed these commissions to be truly action commissions. Supplemental funds provided by these multistate bodies have attracted much needed resources and expertise into specified areas. An important fiscal leverage would be lost if this provision is eliminated.

Assistance to Indian tribes would be shifted to the Bureau of Indian Affairs. Correspondence to the Committee on Public Works from Indian leaders throughout the land, however, support the Indians' program of the Economic Development Administration and again, I fear that the focus on economic problems might be lost by such a transfer.

The proposed Better Communities Act is offered as the substitute for the urban activities of the Economic Development Administration. This would again substitute a general community development approach for a program aimed at the economically lagging areas, only this time the areas are in our urban centers.

We have been offered a package that does not take the place of existing and needed public services. We have been offered a package that does not now exist and may never exist—that is, special revenue sharing. Even if these special revenue sharing packages are accepted, what will the communities that need assistance do in the interim. The least we can do is to extend the programs authorized by the Public Works and Economic Development Act for an additional year. Improvements in these programs can be made, as they can in most programs. The Subcommittee on Economic Development has been formulating legislation that would provide a new impetus to economic development at the regional level. We must now work together to develop a program that Congress and the administration can agree will constitute a genuine step forward in this critical area of concern.

Mr. President, I send to the desk an amendment which I offer on my behalf, and I am joined by Senator PASTORE, Senator PELL, Senator BROOKE, Senator KENNEDY, Senator MONTOYA, and Senator TUNNEY.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 4, line 12, strike "$12,500,000" and insert in lieu thereof "$25,000,000"; and on page 4, line 17, strike "$25,000,000" and insert in lieu thereof "$12,500,000".

Mr. RANDOLPH. Mr. President, this amendment brings to the attention of our colleagues an important subject that has been raised by the distinguished Senator from Rhode Island (Mr. PASTORE). I received a letter from Senator PASTORE yesterday and I ask unanimous consent to have it printed at this point in the RECORD.

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

WASHINGTON, D.C., *May 7, 1973.*

Hon. JENNINGS RANDOLPH,
Chairman, Committee on Public Works, Washington, D.C.

DEAR MR. CHAIRMAN: The major cutbacks in military facilities recently proposed by the Department of Defense will have a serious impact on the economy of Rhode Island. The scale of these reductions and base closings will create economic and social problems for large numbers of workers, and the communities in which they live, throughout the New England region. As many as 5,000 positions may be eliminated in Rhode Island alone.

The New England Regional Commission was created in an attempt to deal with the serious economic problems which beset that area of the nation. Governor Philip W. Noel of my State has written me asking that the Public Works and Economic Development Act be amended to require Regional Commissions established under Title V of that Act to address the problems created by base closings and to authorize grant assistance in such circumstances. His letter is enclosed.

Legislation extending the life of the New England Regional Commission and the program conducted under the Public Works and Economic Development Act will be on the Senate floor tomorrow. I believe that it is important to assure that the New England Regional Commission will be able to respond on a regional basis—to the critical employment loss associated with these proposed base closings. We must authorize sufficient funds for planning and other technical assistance and for project grants to be used in reducing the adverse economic impact on communities. If in your judgment as Chairman of the Committee on Public Works an amendment to the legislation before us is necessary to bring the capabilities of the New England Regional Commission to bear on this problem, I hope you will join me in seeking such an amendment.

The New England Regional Commission and the economic development programs as a whole have been our most flexible programs in responding to the varied and changing economic problems of the New England states. We cannot afford to lose this program now, when we are faced with Federal actions having a major effect on the level of employemnt in the region. And we must have the ability to focus this tool created to address problems of unemployment and low income shared by the region, on this most recent challenge to the economic future of the region.

Thank you for your consideration, and your help with this subject of such importance to Rhode Island.

Sincerely yours,

JOHN O. PASTORE,
U.S. Senator.

Mr. RANDOLPH. Senator PASTORE outlines a critical problem that faces the

people of his State—in fact, the New England region and many other places throughout the country. It is the problem of a severe economic impact on many communities because of the proposed closing or reduced operation of a large number of military bases. I have talked with Senator PASTORE at length about this problem, and he has mentioned it to other Senators. It was a matter of discussion within the past 2 weeks. This letter points out certain situations that have arisen.

Also, there is a letter from the Governor of Rhode Island, Philip W. Noel, to Senator PASTORE, and I ask unanimous consent to have that letter printed at this point in the RECORD.

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

PROVIDENCE, R.I., *April 26, 1973.*

HON. JOHN O. PASTORE,
U.S. Senator,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR PASTORE: While we are undertaking a major effort to deal with and respond to the unprecedented cut of military facilities in our State proposed by the Department of Defense, it has also occurred to me that the impact of these base closings is region-wide in its economic impact.

The one vehicle which we have had in the New England states to deal with matters having a regional impact on our economy has been the New England Regional Commission. In my recent testimony before the House Public Works Committee urging a one year extension of Title V Commissions and particularly the New England Regional Commission, I would certainly have mentioned the severe implications to the region of these base closings had they been announced at that time.

Now that the proposed closings have been publicly announced, it appears to me that it would be useful if the legislation relating to the Title V Commissions were amended to include language requiring the Commissions to address the problems created by such actions. This would at least yield economic planning assistance on a regional level. If the New England Regional Commission were also authorized to provide grant assistance in such circumstances, the result would be even more valuable to Rhode Island.

It is indeed ironic that the Administration should propose the termination of the Economic Development Act including the Title V Commissions at virtually the same time as it announces major cutbacks in this region's defense installations. The New England Regional Commission was specifically designed to address this area's unemployment problems. Rhode Island is now facing the likelihood of having an unemployment rate which is twice the national average. A federal mechanism to assist with unemployment problems is to disappear at the same moment when federal action profoundly affecting the employment situation is taking place.

Your consideration of the above is much appreciated.

Very truly yours,

PHILIP W. NOEL,
Governor.

Mr. RANDOLPH. In the communication from Senator PASTORE, he asks if an amendment would be necessary to insure that the New England Regional Commission could attack the region-wide economic dislocation which will result from these base closings.

Mr. President, it is my feeling that the Public Works and Economic Development Act of 1965 has ample authority for the New England Regional Commission and for the Economic Development Administration, in the Department of Commerce, to promptly and effectively respond to the unemployment caused by these military base closings.

We created these commissions, as Senator MONTOYA knows, to provide a comprehensive approach to the economic problems within their regions. They were given very wide latitude to provide planning assistance and assistance in matters of location of new industries, the securing of sites, and providing the necessary investments to attract new employers. The authority within the New England Commission to extend this type of assistance in response to sudden increases in unemployment is contained in sections 505(a)(2) and 509 of the act. I do not believe they could be improved upon.

We also have technical assistance, which is very helpful, under title III of the act, and that can provide additional flexibility. One of the advantages of this title is the assistance that is not tied to just a designated redevelopment area but can be used throughout the region to identify potential employers, to fund industrial site feasibility studies, and to aid in the conversion of former military facilities, such as we find closing in Rhode Island, to facilities in which new employers can locate. The Commission and the Economic Development Administration, I have found, have worked very closely with State and local governments to provide new jobs through the private sector.

There is a third form of assistance. As the Senator from New Mexico (Mr. MONTOYA); the ranking minority member of our subcommittee, the Senator from Tennessee (Mr. BAKER); and a new member of our committee, very active and very helpful, the Senator from Idaho (Mr. MCCLURE) have studied the legislation, they know that we can respond to sudden unemployment which has been created by base closings in the so-called special impact area program. This authority within the act allows grants for needed public works projects in those communities or neighborhoods, and these are defined without regard to political boundaries.

These are sections suffering an actual or threatened abrupt rise in unemployment due, as in this instance, to the closing of bases, causing a curtailment of a major source of employment, in which we can move forward with assistance. We can give grants to produce immediate, useful work to unemployed persons in the communities that are faced with these problems.

The real question as to the adequacy of the act to cope with these closings is one of money. That is the situation we face. We need to enact now the bill before the Senate, in order to provide the authorizations for appropriations in the coming fiscal year. Then Congress must appropriate the funds it feels necessary to make these authorizations and the implementation of the act a reality, a working agreement.

I think that Senator PASTORE has helped us by coming to the Senate, by raising this issue. He has focused attention on the fact that in these large-scale base closings, which are desired by the administration to strengthen the fiscal management of the executive branch, severe dislocations will take place in many instances. Certainly, that is a fact in Rhode Island.

So we come here today, proposing that EDA and the title V commissions have the effective tools to provide for an adjustment of these economic dislocations at the same time these activities are slated by the administration for elimination at the end of this fiscal year. This underscores the need for the passage of H.R. 2246, as discussed here by Senator MONTOYA and by me and by others.

I believe we need to perfect the bill before the Senate, and in that desire I am proposing this amendment, as I have indicated, with Senator PASTORE, Senator MONTOYA, Senator KENNEDY, Senator PELL, Senator BROOKE, and Senator TUNNEY. We think we must have a flexibility and the technical assistance for the sudden or abrupt rise in unemployment as a result of these base closings.

There would be no increase, as I understand it, in the overall authorization if this amendment were agreed to.

Mr. MONTOYA. That is correct. We merely are switching the figures from one title to the other. Under title III the authorization called for $12.5 million. We are switching that authorization to title IV, and the authorization in title IV of $25 million we are moving to Technical Assistance, title III. So actually there is no increase in the overall figure. It is merely a switching of priorities in the authorization.

Mr. RANDOLPH. I see the able Senator from the Commonwealth of Massachusetts in the Chamber. I do remember that the Senator from Massachusetts (Mr. KENNEDY) presented a resolution which bears exactly on this amendment. That was adopted, as I recall in our Democratic conference on May 2, just a few days ago.

At that time the Senator from Massachusetts very properly and helpfully discussed assistance for those areas affected by military base closures. That resolution in part said:

> That to insure the earliest community readjustment . . . 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 (military) facility.

So the amendment I have offered, on which the Senator from Massachusetts has joined, is consistent, I think, with the resolution which the Senator from Massachusetts presented in the Democratic conference. I think it is helpful to fulfill the responsibility that we have to those affected by these military base closings.

I am not going to discuss the need for military base closings. That is another point entirely, related to the executive branch of the Government.

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

Mr. RANDOLPH. I yield.

Mr. MONTOYA. Mr. President, I associate myself with the statements made by the distinguished Senator from West Virginia. I wish to compliment him for his statement.

I would like to say there is ample prec-

edent for EDA to undertake the rendition of technical assistance to these areas which have faced an air base or other military installation closing.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a list of instances where closings have taken place.

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

TECHNICAL ASSISTANCE FOR DEFENSE READJUSTMENT, ECONOMIC DEVELOPMENT ADMINISTRATION

MOSES LAKE, WASH.—A study of the feasibility of re-utilization of the former Larson Air Force Base for agricultural and industrial purposes.

Novco, California.—A study of the industrial and commercial potential of the Novco (California) area—to counteract declining employment and income in the areas as a result of a decrease in defense-related activities.

Marianna, Fla.—Planning and developing services for an Airport Industrial Park at the former Marianna Air Force Base.

Courtland, Ala.—A study of the feasibility of utilizing the facilities of the former Courtland, Ala. Air Force Base or Industrial and/or Commercial purposes.

Crane, Indiana.—Crane Center for Economic Development—(To assist 4 Indiana Counties suffering from the impact of decreased employment at the Crane Naval Ammunition Depot—Center will provide advice and assistance to local governments, business and industry in the area.

Port Clinton, Ohio.—An Economic Development Study for Port Clinton, Ohio—(Study was requested by the community in order to deal with the loss of employment and income resulting from the closing of the Erie Army Depot.

Sault Ste Marie, Michigan.—A study of the feasibility of utilization of the facilities of the former Kincheloe Air Force Base for Industrial (Park) and commercial purposes.

Duluth, *Minn.*—A study of the feasibility of establishing an industrial park at the Duluth International Airport, to help increase local employment and income to offset the phasing-down of defense related activities at this airport.

Wildwood Air Force Station-Kenai, Alaska.—Planning and implementation of an Action Program for Beneficial Re-use of the Wildwood Air Force Station. To develop the facilities for activities in support of municipal operations, for the education and training of native groups.

Schenectady, N.Y.—A study of the Economic potential of reconversion of Schenectady County Airport and the adjacent Flight Test Center for Civil and Commercial use. Test Center was formerly used by General Electric for development and testing of items produced under military contracts.

Springfield, Mass.—A study of the feasibility of utilization of the Springfield Armory and Arms Production Facilities for Industrial and Commercial purposes.

Brooklyn Navy Yard, N.Y.—A study of the economic feasibility of converting the former Brooklyn Naval Shipyard for use by Civil Industry, with the objective of increasing employment and to make maximum use of existing facilities and structures.

Clinton-Sherman AFB, Okla.—A study of the Industrial and Commercial suitability of the area surrounding Clinton-Sherman Air Force Base, and of its Base Facilities for Industrial and Institutional utilization.

Sanford, Florida.—A study of the feasibility of utilization of the former Sanford Naval Air Station for Industrial and Commercial use. Both Aviation and non-aviation oriented.

Bangor, Maine.—A plan for the Correct and Most Advantageous use of 105 acres located on Bangor Int'l. Airport (The former Dow Air Force Base)—Including identification of target industries and a program for new and improved facilities.

McAlester, Okla.—A study of the feasibility of an industrial park near McAlester, Okla.—This new, industrial site was intended to attract industries which could generate employment for workers laid off as a result of decreased activity at the McAlester Naval Ammunition Depot and by local branch plants, local defense-oriented industries.

Clinton County AFB, Wilmington, Ohio.—A utilization plan for the industrial area of the former Clinton County AFB, Wilmington, Ohio.

Phoenix, Ariz.—A study to determine the feasibility of establishing a National Program for training skilled aviation personnel (at the former Litchfield, Ariz. Naval Air Station and the Goodyear Auxiliary Airfield, near Phoenix.

Bremerton, Washington.—A study of the feasibility of an Industrial Park in or near Bremerton. (To attract industry which may create employment to take up the slack resulting from decreased level of activity and employment at the Bremerton Navy Yard.)

Mr. MONTOYA. Mr. President, title III of the act, sec. 301, as stated by the Senator from West Virginia, provides, and this is one of the basic purposes of the title, which is to provide technical assistance:

Such assistance shall include project planning and feasibility studies, management and operational assistance, and studies evaluating the needs of, and developing potentialities for, economic growth of such areas.

I have discussed this amendment with the Senator from Rhode Island (Mr. PASTORE), who is very concerned about base closures, and I know the Senator from Massachusetts also is very concerned, as are other Senators who are affected by this economic illness.

The Senator from Rhode Island (Mr. PASTORE) felt that an emphasis of technical assistance might aid the State of Rhode Island in trying to reestablish the economy in that particular State.

It is my feeling that the transferring by this amendment of the priorities with respect to the authorization amounts is in good order. I sincerely endorse the tenor, effect, and substance of the amendment. I understand that our colleague on the other side of the aisle is willing to accept the amendment. Is that correct?

Mr. McCLURE. I am happy to agree that the amendment is in order. I think that each of us, as we look at the changing requirements of our Defense Establishment, recognize that there are adjustments that have to be made from time to time.

The purpose here is not to debate whether that is right or wrong, but to recognize the difficulty which has been imposed and the role that the Economic Development Act can play in authorizations made where base closures do occur.

I think the amendment offered by the distinguished chairman of the committee reflects my own scales of priority in emphasizing the value of the technical assistance program under title III, because it adds emphasis, because it does respond to immediate needs. We are very happy to accept the amendment.

The PRESIDING OFFICER. Does the Senator from Idaho yield back the remainder of his time?

Mr. McCLURE. On this amendment, I yield back the remainder of my time.

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

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment [putting the question].

The amendment was agreed to.

Mr. KENNEDY. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 5, after line 17, insert the following new section:

SEC. 7. The President's Inter-Agency Economic Adjustment Committee established under Presidential memorandum of March 4, 1970, shall submit to the Congress within thirty days following enactment of this Act a report. Such report, with respect to each community affected by the defense facility and activity realinement announced on April 17, 1973, shall—

(1) contain details as to the facilities or portions thereof affected by the realinements which are excess to the Government's security needs and which can be turned over to the local jurisdiction for civilian use;

(2) describe procedures providing for the most expeditious transfer of such facilities to civilian use;

(3) contain comprehensive analyses of the community economic impact of a realinement which reduces or terminates activities resulting in a decrease in military or civilian personnel employed at a facility;

(4) describe technical assistance and program resoures made available by Federal agencies to communities in planning and carrying out economic development plans to utilize facilities transferred to civilian control;

(5) contain an estimate of the Federal program resources and the anticipated cost to fully implement community economic development plans, and, where necessary, contain recommendations for increased appropriations to meet those anticipated costs.

Mr. KENNEDY. Mr. President, first, I wish to extend my personal appreciation to the distinguished Senator from West Virginia (Mr. RANDOLPH), the distinguished Senator from New Mexico (Mr. MONTOYA), and the distinguished Senator from Idaho, all of whom bore the responsibility for accepting the previous amendment, which I cosponsored together with a number of my colleagues whose States have been adversely affected by the closing of various military bases.

This technical planning assistance will be extremely important in helping to assist those communities to recover from a difficult economic situation. I think the Senate has acted wisely in accepting the amendment.

It also carries out an important portion of the resolution adopted by the Democratic Conference which I introduced last week. That resolution, which I ask unanimous consent to be printed at this point in the RECORD, clearly calls for technical assistance to the communities affected by this decision.

The PRESIDING OFFICER. Without objection it is so ordered.

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 opportunities 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.

Mr. KENNEDY. I personally extend my appreciation to the chairman of the full committee, the Senator from West Virginia, for showing an understanding of the needs that communities in New England, California, and other States are facing. Obviously, he has shown a sensitivity to the fact that the readjustment and realinement of our national defense posture should not force particular sections of our country to bear the full brunt of these decisions.

The amendment which I have offered is really a complement to the action which the Senate has just taken. What we are including in this amendment is a requirement that the President's Inter-Agency Economic Adjustment Committee, established under Presidential memorandum on March 4, 1970, submit to Congress within 30 days after the enactment of this act a report covering its plans and operations. The report will cover:

First, which facilities or portions of facilities are excess to defense needs and can be turned over for civilian use.

Second, what procedures are being established for the expeditious transfer of those facilities to civilian use.

Third, what the economic impact of the realinement on each community is expected to be.

Fourth, what technical assistance and Federal program resources are being made available to the communities.

Fifth, what additional Federal resources are required to carry out economic recovery plans.

In other words, what we are attempting to do is have the President's Inter-Agency Economic and Adjustment Committee, which bears very significant responsibility in trying to help various communities, report to the Congress as to exactly what the situations are in relation to the 274 bases affected in the different States. I think that would be enormously informative to different Members of Congress who come from areas which are most particularly affected. I think it would be important to Congress itself in knowing what the impact of these various decisions has been and which communities are facing the most difficult adjustment periods, it would at least alert the Congress, and the Senate, as to the specific additional resources these communities require to adjust to the Defense Department decisions.

This amendment will require expeditious assessment and decision by the interagency committee. They are really going to have to fish our cut bait with reference to many of these defense facilities. I think it is important to the communities to know ultimately and finally, exactly what will be the impact of these closings, and exactly, again, what they might expect from the Federal Government. They will then know precisely, at the earliest possible time, what must be done to adjust to the Defense Department decisions.

I hope the floor manager of the bill would feel this was a useful and not unduly burdensome amendment. I would think it would be of great value to the communities which have been affected. The various business leaders, labor leaders, and community representatives I have talked with have felt this kind of step would be most useful and helpful to them in making plans for the future.

I hope the amendment will be accepted.

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

Mr. KENNEDY. I yield.

Mr. MONTOYA. I think the amendment has a very good concept. I think it is sorely needed now that we have had quite a few closures of military bases. I think it will be of aid to many communities that find themselves in a quandary to replace already lost jobs or jobs that will be lost. I commend the Senator from Massachusetts for offering the amendment at this particular time. I think it is appropriately a part of this bill. I am willing to accept the amendment.

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

Mr. KENNEDY. I yield.

Mr. McCLURE. Mr. President, while I think there is some problem in getting the comprehensive analysis and reports within the time frame required by the amendment, all of us share the sense of urgency these communities feel with respect to the adjustments they must make. I think the amendment directs our attention toward finding solutions.

Therefore, I am happy to accept the amendment.

Mr. KENNEDY. Mr. President, I wish to thank the distinguished Senator from Idaho for his understanding of this particular problem. As I mentioned earlier, this proposal will be extremely helpful. His recognition of the problems facing other parts of the country is of great value to us.

The PRESIDING OFFICER. Is all time on the amendment yielded back?

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

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

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Massachusetts [putting the question].

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HUMPHREY. Mr. President, will the Senator from New Mexico yield me about 5 minutes?

Mr. MONTOYA. Mr. President, I yield the Senator 5 minutes.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I have asked the distinguished chairman to yield me just these few minutes, because I want to express my hope that the bill as it came from the committee will be overwhelmingly adopted.

I think all of us recognize that this measure as reported by the committee, the authorization for public works and the Economic Development Act, is a very, very modest request. It has been reduced substantially from the 1973 authorizations. In fact, the bill before us, H.R. 2246, is in the sum total of $362.5 million. The authorization in 1973 was $1,052,500,000.

Mr. President, the Economic Development Administration—EDA—has performed a vital function by providing long-term employment opportunities in many economically depressed areas of our country. This has been true, despite the inadequate level of funding EDA has received since it began operations in the mid-1960's.

I believe that EDA programs, and those of the regional action planning commissions, are vital in helping people living in areas of economic decline, like some parts of northern Minnesota, gain a fair share of this Nation's abundance.

Today, despite the generally high level of economic activity that prevails in America, many communities are still experiencing excessively high rates of joblessness, slow rates of expansion in income and population decline. These communities need the kind of help that EDA has provided, and more of it.

In northern Minnesota, for example, the communities of Fosston, Onamia, Bemidji, Detroit Lakes, and Warren all have unemployment rates that are more than double the national average, ranging from 10 percent to nearly 14 percent. Population decline has also been continuing in many of our rural counties. In the counties of Pine, Norman, Elbow Lake, and Marshall, for example, populations have gone down continually since at least 1950. Family income in such areas is substantially below the statewide average and the portion of the population in the prime of their working lives continues to go down.

Since 1968, EDA and the Upper Great Lakes Regional Commission have provided more than $20 million to help promote economic growth in communities like those above in Minnesota. These funds, while small compared to the needs that exist, have been used to stimulate substantially larger public and private investments in the State. As a result, these funds have had a much larger effect on jobs and incomes in economically distressed areas than one would expect.

EDA and Upper Great Lakes Regional Commission projects have, for example:

Saved 125 jobs in Clearbrook, Minn.,

where grants from EDA and the Upper Great Lakes Regional Commission—UGLRC—enabled water and sewer facility construction that kept one employer from moving out of a small industrial park;

Created 30 new jobs and made 105 secure by a joint EDA–UGLRC grant to the Red Lake Indian Reservation for remodeling and upgrading of a sawmill; and

Provided roughly 300 new jobs in Duluth in the next few years as a result of a new chemical plant, for which an EDA business loan was in part responsible.

The impact of these projects on people's lives has been direct and significant.

With these facts in mind, it is hard to understand how the President could possibly term these "lower priority" programs in his budget. I for one believe that they deserve to be among the highest of our national priorities. If the richest Nation in the world cannot afford programs that put unemployed people to work and increase their incomes, what can it afford to do?

In response to a request to Mr. Ash at the OMB from Senator PROXMIRE and me, a detailed justification of all of the proposed budget cuts was prepared. In that report the OMB said:

> EDA programs will be phased out by the end of 1973, in favor of more focused and consolidated programs to stimulate economic development.

Who can be opposed to "more focused and consolidated programs," regardless of their substance? Certainly not this Senator. But we must look behind this facade of bureaucratic hyperbole to see what the proposed "consolidation" really means to people's lives.

The main fact is this: While EDA and the regional commissions were specifically required to direct all of their energies and resources to the poorest communities in our Nation, the so-called more focused administration substitute would provide less money and distribute it to rural communities regardless of need. The words "focused" and "consolidated" now seem to mean that we have given up any priorities for helping underdeveloped or distressed communities.

As one of the authors of the Rural Development Act of 1972, I know that its programs were not intended to and, particularly as implemented by the administration to date, will not, in fact, be sufficient to meet the urgent development needs of the most distressed rural areas of the United States.

We need an adequately funded EDA and regional commission program. Without such help, I have grave doubts about the ability of these poor communities to break the cycle of economic depression that has for too long afflicted them.

Today we are considering H.R. 2246 to authorize funding of EDA and the regional commissions, knowing full well that the President has threatened to veto whatever is passed.

With this in mind, I would have preferred to see us vote a bill that authorized at least the full $1.2 billion proposed by the House. It seems to me that Senate passage of a reduced bill could be interpreted as a lack of confidence in the EDA program. I hope that in our debate today we can at least make it perfectly clear to all concerned that this is not the view of the Senate.

Mr. President, I would like the record just to note that prior to the administration's termination of this program, or the announced termination of the program of EDA, an independent survey had been made, at the request of Office of Management and Budget and at the request of the White House, as to the efficiency and the cost effectiveness—the cost-benefit ratio effectiveness—of the Economic Development Administration program. This revealed that the program was the most effective, in terms of the benefits realized from the investments under the program, of any of the programs of the Federal Government.

After that survey had been completed and the results had been tabulated and the results and conclusions presented to the Office of Management and Budget, they arrived at the incredible decision of terminating the program—terminating it because it was successful, terminating it because it was well managed. The former Director of EDA, Mr. Podesta, I think was one of the better of our Federal officers. He has a fine business background. He came here to Washington to do a good job, and he did just that. However, despite the success of the program, it suffered a meat-ax approach from the Office of Management and Budget. It was to be cast aside.

I compliment the chairman, the Senator from New Mexico (Mr. MONTOYA) on his work in bringing this program back to us again and permitting the Senate and the House to take affirmative action for authorization, even though that authorization, in my mind, is very, very modest.

I hope that Members of the Senate will take a look at this program and compare it with some of the requests that have been made for other countries in the name of foreign assistance and helping depressed or economically disabled areas in other parts of the world.

Mr. President, we are so generous when it comes to faraway places and we are such a bunch of pennypinchers when it comes to taking care of our own.

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

Mr. MONTOYA. Mr. President, I yield 2 additional minutes to the Senator from Minnesota.

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

Mr. HUMPHREY. Mr. President, the Economic Development Act is not a giveaway program. It is an investment. It represents loans. It represents loans and grants for economic development and industrial expansion. It represents technical assistance to local communities, and all of that is outlined in the titles we have here, from title I to title VII.

The committee has worked very carefully to provide us with a legislative proposal that is acceptable. I hope that there will be no amendments adopted that would in any way weaken or diminish the effort that the committee has brought to our attention.

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

Mr. McCLURE. Mr. President, I yield 5 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 5 minutes.

Mr. DOMENICI. Mr. President, I will be very brief. I do have an amendment that I will speak to later. However, I want to commend my distinguished senior colleague from New Mexico for his presentation today and for his in-depth analysis of this measure and what it can do.

I want to publicly state that immediately after my election to the U.S. Senate, I traveled my State from one end to the other, and I found unanimity among the mayors and city commissioners and all those charged with the problems at the local level where poverty prevailed and where technical assistance was not available as it is in the cities. They were all of one voice and said that this program provided great assistance for their being able to furnish to their areas any needed improvements and much incentive for new enterprise and potentially new jobs.

Mr. President, on my arrival in the Senate I was fortunate to find myself appointed to this subcommittee. And during the hearings that I heard from Governors and local leaders around the country who were almost unanimous in feeling that the effects and goals and objectives of this act were unparalleled as far as Government assistance to rural and the depressed areas is concerned and that there were none to take its place, at least none of the statute books of the United States.

It is my observation, having served at the local level as a local official, that one of the things about the program which is being overlooked is the fact that it is versatile, it is flexible, and it is not nearly as rigid as the grants-in-aid system that has developed in this country over the years.

Those who say that there is waste and a need for improvement in the program might also find that the same things are true with regard to other grant-in-aids programs and that this should not be separated out for a killing or dismantling without substituting something for it.

I want my colleague to know that my amendment proposing to extend the program for 4 months instead of 1 year is submitted in good faith and in an effort to continue the program.

I hope that if we continue the program, either for 4 months or for 12 months, we will look into it in Congress. I also hope that the administration will make an in-depth analysis and will continue the program.

Mr. President, I have heard ideas as to how we could do it better. However, I have not seen any bills which propose that we do it.

I want it understood that my proposal

to extend the program for less than 1 year is intended to give us an adequate period of time to look at substitutes. If an extension is needed thereafter, I would hope that we would then extend it as requested by the distinguished Senator from New Mexico in the committee bill.

Mr. President, if I have any further time, I yield it back.

AMENDMENT NO. 86

Mr. McCLURE. Mr. President, I call up amendment No. 86.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

Strike out all after the enacting clause and insert in lieu thereof:

SEC. 2. Section 105 of the Public Works and Economic Development Act of 1965 is amended by inserting "(a)" after "SEC. 105." and by inserting at the end thereof the following:

"(b) There is authorized to be appropriated not to exceed $100,000,000 for the fiscal year ending June 30, 1974, to carry out the provisions of this title, except that such amount shall be available only for grants for projects for public water supply systems, public sewage collection lines, or for other essential public facilities which cannot be constructed with funds available under the Rural Development Act of 1972, the Housing and Urban Development Act of 1965, the Housing Amendments of 1955, or the Federal Water Pollution Control Act as amended, and with respect to which—

"(1) the sponsoring State, political subdivision, Indian tribe or organization or association establishes to the satisfaction of the Secretary that such facilities are necessary to protect against an imminent danger to the public health or safety; or

"(2) the Governor of the State in which the project is to be located establishes to the satisfaction of the Secretary that such facilities are necessary for the establishment of industry providing new jobs and that such industry will be established if such facilities are provided."

SEC. 3. Section 302 of the Public Works and Economic Development Act of 1965 is amended by inserting "(a)" after "SEC. 302." and by inserting at the end thereof the following:

"(b) There is authorized to be appropriated not to exceed $6,000,000 for the fiscal year ending June 30, 1974, to carry out the provisions of section 301(b) of this title, except that such amount shall be available only for grants to organizations which operate in economic development districts, designated pursuant to part B of title IV, and which organizations are designated by the Governor as the clearinghouse agency for federally assisted projects pursuant to the provisions of Circular A–95 of the Office of Management and Budget."

SEC. 4. Section 505 of the Public Works and Economic Development Act of 1965 is amended by striking out subsection (c) and inserting in lieu thereof the following:

"(c) There is authorized to be appropriated not to exceed $9,000,000 for the fiscal year ending June 30, 1974, to carry out the provisions of this section."

SEC. 5. Section 509 of the Public Works and Economic Development Act of 1965 is amended by striking out subsection (d) and inserting in lieu thereof the following:

"(d) There is authorized to be appropriated to the Secretary to carry out this title for the fiscal year ending June 30, 1974, not to exceed $10,000,000 for each regional commission which has a comprehensive long-range economic plan approved under section 503(a)(2) of this Act, and not to exceed $1,000,000 for each regional commission which does not have such an approved plan."

Mr. McCLURE. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. McCLURE. Mr. President, I have called up amendment No. 86 which was introduced on April 12 by the Senator from Tennessee (Mr. BAKER), the ranking minority member of the Public Works Committee, and myself as ranking minority member of the Economic Development Subcommittee. I hope to give the Senate an opportunity to consider an alternative. The Senator from Utah (Mr. BENNETT) has been added as a cosponsor. This is the same amendment I offered in committee and which was defeated by a vote of 8 to 6.

Before continuing I refer each Senator to my supplemental views in the committee report, along with those of Senator BAKER, and the colleague letter sent to all Members and available on each Senator's desk today.

Our amendment is a substitute proposal extending three programs of the existing act for 1 year: the title I grants for water and sewer and other essential public facilities, the multicounty economic development districts and the multistate regional commissions.

The bill recommended by the committee extends all titles of the act for another full year with the authorization levels in the bill reduced from $1.2 to $365.2 million. This compares with last year's appropriation of $367 million. I want to commend Senator RANDOLPH for his fairness and cooperation throughout consideration of this legislation. We share his concern that an extension of the basic EDA authorities be secured at least for another year.

Senator MONTOYA, ranking member of the Economic Development Subcommittee, is also to be commended for his diligence and efforts on behalf of the economic development legislation.

While the committee sharply reduced the authorization in the bill, we believe our substitute has certain advantages over the committee bill: it establishes priorities, by selecting and clearly directing three programs of the existing act; it avoids duplication with other Federal programs by restricting the public works grants to projects which cannot be carried out under other programs; and it sets realistic authorizations at a minimum level—$167 million—which could be appropriated without a major impact on the budget.

The substitute establishes priorities by selecting three programs of the act which many consider the most innovative and useful:

It authorizes $100 million for grants under title I, the public facilities grant program which is the practical heart of the EDA program. This compares to $136.5 million appropriated last year for title I. An additional $30 million in disaster moneys was provided in a supplemental bill, bringing the total appropriation for title I to $166.5 million.

It keeps the institutional structures established under the act in place by authorizing administrative funds—$6 million for the multicounty economic development districts which also serve as the local A–95 clearinghouses and $9 million for the title V multistate regional commissions. These authorizations are approximately the levels appropriated last year for these programs.

Finally, the amendment authorizes $10 million in program grant funds for each of the five regional commissions which have completed comprehensive plans as required under the act plus $1 million for each of the newest commissions, the Pacific Northwest and the Old West Regional Commissions, which have not completed their plans.

One of the administration's principal criticisms of existing EDA activities is that they duplicate other program authorities, particularly the Rural Development Act of 1973 and the Environmental Protection Agency programs. It is the administration's contention, in terminating EDA, that its objectives can be carried out under other programs either already authorized or being proposed. The administration's alternative proposals were discussed by the Secretary of Commerce, Mr. Dent, when he testified before the committee in February, and were also outlined in official comments filed by the Office of Management and Budget. The alternative proposals may be found in the agency views in the committee report.

After reviewing the administration's proposals, members of the committee had serious reservations that an adequate transition from the ongoing programs would be provided under the administration's proposals, and we believed some extension of the act necessary beyond June 30, 1973. The substitute we are offering would provide a sound transition to any future policy which may be decided upon—whether this would mean relocating the act's function in other agencies or programs, consolidating them into special revenue-sharing programs, or folding them into future alternative legislation such as is being proposed by this committee in S. 232. In continuing this basic authority, however, I believe every effort should be made to avoid duplication among programs. Therefore, our substitute focuses the present program by restricting the title I grants to water and sewer or other public works necessary to protect public health or safety, or where the Governor certifies to the Secretary of Commerce that such facilities are essential for the location of job producing industry in depressed areas.

In addition and more importantly, the substitute prevents duplication by specifying that title I grants shall be available only for projects which cannot be constructed with funds available under the Rural Development Act of 1972, the Housing and Urban Development Act of 1965, and the Housing Amendments of 1955 or the Water Pollution Control Act as amended—four basic programs authorizing water and sewer and other public facility projects.

Based on our evaluation of the President's alternate proposals we considered it necessary to continue the grant program. Areas eligible for EDA assistance are hard-pressed areas, characterized by

low incomes and chronic unemployment. Such areas are the least able to compete with more fortunate communities and to finance needed projects solely with loans. Such depressed areas or areas with scattered populations have found they could not finance water and sewer projects with loans—as the amortization of the debt would be too great in relation to potential user charges. In addition, many communities have a very restrictive indebtedness limitation. For these reasons we have continued the title I grants for an additional year.

Sufficient loans may be available under the Rural Development Act, but there is no indication that any special consideration or assistance will be given depressed areas now served by EDA. The grants will provide this assistance where necessary.

Recognizing the serious budget restraints facing Congress at this time, our substitute reduces the total authorized by the bill to $167 million—less than half the committee amount and more than a billion dollars less than the House-passed bill. As stated in my supplemental views, unrealistically high authorizations which bear little relation to the actual funding level and which cannot, in the aggregate, be accommodated in the budget, have helped to bring about the present situation which in effect leaves it to the executive branch to establish priorities and determine to what extent many program authorizations are actually carried out. It is my position that authorizations should express the finding of the legislative committee as to the appropriate and realistic funding level. Indications of total need or ultimate goals are better made in the committee report.

The program level authorized in the substitute could be carried out by the reduced EDA staff contemplated in the President's budget. According to Secretary Dent's testimony the EDA staff will be reduced from 600 persons to 390 during fiscal year 1974.

In maintaining the economic development districts, my substitute is directed to those districts certified by the Governor as the local A–95 clearinghouse agency. The A–95 clearinghouses are established under the direction of the Office of Management and Budget to coordinate other Federal programs in an effort to increase efficiency and avoid waste. Ninety-two of the 123 districts now supported with EDA funds have been designated as clearinghouses. I value this coordinating role and believe the districts already serving this function should be preserved.

Serious questions about the effectiveness and value of the title V regional commissions and their future structure and role has been expressed. While the commissions have not been wholly successful or effective as anticipated, this Federal-State partnership is a unique experiment and should not be hastily abandoned before its potential and use can be given close scrutiny by the participating Governors. The commissions themselves are now engaged in an evaluation and Gov. Patrick J. Lucey of Wisconsin, representing the Council of Title V Governors before the committee, testified strongly in favor of a 1-year extension. I believe this time could be used by the Governors to assess the present regional structure and program and alternatives being proposed, and to make recommendations to Congress on future directions of intergovernmental relations and regional development.

I would like to outline the existing authorities which are not continued under the McClure-Baker substitute. Our amendment does not provide funds for the old "accelerated public works" program, now known as public works improvement program, which the administration strongly opposes and cited among the reasons for vetoing H.R. 16071 last fall and S. 575 in 1971. It contains no authorization for business and industrial loans, authorized under title II, which the administration intends will be handled by Small Business Administration programs. It contains no funds for research, title III, which has produced numerous studies since 1965 and no funds for technical assistance, also authorized under title III. While activities funded under these various titles have contributed to the overall work of EDA and have produced acknowledged results. The purpose of the substitute is to select the most innovative and useful programs and those where a hiatus in the basic authority would be most detrimental.

I believe the substitute we propose agrees with the objectives of the bill recommended by the commitee that areas of continuing high unemployment require a special effort to provide them additional jobs; that grants, not loans only, are needed to construct public facilities in such low-income high-unemployment areas; that institutions which have brought local and State jurisdictions together in cooperative planning and execution of federally assisted projects ought not be hastily dismantled; and the termination of EDA by July 1 will fail to provide a satisfactory transition to existing or proposed authorities which might be administered and funded to meet its objectives.

If no extension of EDA authorities is agreed to by June 30, the entire EDA program—its functions of established utility, the institutions developed over the years with considerable effort, and those portions which the committee acknowledges should be reformed or replaced—will all be lost.

It is for these reasons—to keep alive the institutions we have developed, and to maintain authorization for grants for needed projects which cannot be funded under other or prospectively proposed programs—that we offer the amendment.

We have no assurance from the Appropriations Committee or the administration that our proposal will be funded. But the substitute we have developed is designed to respond to criticisms which could be directed against a simple extension on the entire existing act.

Because our substitute establishes priorities, avoiding duplication of other Federal programs, and sets realistic authorizations at a minimum level, I believe our alternative is superior to the House and Senate committee approach of simply extending the present act or arbitrarily reducing the authorization for each title of the act and provides stronger grounds for securing an extension of basic EDA authority.

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

Mr. BAKER. Mr. President, will the Senator from Idaho yield to me for some comments on the amendment?

Mr. McCLURE. Mr. President, I yield to the distinguished Senator from Tennessee such time as he may consume.

The PRESIDING OFFICER (Mr. HASKELL). The Senator from Tennessee is recognized.

Mr. BAKER. Mr. President, the details of this proposal have been developed with particular care by the distinguished Senator from Idaho (Mr. McCLURE). I have been privileged and honored to work with him on it and should like to take this opportunity to commend him for his service to the committee and the Congress. As the ranking Republican on the Economic Development Subcommittee, he is doing an extraordinarily good job. He approaches his task with realism, with idealism, and with practicality.

It is the purpose of the amendment to keep those essential portions of the EDA program until future programs can be established and implemented. I am deeply concerned that if we do not now take such careful action the Economic Development Act will lapse.

The McClure proposal would maintain the essential features of the program—primarily sewer and water grants in depressed areas where they cannot be constructed through loans alone, the multicounty economic development districts, and the multi-State regional commissions. It would provide a transition to programs which may be implemented under other existing authority, or under administration programs which may be later enacted. The substitute would allow to lapse those portions of the program which have been least effective, which are essentially duplicative of other Federal programs or which might more adequately be addressed by other programs or by the private sector.

This alternative would prune away some of the EDA programs of lesser value, while holding firm to the more essential aspects of the EDA effort.

Areas of chronic, high unemployment require special consideration for the creation of new and additional jobs. Our amendment provides such consideration.

Grants, not simply loans, are needed to assist in the construction of public facilities in areas of low incomes and high unemployment. Our amendment provides such grants.

The maintenance of institutions that have brought together local and State jurisdictions in cooperative planning work is essential. Our amendment provides such maintenance.

The sudden termination of EDA less than 2 months from now would fail to provide a satisfactory transition period to something better. Our amendment provides such a reasonable period and mechanism for transition.

Possibly most important, it preserves

the institutions developed under the act, both the multi-county economic development districts and the multi-State regional commissions. Our amendment establishes priorities through the termination of those types of assistance that have proved less valuable than other programs in the act. Our amendment would cast adrift those programs that have proven the least effective and which are essentially duplicative of other Federal programs. These include business and industrial loans—title II—programs that could more adequately be addressed by other laws—such as the so-called accelerated public works—and research and technical assistance—title III—which could be more effectively undertaken by the private sector.

The administration has rightly pointed out the danger in EDA's potential duplication of other Federal programs. For this reason, our amendment would bar a title I grant if the local government could receive such support from another Federal effort, such as the Federal Water Pollution Control Act grants program.

What is essential about this amendment is its establishment of a reasonable, 1-year transition period, keeping much of the EDA program in place while the Congress works with the administration to build a realistic follow-on program for the future.

I anticipate that the committee proposal, even though it reduces sharply the level of previous authorizations, will not win administration acceptance. Nor, frankly, can I say that our amendment will receive favor from the administration. However, the amendment is designed to establish priorities, to avoid duplication, and to limit the scope of the program to its most essential elements. For that reason, it is a proposal that is responsible in the fullest sense of that word. It is a proposal we can send to the White House with every confidence that we have carried out our duty to the families who live in economically depressed areas.

I again want to commend the distinguished chairman of the full committee, Mr. RANDOLPH, and the chairman of the subcommittee Mr. MONTOYA, and to the Senator from Idaho (Mr. MCCLURE) for their efforts to develop a response to a difficult problem in a relatively short space of time.

The difference in our positions lies in our appraisal of the minimum program which can be finally enacted to achieve the purpose of keeping intact the essential and valuable institutions and programs of the Economic Development Administration. I anticipate that the committee bill, even though it reduces the level of previous authorizations, will not be accepted by the administration. As I remarked previously, I have no assurances that the substitute will be either. However, it is designed to establish the priorities and I believe it appeals to logic and to reason.

I strongly support the concept of the EDA. I realize the difficult circumstances we are involved in from the fiscal standpoint and those inherent in a period of transition. I commend the Senator from Idaho (Mr. MCCLURE) for facing the reality of the situation and bringing before the Senate what I believe to be a responsible and a reasonable transitional measure calculated to have the greatest chance of passage and to do the most good under the circumstances. I commend its passage to my colleagues and thank my colleagues for their management of the bill and the Senator from Idaho for yielding me this time to make these comments.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the able Senator from New Mexico (Mr. MONTOYA), I ask unanimous consent that his time on the amendment be reserved until an hour later in the day.

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

Mr. ROBERT C. BYRD. Mr. President, is there any further discussion by Senators on the amendment?

Mr. MCCLURE. We have no pending requests for time, but I should like to reserve the remainder of my time.

Mr. ROBERT C. BYRD. Mr. President, may I ask the Senator from Tennessee (Mr. BAKER), do I correctly understand that the Senator from New Mexico (Mr. DOMENICI) has an amendment which he will want to call up after the time on the pending amendment has expired?

Mr. BAKER. That is correct. The Senator from New Mexico (Mr. DOMENICI) does have an amendment which I believe is at the desk and I know that to be his request. I am also aware of the fact, as is the distinguished assistant majority leader, that we have certain difficulties with time. Some of your colleagues are otherwise committed and would find it difficult, perhaps, to discuss further or vote at this point. Since I know of no further requests for time and no other amendments except that of the Senator from New Mexico (Mr. DOMENICI), I wonder whether the Senate could proceed to other business or perhaps recess for a short time?

Mr. ROBERT C. BYRD. Does the Senator know whether or not the distinguished Senator from New Hampshire (Mr. COTTON) wishes to offer an amendment, or whether Mr. COTTON merely wishes to address himself to the bill under time that is controlled by him?

Mr. BAKER. Mr. President, I have no information to that effect. I had that query put to me earlier, and I have made an effort to check and find out; but at this point I cannot say with certainty, although it is my impression that he does not.

RECESS UNTIL 2 P.M.

Mr. ROBERT C. BYRD. Mr. President, if Senators do not wish at this time to discuss the pending amendment further—and in recognition of the circumstances that have been alluded to by the distinguished Senator from Tennessee (Mr. BAKER)—I move that the Senate stand in recess until the hour of 2 p.m. and that the time for the recess not be charged against either side.

The motion was agreed to; and at 1:11 p.m. the Senate took a recess until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HELMS).

RECESS UNTIL 2:30 P.M.

Mr. MANSFIELD. Mr. President, I move that the Senate Stand in recess until the hour of 2:30 p.m. today.

The motion was agreed to, and the Senate recessed until 2:30 p.m., whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HELMS).

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 721) to authorize appropriations for the Indian Claims Commission for fiscal year 1974, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 29. An act to provide for payments by the Postal Service to the Civil Service Retirement Fund for increases in the unfunded liability of the Fund due to increases in benefits for Postal Service employees, and for other purposes;

H.R. 3867. An act to amend the Act terminating Federal supervision over the Klamath Indian Tribe by providing for Federal acquisition of that part of the tribal lands described herein, and for other purposes; and

H.R. 6574. An act to amend title 38, United States Code, to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage under Servicemen's Group Life Insurance for such members and certain members of the Retired Reserve, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 29. An act to provide for payments by the Postal Service to the Civil Service Retirement Fund for increases in the unfunded liability of the Fund due to increases in benefits for Postal Service employees, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 3867. An act to amend the Act terminating Federal supervision over the Klamath Indian Tribe by providing for Federal acquisition of that part of the tribal lands described herein, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 6574. An act to amend title 38, United States Code, to encourage persons to join and remain in the Reserves and National Guard by providing full-time coverage under Servicemen's Group Life Insurance for such members and certain members of the Retired Reserve, and for other purposes; to the Committee on Veterans' Affairs.

EXTENSION OF AUTHORIZATIONS OF PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

The Senate continued with the consideration of the bill (H.R. 2246) to amend the Public Works and Economic

Development Act of 1965 to extend the authorizations for a 1-year period.

The PRESIDING OFFICER. Who yields time?

Mr. MONTOYA. Mr. President, I yield 10 minutes to the distinguished Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. RANDOLPH. Mr. President, in our State of West Virginia there are at the present time 13 counties that face uncertainty as to whether they will be able to continue to participate in the economic development program. There are more than 300 counties throughout the United States, these counties in West Virginia included, that are facing a revocation of their eligibility for these programs.

The bill, H.R. 2246, would impose a moratorium on this dedesignation. The amendment by the able Senator from Tennessee (Mr. BAKER) and the capable and knowledgeable Senator from Idaho (Mr. MCCLURE) includes no such moratorium and would effectively cut off many American communities from the assistance that is provided by this program.

We think the moratorium is a valid one. We feel the amendment is injurious to a degree that even they, the sponsors of the amendment, might not at this moment anticipate.

That is not the only feature of the proposal before us today, of course, Mr. President, but it is an important one, and I believe that it sets forth graphically the differences between the bill as reported from the Committee on Public Works and the amendment which carries the philosophy of the two Senators, who worked very diligently within our committee.

Why should we retain the eligibility? That is the question. It is not a matter of simply wishing to continue pouring money into areas even when those areas have substantial needs, but I believe it is important to maintain the program until our committee, until the Congress, can complete the new economic development program with application nationwide.

I know the Senator from Tennessee and the Senator from Idaho are sympathetic, just as we are, to the necessity for economic development programs. I think they want very much, as do I, to see this legislation pass and, more important to see it signed into law by the President of the United States. I do not believe, however, that the amendment they propose, if adopted, would give us any assurance that the President of the United States would sign the measure.

I think such an amendment—and I say this with full knowledge of their desire to continue this program—if it were adopted and actually became a part of this bill, would seriously restrict the effectiveness of this program.

We responded within the committee in a proper way, to the need for fiscal restraint. We proposed authorizations at approximately the level of the appropriation we have for the current fiscal year. But the amendment of the two able Senators would cut this funding by more than half—I repeat: by more than half. It would not supply the funds that would actually be needed if the program is to be viable. It is not necessary to have a shell of the program. Intent is not enough. We must, in the Senate today, bring forward the supply of substance. This is necessary if we are to do our job. I think that eliminated from the amendment are portions of the program that are good.

If it were approved today in the Senate and became a part of the bill, I think it would place the economic development program in limbo, or beyond what it is at this moment. It would actually induce a decline that we might be unable to reverse.

As do other Senators, I know, and I speak from personal experience, that there are many American communities which, through no fault of their own, have not been able to participate in the general prosperity that is nationwide.

What does this program do—a reduced program—for 1 year? It is intended, of course, to alleviate inequities. I think it would be extremely unwise—and I say this in good purpose to my colleagues—to abandon the effort while it is being only partially carried forward. If a program is good, it is wrong to think in terms of cutting off parts of the body, because the body then becomes incapacitated to move.

I think the amendment would stimulate, whether intended or not, the abandonment of the economic development program. I say that from careful consideration, but I make a very earnest appeal to the Senate that the amendment be rejected.

Mr. MONTOYA. Mr. President, I yield myself such time as I may require.

I thank the Senator from West Virginia for his statement, and I associate myself with his remarks.

The amendment offered by the Senator from Tennessee (Mr. BAKER) and the Senator from Idaho (Mr. MCCLURE), I think, in my opinion—and I humbly submit this—is an attempt to restrict radically the scope and effectiveness of these programs. I am frankly at a loss to understand why that is done at this time.

When the Subcommittee on Economic Development, and then the Committee on Public Works, considered the bill, there was hanging over our heads the threat of a Presidential veto. It was not vetoed on the basis of specific portions of the bill; it was based on an attempt to scuttle the entire program. We recognized this, but we also recognized the need for an economic development bill of national scope and impact.

The committee was considerate of the President's program. We feel we have taken almost the last step to satisfy the President's wishes in this matter.

While we were considering H.R. 2246, we attempted to tailor it so that it would continue these important programs, but in such a manner as to effect overall control of Federal spending.

The substance of the proposals offered by Senators BAKER and MCCLURE was presented to the committee and turned down.

Several days ago, Members of the Senate received a letter from Senators BAKER and MCCLURE attempting to rationalize this amendment and to obtain support for it. I noticed almost immediately that this letter admitted that its sponsors could not insure the acceptance of these provisions by the administration.

If this amendment has no hope of approval by the President, then what is its purpose? I submit, Mr. President, that on the face of it, its purpose is to sharply restrict the areas in which EDA can operate and, more importantly, drastically reduce the assistance needed by States and communities that are struggling to strengthen their economic basis and to improve the lives of their citizens. Its real impact is to effectively kill the program without admitting it.

As a practical matter, the amendment limits the EDA program to one of grants for sewer and water systems. These facilities are, of course, important to the economic development of communities, but they are only part of a multifaceted approach to community betterment. If there is a choice to be made, I remind the Senate that there are other Federal programs that also provide assistance for sewer and water systems. If this choice has to be made, we may be advised to drop these activities from our economic development programs and commit our limited resources to other activities.

Sewer and water systems by themselves improve communities, but they constitute an incomplete economic development package. Communities that are struggling to raise incomes and create jobs need vocational schools. I know from personal experience the enormous impact that vocational training facilities can have. These communities need hospitals. They need libraries. They need a variety of public buildings. They need improved transportation to bring people to jobs and to move products to markets.

This amendment, we are told, is intended to improve the EDA program, but the logic of how this would be accomplished escapes me. I fail to see how the program can be improved by limiting its operations or by reducing the money available to it.

I do not pretend that the authorizations in the bill as reported by the committee are adequate. They are far from it, and I wish more realistic figures could have been presented to this body. The committee, however, has to face realities. The authorizations in the bill, while not enough to do the job we would like to see done are adequate to keep the EDA program functioning and responding to community needs. There is, Mr. President, a vast difference between the fiscal responsibility of the bill and the miserly authorizations contained in this amendment.

The irony of this situation is that this amendment is brought to us by the Senator from Tennessee, whose own State is benefiting from the activities of the Appalachian regional development program which is in the unique position of enjoying relatively full funding. I would think that his experience with the Appalachian program would encourage him to want to extend the benefits of similar

programs to distressed areas of the country.

I am not bemoaning the fact that the Appalachian Regional Commission has received potential authorization from Congress for a period of years to come. I am not bemoaning the fact that they can be adequately funded. I handled the Appalachian bill in my subcommittee. I joined the Senator from Tennessee and the Senator from West Virginia in recommending such worthy legislation. However, I want to say that in the present budget, the administration has recommended that this Congress appropriate $328 million for the Appalachian Regional Commission. And we are only asking for an authorization which is a little over that, $362.5 million.

Appalachia serves 10 percent of the population of the United States. The budget does not provide for the other 90 percent of the population. We are only asking for $362.5 million. I am trying to appeal to reason and trying to say to the Senator from Tennessee that we have done our job in Congress for Appalachia and for the Appalachian Regional Commission and for all of those in its area.

We hope that we can excite his compassion so that he can try to help us do something on a meager basis for the rest of the people.

That is what is at stake in the legislation. That is what is at stake today.

The funding authorized by the bill as reported totals $362.5 million. This is within $5 million of the amount appropriated for EDA during this fiscal year. Both figures are about one-quarter of the amount authorized. Therefore, the committee recommendation is a substantial concession. I also serve as a member of the Appropriations Committee and have sought the feelings of other members of that body as to what our commitment to EDA programs should be. Such colleagues as the distinguished chairman of the committee, the Senator from Arkansas (Mr. McCLELLAN) and a distinguished minority member, the Senator from New Hampshire (Mr. COTTON), have indicated their belief that this is a reasonable level of funding and both are known for their dedication to fiscal responsibility.

Two features of the existing program are of immediate concern because of recent developments. Last year, there was a larger than normal number of disasters in our country. In all parts of America, people were made homeless, communities were destroyed and disrupted. Industry was closed and great hardship took place. Even though we have Federal programs ready to cope with these disasters, the events of last year were of such magnitude that special legislation was introduced and passed.

More recently the administration has, for reasons of its own, decided to close a number of military installations. In many cases, these military bases constitute a substantial part of community income. Their loss will be a severe shock comparable in many ways to that of a natural disaster.

The Economic Development Administration has a great responsibility to assist communities affected by disasters whether they be natural or man made. Its ability to do so, however, will be sharply compromised by this amendment which eliminates the public works impact program. EDA is an important adjunct to the emergency relief efforts of the Office of Emergency Preparedness. It cannot, however, fulfill this role with the budgetary restrictions of the Baker-McClure amendment.

The amendment proposes cutting authorizations by more than half. Public works and business development loans and loans and grants for growth centers would be eliminated entirely. Technical assistance would be maintained at only a subsistence level and the regional commissions organized under title V of the act would receive such a pittance that they could not conceivably function with any effectiveness. These multi-State commissions plus the local development districts are the keystone to the long range planning that is the heart of any sustained development program. The Congress cannot turn its backs on the promise it made in the earlier legislation to these regional commissions and development districts.

The committee bill considers one of our Nation's most serious social problems in providing extra assistance for our country's Indians. As a country, our treatment of Indians over the years approaches that of a national disgrace. What we provided in the bill is only a modest beginning within the confines of our self-imposed budgetary restrictions. It was, however, a beginning and one that demonstrated the commitment we feel to increasing the hopes and improving the opportunities for America's Indians. The amendment now before us would revoke that commitment.

In addition, more than 300 areas in 36 States are now facing dedesignation as eligible for participation in EDA programs. Our committee bill properly imposes a moratorium on this dedesignation. This, too, is not mentioned in the Baker-McClure amendment. Many of these are chronically depressed and must be allowed to continue their efforts to reverse trends of long standing.

Finally, Mr. President, we are told that the proposals by the administration for revenue sharing and in other areas have made EDA programs obsolete. I remind my colleagues that for the most part, these proposals remain just that, proposals. There is no assurance that they will ever be translated into law or if they are, when that will take place. Regardless of whether revenue sharing provides additional resources to communities, it is still a program that will provide the greatest benefit to communities that are already relatively affluent. The program whose fate we consider today is for the have-nots of America. With regard to other Government programs, their implementation and certain built-in restrictions severely inhibit their ability to respond to the needs of economically distressed communities.

The benefits from EDA and from other programs are not interchangeable and it is folly to view them as such. Economic development efforts are intended to supplement other programs so that those communities with the most severe needs will have supplemental resources at their disposal.

Mr. President, I say again, that with respect to the sponsors of this amendment, that it is neither feasible nor desirable to impose its restrictions on the program that is already restricted. We are working toward a new economic development program and until it is brought into being, we cannot create a void.

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

Mr. MONTOYA. Mr. President, I yield to the distinguished Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I take this time to say that the Senator from Tennessee (Mr. BAKER), and the Senator from Idaho (Mr. McCLURE) know the value of the economic development program. Where we differ at times is in the details of the total effort. I understand that.

There is a reason, however, as I have stated, for my opposition to their amendment. If we take the body politic and take parts of that body away, if a body is operated on and an arm is taken away or a leg is severed, we destroy the strength of the body and the ability of the program to function.

Mr. President, that is what is involved here. I hope that the amendment, as I have stated before, will be rejected. I do not believe its sponsors would intentionally destroy this program, because I think that basically the two Senators are as one with us.

I know that they are with us in the carrying forward of this work.

Mr. MONTOYA. Mr. President, I would like to say to the chairman of the full committee that I fully recognize that the offerers of the amendment are trying to perform what they conceive to be a public service. However, as I have stated before, the impact of the amendment goes beyond their expectations in my opinion.

I have stated that once this amendment is adopted, it will wipe out a very valuable program that we have embraced within the different titles of EDA.

I will give the Senate an example. It would affect the State of Tennesssee. Sixteen counties would be dedesignated if this amendment were agreed to.

They will no longer be eligible, in Tennessee, to receive assistance under the EDA program. I am certain that the Senator from Tennessee did not intend that. The same situation exists with respect to two counties in Idaho, and I am certain that the Senator did not intend that.

The committee bill considers one of our Nation's most serious economic problems by providing assistance for the country's Indian tribes. This amendment would destroy that. The amendment would destroy the 100 percent funding for technical assistance to Indian tribes throughout the country.

Where are they going to get 25 percent matching? They have not been able to up to now.

So goes the impact of the amendment.

It also destroys many of the great programs. For instance, the amendment's main thrust is to provide for sewer and water systems, $100 million. It does nothing for development loans: zero. It does nothing for loans and grants for growth centers and bonuses for development districts: zero. It cuts down on technical assistance and supplemental grants for regional commissions.

So I say in all sincerity, in good faith, and with great respect, that the amendment would destroy the basic purpose of the EDA legislation which we have worked out through 5 years of experience. We have worked it out in the committee through extensive hearings all over the country. We went to Alaska to try to develop worthwhile concepts in economic development. We gave birth to regional commissions for areas that need sustenance for economic restructuring. Mr. President, this amendment destroys all those things that we in Congress have worked for throughout the years.

That is why I say that we should defeat the amendment. We should stay with the committee bill, because the committee bill represents the collective wisdom of this Congress, the experience of many Governors who have come in to endorse the bill, and the experience of many people interested in economic development, chambers of commerce, and local leaders, who have paraded into the Senate Office Bulding to testify, to give great testimonials that the EDA concept is working in this country.

Let us not destroy it. Let us not restrict it. Let us go with the committee bill.

The PRESIDING OFFICER. Who yields time?

Mr. COTTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Who yields time for that purpose?

Mr. COTTON. I have some time reserved on the bill which I think I may yield myself.

The PRESIDING OFFICER. The Senator has 30 minutes remaining on the bill.

Mr. COTTON. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COTTON. If it is desired to offer an amendment to the pending amendment, must the amendment be deferred until the time for debate on the pending amendment is exhausted or yielded back?

The PRESIDING OFFICER. The Senator is correct.

Mr. COTTON. I thank the Chair. How much time remains on the pending amendment?

The PRESIDING OFFICER. Each side has 7 minutes remaining.

Mr. COTTON. I thank the Chair.

Mr. MANSFIELD. Mr. President, will the Senator yield for a question?

Mr. MONTOYA. I yield 2 minutes to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, could the distinguished manager of the bill state what the status of the Old West Commission is at this time? That is the one that covers the Dakotas, Nebraska, Wyoming, and Montana.

Mr. MONTOYA. As the distinguished majority leader knows, the commission was fully authorized, and it is provided for in this bill with equal dignity as the other commissions.

Mr. MANSFIELD. I thank the Senator. I appreciate that.

Mr. COTTON. Mr. President, will the Senator yield me a moment?

Mr. MONTOYA. Yes, I am glad to yield 2 minutes to the Senator from New Hampshire. I want to reserve a few minutes for closing the debate, but I yield 2 minutes to my distinguished friend.

Mr. COTTON. I merely wanted to say, for the information of the distinguished Senator from New Mexico as well as the distinguished Senator from Idaho, that the interest of the Senator from New Hampshire is very much in preserving the opportunities of these various regions. The administration, as I understand it, is trying to cut them down.

These regions were created and authorized at the same time as the Appalachian region. Two of the regions have been formed very recently; one the so-called Old West, which contains Montana, Nebraska, North Dakota, South Dakota, and Wyoming, and the other the Pacific Northwest, which contains Oregon, Washington, and Idaho.

Neither of those regions have had time nor opportunity to fully develop their programs. I believe one of them had $1.6 million, and the other only a million dollars allocated for this year.

My own region, consisting of six New England States, has been active since 1966, and I think doing its job effectively.

This amendment would curtail the authorization. It may well be that the authorization in the amendment would be sufficient to take care of these regions. But when the time expires, the Senator from New Hampshire is going to offer an amendment to the amendment to substitute the language in the bill for the language in the amendment. This will be done in order that we may preserve the same authorizations for the regions that we now have this year, and I think it is important, because I do not want to see us begin to retreat from a right that was given to us at the very critical time, when the Appalachian region was created.

The PRESIDING OFFICER. Who yields time?

Mr. McCLURE. Mr. President, let me take just a minute or two to respond to the arguments that have been leveled against the amendment which the Senator from Tennessee and I have offered.

I am sorry that the Senator from New Mexico found it necessary to question the motives of the Senator from Tennessee and myself, because, of course, he can only infer from our actions what our motives are, and in doing so he has chosen to ignore our words.

Mr. MONTOYA. Mr. President, will the Senator yield at that point?

Mr. McCLURE. I yield, without yielding my right to the floor.

Mr. MONTOYA. I want to make it specifically clear that I did not question the Senator's motives. I merely stated that I lend one interpretation to the effect of the Senator's amendment and he lends it another. That is what I intended to say.

Mr. McCLURE. I thank the Senator for his explanation, because certainly while it may be the feeling of some that this amendment which we have offered is intended to destroy the EDA program, I want to assure the Senator from New Mexico, other Senators who may be listening, and the Senate that that is far from our motive.

The Senator from West Virginia, the chairman of the Public Works Committee (Mr. RANDOLPH), mentioned that it was necessary to defeat this amendment in order to rescue the program from limbo. I would say that is exactly what the intention of the amendment is: To rescue the program from the limbo of uncertainty as to whether or not it can be continued.

Certainly, as has been pointed out, and I think in honesty had to be pointed out by those of us who support the amendment, there is no guarantee; we have no guarantee from the administration that they will accept the point of view which we have put forward here, that there is a hope. I would suggest that those of us who do support the EDA program and recognize its value will be serving that program best, and a continuation of the program best, by adoption of the amendment which has a hope of success. If we want a solution to the problem and a continuation of the program, rather than to create an issue in the form of a confrontation with the wishes of the administration, then it seems that we should adopt the amendment because there is a realistic hope that what we have focused on is demonstrably worth the cost. It is the hope that, because its impact on the budget is relatively minimal, they can be funded and that the program will continue. Much better if we extend this hope and get this kind of assurance now, than to indulge ourselves in the far more remote hope that the committee measure or even the House measure as passed by the House might be adopted and approved by the administration.

Mr. President, I know that the distinguished Senator from Tennessee (Mr. BAKER) has supported my amendment, not because he has already satisfied the needs of his State and his constituency through the Appalachia program, but because he recognizes the value of the EDA program, and because of the demonstrated success of the Appalachia regional program. It is because he recognizes that value that he and I were seeking means by which we could extend the greatest possible opportunity for success in the legislative forum by offering a moderate extension and continuation of EDA programs.

I do believe that the suggestion made by the distinguished Senator from New Hampshire (Mr. COTTON), that the regional commissions that are just new in two areas of the country and are limited

in their funding, might be increased in their funding. I appreciate the motivation which prompted that remark, which may perhaps have prompted the amendment which he will offer; but the fact is that the commissions are so new that experience will dictate to us, by looking at other regional commissions, that their real requirements this year can be satisfied with a $1 million authorization, and that, therefore, there is no real impingement on the expectation of what the commissions can and would accomplish within this year.

Mr. President, I can only read from the minority views of the distinguished Senator from Tennessee (Mr. BAKER) when he said in regard to this amendment:

> I believe the proposal offered by Chairman Randolph, which the Committee adopted, is similar in its purpose to the McClure substitute which I support: that is, it recognizes the need for reconsideration, modification and reform of the EDA program as it has developed over the years, but urges a continuation of that authority until revised and improved programs are actually put into place.
>
> The difference lies in our appraisal of the minimum program which can be finally enacted to achieve this purpose.

I submit, Mr. President, that this is the real crux of the difference between the committee's action and the action which I urge on the Senate by way of this amendment. I do urge adoption of my amendment.

The PRESIDING OFFICER (Mr. HELMS). Who yields time?

Mr. COTTON. Mr. President, is it now in order to offer an amendment to the substitute, or has all time first to be yielded back?

The PRESIDING OFFICER. There still remain 5 minutes on the pending amendment.

Who yields time?

Mr. COTTON. Mr. President, I ask unanimous consent that I may be permitted to offer an amendment as a substitute at this point, even though all the time has not yet elapsed in debate on the subject.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire?

Mr. McCLURE. Mr. President, reserving the right to object, I am prepared to yield back the remaining time on this side on the pending amendment, if the Senator from New Mexico will also yield back his time.

Mr. MONTOYA. I am not prepared to do so, but I have no objection to the request of the Senator from New Hampshire.

Mr. McCLURE. Mr. President, I withdraw my reservation.

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

Mr. COTTON. Mr. President, I send an amendment to the desk as a substitute and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. COTTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and I will explain it very quickly.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The text of the amendment is as follows:

> On page 3 strike out lines 7 through 22 and substitute therefor lines 19 through 24 of page 4 of the bill as reported by the committee.

Mr. COTTON. Mr. President, this amendment would strike out from the pending substitute on page 3, lines 7 to 22—that is the part of the substitute that authorizes certain sums for various regions in the country—and to substitute therefor lines 19 through 24 of the committee bill, which is the provision in the committee bill for the regions.

Now, Mr. President, as to the background at the very beginning, when the Senate was striving on the Appalachia bill, it was felt—with some justification—by Senators who represented other regions in the country which were in many cases sparsely populated, and with inadequate transportation facilities, that they were as deserving of aid and development as Appalachia, and that Appalachia should not be singled out without some provision for other particular regions.

As a result, the so-called title V regions were authorized. The authorization last year, for instance—not the appropriations—was $152.5 million. That would cover seven regional setups in the Nation, not counting Appalachia.

The committee, in its bill, reduced that authorization this year to $75 million. The amendment offered by the distinguished Senators from Tennessee and Idaho would further reduce it to a total of $61 million.

Now, Mr. President, in the first place, I do not want to see—even though undoubtedly the appropriations might not exceed that amount—the authorization for these regions whittled away, because each time it is whittled away, it weakens the opportunity of the regions to do their job.

As I already mentioned, the last two regions created were the so-called "Old West" containing Montana, Nebraska, North Dakota, South Dakota, and Wyoming; and the last one was the "Pacific Northwest" containing Oregon, Washington, and Idaho.

They have scarcely gotten underway. The so-called Old West region had appropriated to them only $1.6 million this year and the "Pacific Northwest" was allocated around $1 million.

In my own New England region, we had, last year, approximately $7.5 million for our programs.

I want to say frankly that in some of the regions—I must say I think my own—there has been some waste. I think they were overstaffed. That is already being remedied, because in the last few months, in the New England region, the personnel have been reduced from 36 to 23. I anticipate, and the words of the Governor of Massachusetts and the Governor of my own State indicate to me that this is not an idle promise, that the personnel will be still more curtailed, so that what money we use will be used as it is being used now—to try to maintain our region.

We have great problems. Our greatest problem, perhaps, at the present time is transportation. We have almost no railway transportation in the three Northern States of New England. We have absolutely no adequate, or anywhere near adequate, airline transportation, something for which I have been fighting a long time. We even have problems with our Interstate Highway System, which at present is interrupted and made less efficient.

That is something with which we have to cope. After the implied pledge that was made by Congress when we all turned to and enacted the necessary statute and authorized and appropriated money for Appalachia, I do not want to see these other regions whittled away.

For that reason, if I did not offer this amendment at this point and the substitute of the distinguished Senators from Tennessee and Idaho should be adopted, then I would be precluded, because that would be it, and I could not offer this amendment. So I am offering this amendment to their substitute. I ask that it be adopted. Should their substitute fail, this is the language of the original bill, and if some other amendment should affect this, it is my understanding from the Parliamentarian that I could still offer it again.

My purpose is not only to protect our region but all the other regions as well, especially—though I carry no brief for them, but it is only in the interest of fairness—the sixth and seventh regions, that have been in operation for less than 12 months.

That is my amendment. I hope it will not be opposed by the author of the substitute; but if necessary, when a sufficient number of Senators are in the Chamber, I shall ask for the yeas and nays.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. McCLURE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLURE. Who controls the time in opposition?

Mr. COTTON. This is not the amendment on which I asked an hour limitation. This is just an amendment that is subject to the allotment of 30 minutes.

The PRESIDING OFFICER. That is correct.

The time in opposition will be controlled by the manager of the bill, unless he is in favor of the amendment. Then it will be controlled by the minority leader or his designee.

Mr. MONTOYA. I am willing to yield to the Senator such time as he may require.

Mr. McCLURE. Is the Senator from New Mexico opposed to the amendment of the Senator from New Hampshire?

Mr. MONTOYA. I am trying to listen to the argument at this juncture. The Senator may proceed, if he wishes.

Mr. COTTON. I yield myself a half minute. I cannot understand how the Senator from New Mexico would find himself opposed to my amendment, because it is from his bill, word for word.

Mr. MONTOYA. I inform the Senator from New Hampshire that if I announce myself in favor of his amendment at this time, I lose control of all the time.

Mr. COTTON. I see.

Mr. McCLURE. Mr. President, I am not exactly certain that I understand by whose authority or under what circumstances I am now addressing the Senate, but I appreciate the opportunity. [Laughter.]

I wish to make just this comment, so far as the pending amendment offered by the Senator from New Hampshire is concerned.

If I correctly understand the amendment, it strikes both section 4 and section 5 of my amendment and substitutes therefor section 5 of the committee bill now pending.

If I further understand the effect of the amendment, it is this: My amendment, under section 4, calls for $9 million, and under section 5 it calls for $10 million for each of 5 regional commissions and $1 million for each of two others, making a total, under sections 4 and 5, of $61 million.

The amendment offered by the Senator from New Hampshire calls for $75 million. So there are two differences between his position and mine at this time.

One difference is that my amendment calls for $61 million in these categories, and his calls for $75 million in these categories.

A second distinction which I think must be understood is that the $75 million under the committee bill, which the Senator now suggests be put into the substitute, is an unrestricted lump sum that can be put into any one of these areas wihout any direction as to where it should be put; and the amendment I have offered calls for a division of the sums of money into the regional commissions and into the various purposes for the commissions.

If I may pose just one example of the danger I perceive in the Senator's approach as compared to mine, it is that there are five existing regional commissions plus two new ones, making a total of seven. If each of the seven shares equally in this fund, there is slightly less than $11 million apiece in the total, which is not much different for the majority of the regions—as a matter of fact, less for the majority of the regions, less for the New England region—than is provided under my amendment, unless, indeed, there is an unequal distribution of the funds under the Senator's amendment, in which he would expect one region or another to get more than its proportionate amount of money under it.

I suggest that if that is the result of the amendment, then the Senator is holding forth a promise to some of the regions of this country that they would be helped by his amendment when, as a matter of fact, they would be hurt by it. If he expects the New England Regional Commission to benefit by it, it is the necessary implication that other regions must thereby suffer from it, with the exception of the two new regional commissions, which, under my amendment, would receive only $1 million instead of the $10 million as specified and set out with some degree of certainty under the amendment.

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

Mr. McCLURE. I am happy to yield.

Mr. MONTOYA. By way of further explanation of what the Senator has just said, there is a provision in the law, section 509(d), which provides for a method of allocation to the regional commissions.

Mr. President, I will read as follows:

> The Secretary shall apportion the remainder of the sums appropriated under this authorization for any fiscal year to the regional commissions, except that not less than 10 per centum nor more than 25 per centum of such remaining amount shall be allocated to any one regional commission.

So on the basis of the funding available under the Senator's amendment which is $61 million, the commission would receive a minimum of $6.1 million. Now, under the Cotton amendment, if it prevails, the minimum would be $7.5 million.

Mr. McCLURE. I think in connection with what the Senator said there is not much difference between the two bills if there is that kind of equal distribution of funds. If there is not, it has no other implication.

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

The PRESIDING OFFICER. The Senator has 20 minutes remaining.

Mr. COTTON. Mr. President, I had only 15 minutes to begin with.

The PRESIDING OFFICER. Did the Senator want 1 hour on this amendment?

Mr. COTTON. No, I am offering this amendment under the rule.

The PRESIDING OFFICER. In that case the Senator has 5 minutes remaining.

Mr. COTTON. I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator may proceed.

Mr. COTTON. Mr. President, I think if the distinguished Senator from Idaho came from a region that had been working long and faithfully and developing itself under this approach, and he found his region cut from $7.5 million to $6 million we would hear a loud outcry. As a matter of fact, not only are there restrictions in the law, but these are only authorizations and the Committee on Appropriations has something to say about how it is allocated to regions within the limits of the law.

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

Mr. COTTON. No, I do not have time to yield. The Senator has more time left than I.

Now, this money is appropriated with full knowledge or how faithfully, how efficiently, and effectively the regions are using the money. The Committee on Appropriations can be trusted to exercise that authority. But we have to guard most carefully our rights in these regions when the administration itself wants to cut us down and give $200,000 to each of the States which is, of course, a mere pittance and practically destroys the regions.

When I see the committee reduce the total from $152.5 million total authorization for all regions to $75 million, and then I find the amendment offered by the Senator from Idaho and the Senator from Tennessee reducing it further to $61 million, which would mean almost inevitably my own region would be cut, I certainly am going to try to do something about it. I think perhaps the Senator from Idaho did not take that into consideration.

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

The PRESIDING OFFICER. The Senator is recognized.

Mr. MONTOYA. I would like to inform the Senator from New Hampshire that he is actually improving the bill to come close to the committee version, except he does not go far enough with his amendment in that the Baker-McClure amendment wipes out the loan program entirely from the EDA legislation. It also wipes out the loans and grants for "growth centers" and bonuses for economic development districts.

Under their amendment there is no authorization whatever. They wipe it out completely. Then, on the technical assistance and research which will enable these States to provide contractual know-how with regard to transportation, airports, and industrial parks, there is a whittling down by the Baker-McClure amendment to $6 million, which is not adequate.

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

Mr. MONTOYA. I yield.

Mr. COTTON. The Senator from New Hampshire is thoroughly aware of that fact. The Senator from New Hampshire has no intention of voting for this amendment even if his amendment is adopted. He is supporting the original committee bill but he would at least want to preserve this part if this amendment should be adopted.

Mr. MONTOYA. In view of the Senator's assurance and explanation, I rise to accept his amendment.

I yield as much time as the Senator from Idaho may require.

Mr. McCLURE. Mr. President, I am not sure under what circumstances I hold the floor, but I appreciate the opportunity to mention a couple of things I think the Senator from New Hampshire missed in his development of the alternative proposal, and that is that under my substitute amendment the New England region would be authorized $10 million plus their share of the $9 million under section 4, and, in effect, the authorization for the New England Regional Commission is being cut by the Senator from New Hampshire and not increased. I am not certain that is what he had in mind, but that is the effect.

The question of loan and grant authority is a separate question from the amendment pending. I suspect that is another of the arguments we can get into about the effect of the substitute, but the effect of this substitute, I would

say to the Senator from New Hampshire, is not to cut from $7.5 million to $6.1 million; it is to cut from over $10 million to $7.5 million in minimum funding if the full amount was appropriated.

Of course, the Committee on Appropriations has an authority here. It has an authority that will be exercised later on, but we should understand the effect of the pending amendment and the amendment to my amendment because I am not certain that the debate at this point indicates that there is a clear understanding.

Mr. COTTON. I do not understand how a total of $61 million for all regions gives more than $75 million.

Mr. McCLURE. Mr. President, each of five regional commissions would get an authorization of $10 million for project grants, plus a share of the $9 million under section 4 for administrative expenses.

Mr. COTTON. How does the Senator get seven $10 millions out of $61 million?

Mr. McCLURE. There are not seven $10 millions. There are five $10 millions plus two $1 millions.

Mr. COTTON. I see. The Senator is taking the two newest regions and giving them less.

Mr. McCLURE. If the Senator will refer to the pending amendment, page 3, lines 20 through 22, it states: "and not to exceed $1 million for each regional commission which does not have such an approved plan."

That refers to the two newest regional commissions.

Mr. COTTON. Yes; but I would expect the two newest to come up with a plan for approval.

Mr. McCLURE. They may, and if they do they can be back next year asking for more money.

Mr. COTTON. I say to the Senator that I do not want to waste money even on New England. In my opinion the slightly more than $7.5 million that the New England region now gets for their program is all it deserves and can effectively use, and that is all I, as a member of the Committee on Appropriations, want to see them get.

Mr. McCLURE. Well, I would say to the Senator they got almost $9 million.

Mr. COTTON. That is a great surprise to me, because the last time I checked I was told that they got $7.5 million for their program. I have their most recent annual report here and it indicates the congressional appropriation was $8,314,-296, which after subtracting $594,000 for administrative expenses left $7,720,000 for program.

Mr. McCLURE. According to the figures I have from the agency, the New England Commission obligated something over $8.8 million in fiscal year 1972 for all expenses—planning assistance, commission expenses, and supplementary grants. Some of this may have been unobligated balances carried forward which accounts for our different totals.

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

Who yields time?

The Senator from New Hampshire has 3 minutes remaining on the amendment.

Mr. COTTON. Mr. President——

Mr. McCLURE. Does the Senator want the yeas and nays?

Mr. COTTON. I certainly do.

Mr. McCLURE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLURE. As I understand it, there are 3 minutes remaining to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLURE. Is there any time remaining in opposition?

The PRESIDING OFFICER. Not on the amendment.

Mr. McCLURE A further parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLURE. It is my understanding that we are trying to stack the votes on all these matters if they are other than voice votes. It is my understanding the Senator from New Hampshire desires a rollcall vote on his amendment. Is it possible for us to reserve the vote on this matter?

The PRESIDING OFFICER. The Chair has no knowledge of that.

Mr. COTTON. Mr. President, if the vote is reserved, then the Senator from New Hampshire loses the final 3 minutes. Is that correct?

The PRESIDING OFFICER. Not necesarily.

Mr. COTTON. Mr. President, I ask unanimous consent that my 3 minutes be reserved, because I want to explain further the matter that has been raised first.

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

The PRESIDING OFFICER. On whose time?

Mr. MONTOYA. Mr. President, I ask unanimous consent that we may have a call of the roll pursuant to the suggestion of the absence of a quorum without taking the time from either side.

Mr. COTTON. Mr. President, will the Senator withhold his request for a moment?

I yield myself 1 minute.

The figures the Senator from Idaho has been giving I believe contain some carryover money from the fiscal year before, and that is why he is asserting that New England had more than $7.5 million for their program. As I indicated, we had $7.7 million appropriated. We had some carryover money from the year before. And that is enough. As a member of the Appropriations Committee, I am not sure we can get $10 million, but I do not want to see the future of these regions gradually whittled away by reducing their authorizations. I would not close the door on the region of my friend, the distinguished Senator from Washington, which is only the most recent one which has not had time to develop its plans; and the Old West, which takes in five of the other Western States.

The committee has cut the authorizations to all the regions in their bill from $152 million down to $75 million, and I do not want to see it cut further, by this amendment, down to $61 million.

That is the reason why, if there were enough Senators on the floor, I would ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

The yeas and nays were not ordered.

Mr. COTTON. Mr. President, then I ask unanimous consent that we have a quorum call without the time being taken from any Senator's time, until we can get the yeas and nays ordered.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. COTTON. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

PRIVILEGE OF THE FLOOR

Mr. JAVITS. Mr. President, I ask unanimous consent that John Adams, of the Small Business Committee staff, may be permitted on the floor to help me with the EDA bill.

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

Mr. BAKER. Mr. President, earlier today during the colloquy on the McClure-Baker amendment to S. 2246 statements were made while I was away from the Senate floor which may have cast some doubt upon my motives for supporting that measure. The implication of these statements, I am told, was that the effectiveness of the Appalachian Regional Commission in my State of Tennessee has led me into a parochially callous attitude toward the continuation of those portions of the EDA program which would not be continued under the McClure-Baker substitute.

I am sure that among those who are familiar with my participation in this legislation no response to this allegation is required. But these remarks will be reprinted in the RECORD and people less aware of my efforts might be misled. Thus, for the sake of charity, and without malice toward those who have raised this issue, I would respond.

Statistically, the State of Tennessee ranks sixth among all States in the number of designated areas. It ranks sixth also in the number of dollars received under the program during its first 6 years. Tennessee ranks just behind the State of West Virginia and far ahead of the State of New Mexico in the amount of project funding received as of June 30, 1971—the latest date for which cumulative figures are available. Thus the implication that my State does not have a great interest in the EDA program is unfounded in fact.

I share the deep commitment of those who would continue the program at its present level of funding. If the amendment fails I intent to vote with them on this bill. I simply do not think that such an approach is at this time feasible in light of political realities. Thus, I have determined to support an approach that

offers better prospects for continuing the valuable features of the program so that Tennessee and the rest of the Nation will continue to receive assistance in coping with the problems of economically distressed communities.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged against either side.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. ROBERT C. BYRD. Mr. President, how much time remains on the amendment by Mr. McCLURE?

The PRESIDING OFFICER. A total of 5 minutes, 4 minutes for the proponents and 1 minute for the opponents.

Mr. ROBERT C. BYRD. How much time remains on the amendment by Mr. COTTON?

The PRESIDING OFFICER. None.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from New Mexico (Mr. DOMENICI) may at this time be allowed to call up his amendment for debate and proceed thereon until the time is consumed on that amendment or yielded back, and that, at no later than 4:15 p.m., the Senate proceed to vote on the amendment offered by the distinguished Senator from New Hampshire (Mr. COTTON); that that vote then be followed by a vote on the amendment by the Senator from Idaho (Mr. McCLURE), and that depending on the outcome of that vote the Senator from New Mexico (Mr. DOMENICI), if he wishes, then pursue his amendment further.

Mr. COTTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New Hampshire will state it.

Mr. COTTON. If the time comes when the McClure amendment should fail, and the Domenici amendment is to be called up, in order to protect myself on my amendment would it be in order to offer an amendment?

Mr. ROBERT C. BYRD. My understanding is that his amendment, if the Senator chooses to offer it, would be in order and would be a 1-hour amendment.

The PRESIDING OFFICER. The Parliamentarian advises the Chair that the order of voting would begin at 4:15 p.m. I point out that the time would not be available to run for the full 30 minutes if the order for 4:15 prevails.

Mr. COTTON. Mr. President, I ask unanimous consent that if the McClure amendment should fail, and the Domenici amendment has been offered, then regardless of the previous agreement the Senator from New Hampshire be allowed 10 minutes, 5 minutes to a side, to offer his same amendment to the Domenici amendment.

Mr. ROBERT C. BYRD. The Senator would have a right to offer that amendment in that circumstance. As I understand, he is suggesting that the time for debate therein be reduced.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. McCLURE. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, would the distinguished Senator from New Mexico, after he sends his amendment up, yield me 1 minute?

Mr. DOMENICI. Yes.

The PRESIDING OFFICER. The Parliamentarian points out that the Senator still has pending a unanimous-consent request.

Mr. ROBERT C. BYRD. Yes.

The PRESIDING OFFICER. Does the Senator still desire a vote at 4:15 p.m.?

Mr. ROBERT C. BYRD. As I understand, there is a 5-minute reservation of time.

Mr. MONTOYA. Four minutes.

Mr. ROBERT C. BYRD. And 1 minute by the junior Senator from New Mexico. So that would make it 4:20 or 4:25.

The PRESIDING OFFICER. 4:21.

Mr. ROBERT C. BYRD. Very well.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

AMENDMENT NO. 94

Mr. DOMENICI. Mr. President, before Senators leave, I intend to ask for the yeas and nays on my amendment No. 94.

Mr. ROBERT C. BYRD. Mr. President, will the Senator call his amendment up?

Mr. DOMENICI. I call up my amendment No. 94, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 3, beginning on line 16, strike the words "and not to exceed $200,000,000 for the fiscal year ending June 30, 1973." and insert in lieu thereof "and not to exceed $133,000,000 for the period from July 1, 1973, through October 31, 1973.".

On page 3, beginning on line 23, strike the words "and not to exceed $50,000,000 for the fiscal year ending June 30, 1974." and insert in lieu thereof "and not to exceed $28,000,000 for the period from July 1, 1973, through October 31, 1973.".

On page 4 delete section 3 beginning on line 1, strike all through the end of line 7 and renumber succeeding sections accordingly.

On page 4, beginning on line 12, strike the words "and $12,500,000 for the fiscal year ending June 30, 1974." and insert in lieu thereof "and $8,000,000 for the period from July 1, 1973, through October 31, 1973.".

On page 4, beginning on line 16, strike the words "and not to exceed $25,000,000 for the fiscal year ending June 30, 1974," and insert in lieu thereof "and not to exceed $17,000,000 for the period from July 1, 1973, through October 31, 1973,".

On page 4, beginning on line 23, strike "and for the fiscal year ending June 30, 1974, to be available until expended, $75,000,000," and insert in lieu thereof "and for the period from July 1, 1973, through October 31, 1973, to be available until expended, $25,000,000.".

On page 5 delete section 6 beginning on line 1, strike all through the end of line 17.

Mr. DOMENICI. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield me 1 minute?

Mr. DOMENICI. I yield.

Mr. ROBERT C. BYRD. Now, if I may answer a private inquiry from my distinguished senior colleague, as I understand it, the Senator from New Mexico (Mr. DOMENICI) has offered an amendment. There will be a discussion of that amendment until 4:21 p.m. At that time, a yea and nay vote will occur on the amendment by Mr. COTTON to the amendment by Mr. McCLURE.

A vote on the amendment by Mr. McCLURE would then follow, after the remaining time that has been reserved thereon is consumed.

If the amendment by Mr. McCLURE is agreed to, then the amendment by Mr. DOMENICI would be withdrawn. If the amendment by Mr. McCLURE fails, then Mr. COTTON would offer an amendment to the amendment by Mr. DOMENICI, and a vote would then occur on Mr. COTTON's amendment, after which there would be a vote on Mr. DOMENICI's amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. MONTOYA. Mr. President, may I have the attention of the distinguished majority whip?

Mr. ROBERT C. BYRD. Yes.

Mr. MONTOYA. I reserved 4 minutes to be used immediately prior to the rollcall on the Baker-McClure amendment. With that understanding, I would have no objection.

Mr. ROBERT C. BYRD. I ask unanimous consent that that be a part of the agreement.

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

Mr. DOMENICI. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMENICI. I am now operating under what time limitation? Has it been changed from the original 30 minutes to something else?

The PRESIDING OFFICER. There was a limit of 30 minutes, 15 minutes to each side, of which the Senator has 13 minutes remaining.

Mr. DOMENICI. I thank the Chair.

Let me say at the outset that during the discussion today, I have on various occasions expressed my interest in continuing operative the program as it is before us in the committee bill presented by the senior Senator from New Mexico, and it is in the spirit of continuing it that I offer an amendment. I shall soon send a modification of the amendment to the desk, but I wish to express my intention at this point. That is what it is that I intend by my amendment, as modified in the next few minutes.

Throughout the committee hearings on this bill, we have continued to receive from the administration their remarks that these programs, the programs within the EDA, needed modifying, changing, or adjusting, and regularly we were told that there was something in the offing to take their place.

We were also told that we ought not to fund all the programs, because if we did, the process of dismantling that had

already begun to occur would reach some final stage, and eventually whatever we proposed, if we tried to include all of the programs, would be vetoed.

It was my concern that we come up with something that would tell the administration yes, that some of these programs need to be reexamined, some have to be altered, some have to be changed, but that we tell the administration loud and clear that nonetheless, there are many that are good, there are many that, for States like my own and others, there are no real substitutes for.

So, in the spirit of saying to them, "Let us come up with a transitional-type program, one that will recognize the needs and the programs that are within the proposal submitted by the committee today," within that framework we extend them, instead of for 1 full year, for 4 months after June 30.

I know that the distinguished senior Senator from New Mexico, my colleague, will obviously say, "We do not usually do this; we do not usually extend programs of this import for 4 months."

However, Mr. President, we do not usually find ourselves in the position where programs have already been stopped in many parts of the country, when we have reached a confrontation stage, where many good programs might not continue at all unless we can get on with getting the administration to approve a bill, even if it be for 4 months.

I was a party to the very serious effort on the part of the committee to reduce the funding level, and I compliment the senior Senator from New Mexico and the chairman of our committee for their concern in that regard. We are not asking for $1.2 billion, but rather for $363 million. This is indeed some concession. But we have no assurance that even that, the $362 million level, the 1-year extension will be granted. It is out of concern that we not permit any further dismantling, and that we fund at reasonable levels, that I have offered my printed amendment heretofore, a modification of which I now send to the desk.

The PRESIDING OFFICER. The modification will be stated.

Mr. DOMENICI. I can assure the senior Senator from New Mexico that it does just what I have told him; it extends all of the programs, including those he has changed, to funding at 100 percent levels instead of 75 percent, and will continue even those districts which were dismantled, that I had taken out in my original amendment. They are included, but only for 4 months.

In other words, you would just divide each program by one-third, and that would be my amendment as I propose that it be modified.

The PRESIDING OFFICER (Mr. NUNN). The yeas and nays having been ordered, is there objection to the Senator's modification of his amendment? The Chair hears none, and the amendment will be so modified.

Mr. DOMENICI's amendment (No. 94), as modified, is as follows:

On page 3 beginning on line 16 strike the words "and not to exceed $200,000,000 for the fiscal year ending June 30, 1973." and insert in lieu thereof "and not to exceed $67,000,000 for the period from July 1, 1973, through October 31, 1973."

On page 3 beginning on line 23 strike the words "and not to exceed $50,000,000 for the fiscal year ending June 30, 1974." and insert in lieu thereof "and not to exceed $17,000,000 for the period from July 1, 1973, through October 31, 1973."

On page 4, beginning on line 12, strike the words "and $12,500,000 for the fiscal year ending June 30, 1974." and insert in lieu thereof "and $8,300,000 for the period from July 1, 1973, through October 31, 1973."

On page 4, beginning on line 16, strike the words "and not to exceed $25,000,000 for the fiscal year ending June 30, 1974," and insert in lieu thereof "and not to exceed $4,200,000 for the period from July 1, 1973, through October 31, 1973,".

On page 4, beginning on line 23, strike "and for the fiscal year ending June 30, 1974, to be available until expended, $75,000,000." and insert in lieu thereof "and for the period from July 1, 1973, through October 31, 1973, to be available until expended, $25,000,000."

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

Mr. DOMENICI. I yield.

Mr. MONTOYA. Does the modification now enable the Indian tribes to participate as under the provisions of our extension bill, to the tune of 100 percent?

Mr. DOMENICI. Yes, it does.

Mr. MONTOYA. And with respect to those districts for which we had granted a moratorium for eligibility, does the Senator's amendment take care of and restore that moratorium which was excluded from his original amendment?

Mr. DOMENICI. Yes, it does. The levels would remain intact.

I might say that in my original concept of the amendment, I did not have that in, because it seemed to me that perhaps, especially as to the Indians, we were in need of some longer term program, and if we took it out from under the 4-month extension, we could perhaps consider some new program for it. But in view of the discussion, so as to make it as simple as possible, my amendment will do precisely what I have said.

In response to the comments of my senior colleague, Mr. MONTOYA, it would merely extend all funding at the levels suggested in his bill, but only for 4 months—one-third of the total.

As to the 1-year provision for a moratorium as to the Indians, it would be back in as per the committee bill.

With that, let me state once again to those who are interested in this program, that my intentions certainly are not to do away with the program. Although I agree with the Senators from Tennessee and Idaho in their concern that at least we keep intact most of the program. I think that my approach is better than theirs, because we have not gone along and picked portions here and there, deciding which ones to keep or abandon but, rather, until we find a better way, let us continue with what we have in the original committee bill.

I also would say, in conclusion, that I am very much concerned when the administration comes to the subcommittee and says to us that there are better ways to do this, and to suggest that perhaps they could show us better ways, and to suggest, perhaps, that there are ways that the States could do it better, and the cities and the counties could do it better, that the Rural Development Act could do some of this work better; yet we are approaching the period of time when, in reality, the function under the EDA will cease, where we are approaching the time when the dismantling may make it irrevocable and yet we have not passed any bill which would accomplish the approach suggested. This is, indeed, a dangerous position to put the many entities participating in the program, to put them in that posture.

I believe that if nothing is forthcoming after 4 months, or 6 weeks before that, we could proceed once again to reinstate this for the entire year. I put the 4 months in only to remind the administration and ourselves that there are better ways. Perhaps to take 1 full year is not acceptable. On the other hand, I am aware of the fact that it will be difficult at this late date to find substitutes to fit other bills into this enormous jigsaw puzzle, because we are starting a new approach to some of the administration's suggestions.

With that in mind, Mr. President, I yield back the remainder of my time on this matter.

Mr. MONTOYA. Mr. President, I rise in opposition to the amendment of my distinguished colleague, Mr. DOMENICI. He is seeking to continue the economic development program for 4 months. As he stated, and anticipated that I would say, this is a most unusual procedure. I have been here in Congress since 1957 and I do not recall an instance where we had an authorization of an important program for 4 months. It is unheard of. During the committee hearings, I asked the distinguished chairman of that committee, if he had heard of any, and he has been here since 1934, and he said that he had not, that he could not recall of any instance where there had been a request for 4 months.

This is an activity that has been under way for nearly 8 years and has given a Federal boost to many, many American communities to help build a better life for their citizens. In those 8 years we have made much progress, but the tremendous job is far from being completed. He asks us to go on for 4 months when what is really needed is a program through which we can express the commitment of many years.

I wish that I were able to tell the Senate what purpose Senator DOMENICI has in mind when he asks for a 4-month extension to a program that is designated for extinction. I regret that I cannot provide that enlightenment, for it is a meaningless extension. In all honesty, I cannot foresee that in 4 months we could come to this Chamber with legislation significantly different from H.R. 2246 as reported by the Committee on Public Works.

I am not questioning the motives of my distinguished colleague, but I have been in this program, working in the vineyard, and have held hearings all over the country, so that I know what it takes to get an application through the pipeline and to get it approved. I know that it takes more than 4 months. I know that it takes a lot of leadtime from one year to another.

Just the other day, in one of the areas of New Mexico, EDA approved a grant. That application had been pending for 4 years, Mr. President. It took 4 years leadtime and much pleading with EDA to get that grant approved for a vocational school in Las Vegas, N. Mex. Now, 4 months time will not enable any district in America, even to complete an application, much less provide a feasibility study.

This legislation was developed with the knowledge that the administration not only opposed it, but opposed all of our efforts in economic development. We tried sincerely to accommodate the legitimate objections of the administration through the provisions of H.R. 2246 and I think we did so in a responsible fashion. Frankly, an additional 4 months would not bring us any closer to agreement with the administration than we are at this time.

Members of the Senate know that it is extremely difficult to develop good legislation on such a restricted timetable. I remind Senator DOMENICI that legislation to extend the Economic Development Administration was introduced on January 18. The bill before us now was ordered reported on April 12, nearly 1 month ago. It has taken 4 months to bring this legislation to the floor, during a time when congressional activity was relatively light and there were relatively few demands on the time of Members.

If we agree to a simple 4-month extension, there is no assurance that another bill could be advanced to the floor in that time. The Congress could be out of session in 4 months, or if not, could have the calendar crowded by more pressing matters. Under these circumstances, there would exist a crisis situation on which we could not legislate responsibly.

Furthermore, the administration could seize upon a 4-month extension as another opportunity to kill this program entirely.

Mr. President, economic development programs require long-range planning and execution. How could any State or local development organization possibly undertake long-range planning knowing that the EDA program could be abandoned or drastically revised in 4 months? This extension, rather than continuing a vigorous program, would simply impose stagnation and inertia in communities and regions where vigorous activity is most needed. This is not a stop-go program, but one that depends on a sustained level of activity for success.

There are many States in the regional commissions now that have not completed their development plans. They need more time—just like Appalachia, just like the New England Commission, and just like the Ozark Commission, and the others. They need leadtime to prepare all the data and economic planning necessary to be eligible for EDA grants and loans, technical assistance, and all the other aids that are needed to restructure their local economies. This 4-month extension would rob them of such an opportunity. I do not think it is practical.

hearings on economic development needs

For the past 3 years I have conducted in locations throughout the United States. We have gone from the southern Atlantic coast to the northern reaches of Alaska to look at individual development programs and to assess the need for strengthened and expanded Federal assistance. Not once in the past 3 years—and we have heard from literally hundreds of persons and groups—has there been an unfavorable statement on the need for economic development programs that are strong and responsive to local requirements.

The testimony is replete with statements by Governors—Republicans and Democrats—that EDA has worked, that the EDA concept is needed in order to stimulate the interest among local people to try to do something by way of economic development and planning.

A 4-month extension of the existing program now, when there are no other active legislative proposals under consideration, is totally without merit. There have been past occasions when program extensions of brief duration were approved. But I remind the Senate that these were merely stopgap measures at a time when legislation was being developed.

Legislation was already in being, possibly pending in conference, pending resolution by the conferees of both Houses. But the situation was not parallel to this.

Finally, I am convinced that we would have more difficulty continuing an EDA program in 4 months than we do now. It is almost impossible, in view of the attitude of the administration, to resurrect EDA if it is gasping for breath during its last 4 months of existence. The measure offered by Senator DOMENICI is not really a continuation. It is simply the first step in a slow death that could see successive short-term extensions and, finally, nothing. If this program must die, it would be far more merciful to administer the coup de grace now without further agony.

I submit, however, that what is needed is a strong commitment of support from the Congress to those Americans who took us at our word when we offered them a helping hand.

If we read the testimony presented in hearings held over the last 2 years, Governor after Governor, Republicans and Democrats, appeared before us and asked us to do something about economic development at the regional level, stating that the concept had worked and that they were ready to continue their efforts in their own localities, because economic development has been the real catalyst in trying to assemble the talents of local communities toward the objective of better economic development in the particular regions involved.

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

Mr. MONTOYA. I yield.

Mr. COTTON. I commend the Senator for what he has just said. I commend the chairman of the committee and the members of the Committee on Public Works.

I believe that the budget for Appalachia is somewhere in the vicinity of $1.5 billion. Appalachia covers parts of 14 States. It is in a separate bill. I have seen no inclination on the part of this administration, and I do not expect to see any—I would not share any such inclination—to cut off Appalachia.

But in this bill, where a very small amount of money, comparatively, is allocated to these other States—and the committee has been most fair and generous with it—the administration clearly intends to kill this. It is their purpose to kill it. I expect that the President will veto it. It will give me great pleasure to vote to override it.

As a matter of fact, when they offer us a mere pittance of $200,000 for each of the New England States, after we have worked through these years on this program, it is ridiculous. When they want to kill off the two new regions in the West, it is ridiculous.

The only thing to do is to pass the committee bill and send it up. If it is vetoed, all right; we will meet it.

Let us not be like the Dutchman who was going to be merciful and cut off the dog's tail 1 inch at a time. If this program is prolonged for months, it is like granting a condemned man a reprieve of 1 hour and hanging him at 8 o'clock in the morning instead of 7 o'clock.

If the administration has decided to kill this program, let us send it up to them as the committee reported it, and let them kill it. Then we will see what we can do. But this way we are simply going to confuse the issue.

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

Mr. COTTON. The Senator from New Mexico has the floor.

Mr. MONTOYA. I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I associate myself with every utterance on the part of the distinguished Senator from New Hampshire.

The PRESIDING OFFICER. The time of the Senator from New Mexico has expired. The junior Senator from New Mexico has 6 minutes remaining, but the time of the senior Senator from New Mexico has expired.

Mr. PASTORE. Will the Senator yield me 2 minutes?

Mr. DOMENICI. The Senator may have 3 minutes, if he wishes.

Mr. PASTORE. I am not on the Senator's side, however.

Mr. DOMENICI. I understand that.

Mr. PASTORE. I thank the Senator doubly for his courtesy.

Without giving us any opportunity of a challenge, without ever telling us what they were going to do, after the Committee for the Re-election of Nixon published on November 2, 1972, in Rhode Island newspapers, the fact that if McGovern were elected President, they would shut down the naval installations in Rhode Island, but that if the present President were reelected, this would not come to pass—that assurance was given us on November 2, 1972—lo and behold, in April of 1973, what do you think they did? They shut down every establishment they said Nixon was going to keep alive.

I tell the Senate that this is serious. It is putting 5,000 people out of work in

my State, and we have to rehabilitate them. We have to find jobs for these people. We are economically depressed.

What do you think they did to us. They took the fleet out of Newport, where we have 6.4 percent unemployment, and they sent it down to Norfolk, Va., where the unemployment rate is only 2.5 percent below the full employment level; they sent another part of it to Charleston, S.C., where the unemployment rate is only 3.4 percent; and they sent the rest of it to Mayport, Fla., where the unemployment rate is only 3.1 percent. They crucified us, where the unemployment rate is 6.4 percent.

All we are asking here is a little understanding, a little heart. We are dealing with people, and that is why we want this bill and this money. We need it to rehabilitate. We need it to put people back to work. We need it in the event we cannot review and cannot change the edict of the Defense Department, so that if that property is given back to the State and industrialized, we will have some money for planning and design. We will have something to help us. After all, we in Rhode Island have been forgotten. We in New England have been forgotten.

Mr. DOMENICI. I assure the Senator that I would have yielded even had I known in advance that he was going to depart from the bill to such an extent.

On the other hand, let me assure the Senator that I support his request today to modify the bill to the extent that it would provide more help for his part of the country.

Furthermore, I assure Senators that I had no intention by my extension approach to deny that this kind of approach by our Government would continue; but, rather, it seems to me that it would have a better chance to continue as an operative program if we did it this way than to proceed on a 1-year basis, while there is some evidence that there are better ways to do some of the things in the bill.

On the other hand, let me say that I have already discussed with the distinguished Senator from New Mexico my position in the event my extension is not adopted. I certainly will not vote against this bill just because my approach to extending it does not work.

Mr. PASTORE. I realize the position of the distinguished Senator. He knows the affection and regard and respect I have for him. I am very happy that he is going to vote for the passage of this bill.

The only thing I wanted to point out was that he was relinquishing time to me and I was not in favor of his amendment, and I wanted to be honest about it.

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

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. DOMENICI. Does the Senator from West Virginia wish to be recognized?

Mr. RANDOLPH. Mr. President, I recognize the intent of the able Senator from New Mexico (Mr. DOMENICI) in offering an amendment to continue the programs of the Economic Development Administration for only 4 months. He participated actively during our committee's consideration of this legislation and worked with other Members of the Committee in attempting to find solutions to the very difficult questions raised by this legislation.

I know that Senator DOMENICI is sympathetic to the purposes of this program. He comes from a State that has benefitted from the economic development efforts that are carried out under this law, and I know he desires to see it continued.

Extending the act for 4 months, however, will not achieve the goals that many of us see as desirable. As the able chairman of our Subcommittee on Economic Development (Mr. MONTOYA) has observed, a short extension could well be another step toward total extinction of this program.

If this is a desirable program—and I believe the record indicates that it is—then we should not hesitate to give it our full support with a 1-year continuation. To do otherwise would be a concession to those who wish to abandon this economic development activity, and would hand to them additional time and a weakened program.

Senator MONTOYA has spoken of the uncertainty of acting within 4 months. There is ample precedent for his statement. I remind Members of the Senate that last year, while we were considering a new Water Pollution Control Act, the Congress had to approve extensions of the existing law on three different occasions. Therefore, who is to say that at the end of 4 months we will not have to once again extend the Economic Development Administration because of our failure to resolve the issues, and therefore cast further confusion over the total effort.

Mr. President, I am convinced that nothing is to be gained by delay and that we should be willing to do what we know is right and continue the program for a full year. I hope that other Senators will join with me in voting against this amendment.

Mr. DOMENICI. Mr. President, in conclusion I wish to say that——

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment of the Senator from New Hampshire. 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 Indiana (Mr. BAYH) and the Senator from Minnesota (Mr. HUMPHREY) is 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 Minnesota (Mr. HUMPHREY) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) is necessarily absent.

The result was announced—yeas 81, nays 15, as follows:

[No. 120 Leg.]

YEAS—81

Aiken	Fannin	McIntyre
Allen	Fulbright	Metcalf
Baker	Gravel	Mondale
Bartlett	Griffin	Montoya
Beall	Gurney	Moss
Bellmon	Hansen	Muskie
Bentsen	Hart	Nelson
Bible	Hartke	Nunn
Biden	Haskell	Pastore
Brock	Hatfield	Pearson
Brooke	Hathaway	Pell
Burdick	Helms	Percy
Byrd, Robert C.	Hollings	Randolph
Cannon	Hruska	Ribicoff
Case	Huddleston	Roth
Chiles	Hughes	Schweiker
Church	Inouye	Scott, Pa.
Clark	Jackson	Sparkman
Cook	Javits	Stafford
Cotton	Johnston	Stevens
Curtis	Long	Stevenson
Dole	Magnuson	Symington
Domenici	Mansfield	Talmadge
Dominick	Mathias	Tunney
Eagleton	McClellan	Weicker
Eastland	McGee	Williams
Ervin	McGovern	Young

NAYS—15

Abourezk	Fong	Scott, Va.
Bennett	Kennedy	Taft
Buckley	McClure	Thurmond
Byrd, Harry F., Jr.	Packwood	Tower
Cranston	Proxmire	
	Saxbe	

NOT VOTING—4

Bayh	Humphrey	Stennis
Goldwater		

So Mr. COTTON's amendment was agreed to.

Mr. DOLE. Mr. President, as a Senator from a State which has benefited significantly from the Federal economic development program, I believe H.R. 2246, the Public Works and Economic Development Act Amendments of 1973, deserves serious and detailed attention. However, as one who is also greatly concerned with economy in government and the need to put Federal funds to the best possible use, I am also apprehensive about the movement toward bureaucratic self-perpetuation at high authorization levels contained in both the House bill and the measure reported from the Committee on Public Works.

After having given careful consideration to the competing considerations, I believe the McClure-Baker substitute provides a sound solution in terms of maintaining the economic development program at reasonable levels while undertaking a transition to new and more effective programs. It would authorize $100 million for title I public works and supplemental grants, $6 million for title III, and $61 million for the title V regional commissions.

These realistic authorizations in conjunction with the establishment of reasonable priorities and avoidance of unnecessary and wasteful program duplication are, I believe, the best approach to providing reasonable answers to the questions raised by the bill and the different views of its programs.

In the State of Kansas—part of which is included in the title V Ozarks Regional Commission and in which several economic development districts have been organized—the value and possibilities of a well-organized and publicly supported economic development program have been clearly demonstrated. I believe it

would be unwise at the present time to bring about a full-scale termination of the EDA program, even though its present functions are intended to be carried out under other existing programs or new departures such as the Rural Development Act. A great deal of planning, coordination and community involvement go into the development of any EDA plan. I do not feel it would be wise to simply cut off plans presently underway without real assurances that they can or will be continued elsewhere in the Federal structure. In the priority areas covered by the McClure-Baker substitute—especially the vital title I grants for public health and safety projects which are not duplicated by other Federal programs—there is a real need for continuity in planning and assurance of support.

Therefore, I believe the McClure-Baker substitute is a sensible, practical and necessary approach to the transition from a full EDA operation into new or different administrative approaches to the problems encountered in areas of chronically high unemployment. It moves in the right direction at a reasonable pace. It avoids unnecessary and harmful disruptions to on-going community efforts. And it demonstrates a commitment to the idea of helping economically impacted areas to help themselves to a brighter future.

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, I ask unanimous consent that the roll calls from now on take up a total of 10 rather than the usual 15 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The question recurs on the amendment of the Senator from Idaho. The Senator from New Mexico has 4 minutes and the Senator from Idaho has 1 minute.

Who yields time?

Mr. MONTOYA. Mr. President, I yield back my remaining time.

Mr. McCLURE. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment having been yielded back, the question is on agreeing to the substitute amendment of the Senator from Idaho, as modified.

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

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH) and the Senator from Minnesota (Mr. HUMPHREY) 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 Minnesota (Mr. HUMPHREY) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. GOLDWATER) is necessarily absent.

The result was announced—yeas 33, nays 63, as follows:

[No. 121 Leg.]

YEAS—33

Allen	Domenici	Proxmire
Baker	Dominick	Roth
Bartlett	Fannin	Saxbe
Bellmon	Fong	Scott, Pa.
Bennett	Griffin	Scott, Va.
Brock	Gurney	Taft
Buckley	Hansen	Thurmond
Byrd, Harry F., Jr.	Helms	Tower
	Hruska	Weicker
Cook	McClure	Young
Curtis	Packwood	
Dole	Percy	

NAYS—63

Abourezk	Hart	Metcalf
Aiken	Hartke	Mondale
Beall	Haskell	Montoya
Bentsen	Hatfield	Moss
Bible	Hathaway	Muskie
Biden	Hollings	Nelson
Brooke	Huddleston	Nunn
Burdick	Hughes	Pastore
Byrd, Robert C.	Inouye	Pearson
Cannon	Jackson	Pell
Case	Javits	Randolph
Chiles	Johnston	Ribicoff
Church	Kennedy	Schweiker
Clark	Long	Sparkman
Cotton	Magnuson	Stafford
Cranston	Mansfield	Stevens
Eagleton	Mathias	Stevenson
Eastland	McClellan	Symington
Ervin	McGee	Talmadge
Fulbright	McGovern	Tunney
Gravel	McIntyre	Williams

NOT VOTING—4

Bayh	Humphrey	Stennis
Goldwater		

So the substitute amendment, as modified, was rejected.

Mr. COTTON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COTTON. Is the next action on the amendment offered——

The PRESIDING OFFICER. The Chair cannot hear the Senator.

Mr. COTTON. Does not the next vote occur on the amendment offered by the distinguished Senator from New Mexico?

The PRESIDING OFFICER. That is correct.

Mr. COTTON. I send to the desk an amendment to that amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. COTTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

Mr. COTTON's amendment is as follows:

Strike out the last 4 lines on page 2 and insert in lieu thereof lines 19 through 24 of page 4 of the bill as reported by the committee.

Mr. COTTON. Mr. President, this is precisely the same amendment that I offered to the substitute offered by the Senators from Idaho and Tennessee. It was overwhelmingly agreed to.

It simply gives the same protection to the already established regions in case the Domenici amendment were adopted that it would have given in the case the substitute had been adopted; and I ask unanimous consent for the adoption of this amendment. I understand that my friend the Senator from New Mexico, who is always very fair, is willing to accept it, but the yeas and nays have been ordered, so I ask unanimous consent that it be incorporated in the Senator's amendment without a rollcall vote.

Mr. MONTOYA. Mr. President, reserving the right to object, and I shall not object, if the amendment is adopted, what is the effect of the amendment on the bill?

Mr. COTTON. The effect of my amendment would be that the seven regions would not be cut off after 4 months, but would have the same authorization that came from the committee, though they would, of course, be curtailed in their activities.

Mr. MONTOYA. Do I understand that the Senator is for a 1-year authorization?

Mr. COTTON. I am supporting the committee bill.

Mr. MONTOYA. I have no objection.

Mr. RANDOLPH. Mr. President, reserving the right to object, and I shall not object, I think on the point in discussion which is raised by the able Senator through his two amendments, we should recall that when the Appalachian regional development program was first brought to the Senate in 1965 I gave a pledge to the members of this body that these regional development programs, like that for New England, would be brought into being, that they would come from the Committee on Public Works. That word has been kept.

Certainly these newer regions, regions that had to begin anew while the Appalachian program had been under development for a year and a half before legislation formally creating it came to the floor of the Senate. The newer regions, too, need time to develop and implement their programs. The distinguished Senator from New Hampshire recognizes this and has been a strong supporter of these regional commissions.

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

Mr. RANDOLPH. I yield.

Mr. COTTON. May I say to the distinguished Senator from West Virginia, the chairman of the committee, that indeed he has kept his pledge. When the Appalachia bill was first passed, and many of us felt that there were other sections of country that faced the same problems, and we should not be closing them out. The agreement was made, and year after year my distinguished friend from West Virginia, whom I so greatly respect, as well as the senior Senator from New Mexico, has played fair with us all the way. They have reduced the overall authorizations, but the reductions were reasonable. I feel that the authorization for 1975 of $1 million is reasonable and ample, and in keeping with policies of frugality.

So I am most grateful to him. I wish to support my friend the junior Senator from New Mexico (Mr. DOMENICI), for whom I have the highest regard. I have been deeply impressed with this ability and sincerity since he entered this body. But certainly we have been treated with absolute fairness, and the Senator and

his committee has our pledge that we will assist them with Appalachia.

Mr. RANDOLPH. I wish to join our chairman of the Subcommittee on Economic Development in approving the proposal of the Senator from New Hampshire (Mr. COTTON).

Mr. DOMENICI. Mr. President, I do not intend to object, but I have an inquiry concerning the proposed amendment. Have the yeas and nays been ordered on the amendment of the Senator from New Hampshire?

Mr. COTTON. I have asked unanimous consent that the yeas and nays, which have been previously ordered, be vacated.

The PRESIDING OFFICER. The Senator is correct.

Mr. COTTON. In view of the fact that the same amendment received an 81 to 15 vote, I hope that unanimous consent will be granted to accept the amendment.

Mr. DOMENICI. On the amendment to the amendment, I have no objection.

The PRESIDING OFFICER. Is there objection to the amendment? The Chair hears none, and the amendment is agreed to.

The question now recurs on the Domenici amendment, as amended. 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 Indiana (Mr. BAYH) is 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 Arizona (Mr. GOLDWATER) is necessarily absent.

The result was announced—yeas 28, nays 69, as follows:

[No. 122 Leg.]

YEAS—28

Baker	Dominick	Percy
Bartlett	Fannin	Roth
Bellmon	Fong	Saxbe
Bennett	Griffin	Scott, Pa.
Brock	Gurney	Scott, Va.
Buckley	Hansen	Taft
Cook	Helms	Tower
Curtis	Hruska	Weicker
Dole	McClure	
Domenici	Packwood	

NAYS—69

Abourezk	Hart	Montoya
Aiken	Hartke	Moss
Allen	Haskell	Muskie
Beall	Hatfield	Nelson
Bentsen	Hathaway	Nunn
Bible	Hollings	Pastore
Biden	Huddleston	Pearson
Brooke	Hughes	Pell
Burdick	Humphrey	Proxmire
Byrd, Harry F., Jr.	Inouye	Randolph
Byrd, Robert C.	Jackson	Ribicoff
Cannon	Javits	Schweiker
Case	Johnston	Sparkman
Chiles	Kennedy	Stafford
Church	Long	Stevens
Clark	Magnuson	Stevenson
Cotton	Mansfield	Symington
Cranston	Mathias	Talmadge
Eagleton	McClellan	Thurmond
Eastland	McGee	Tunney
Ervin	McGovern	Williams
Fulbright	McIntyre	Young
Gravel	Metcalf	
	Mondale	

NOT VOTING—3

Bayh	Goldwater	Stennis

So Mr. DOMENICI's amendment, as modified, was rejected.

Mr. BELLMON. Mr. President, I have an amendment at the desk, and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

At the end of the bill insert the following new section:

SEC. — The President shall instruct the Secretary of Commerce and the Office of Management and Budget to reexamine current and past Federal efforts to secure balanced national economic development and shall submit to Congress within six months after the enactment of this Act a proposal for the restructuring of the various Federal economic development programs into a well coordinated plan of assistance.

The PRESIDING OFFICER. Who yields time?

Mr. BELLMON. I yield myself such time as I may require.

Mr. President, the purpose of this amendment is to cause the President to instruct the appropriate agencies in the administration to reexamine this Nation's efforts toward balanced national economic development and to try to come to Congress with a restructured program to accomplish the objectives we all want.

The proposed budget for fiscal year 1974 calls for the phaseout of programs authorized under this legislation. The President should by now be aware that these programs have been extremely popular in the Nation's depressed areas, and hence with elected representatives in Congress. The success of these programs in bringing thousands of new job opportunities to smaller communities in need of them at reasonable cost has been demonstrated again and again.

By including this amendment I believe that the President, instead of simply vetoing the bill, as would be indicated by the fiscal year 1974 budget document, would then give serious consideration to utilizing acquired Federal economic development expenses in new and innovative ways.

Mr. President, a few words of description might help in understanding what might be proposed by the administration after careful restudy of this program. Currently EDA operates a program with strong ties to local government and private enterprise. Major program responsibilities are assigned to regional directors located in six regional offices based upon the standard Federal regions.

There are now seven title V commissions in existence. They emphasize delivery of assistance through State government. Following an administration moratorium, the policy was altered less than 2 years ago to permit and encourage the formation of new commissions. As a result two new ones, the Pacific Northwest and the Old West, were established. Three of the commissions are composed entirely of whole States and two are completely coincident with the standard Federal regions.

EDA and the title V can undoubtedly be operated as a single program. Indeed, it was so intended by Congress, as the act indicates. They could be brought together and run under a single administrative structure. All States could be brought into regional commissions with boundaries altered where required to conforms with the standard Federal regions. The Federal responsibilities could be administered by what formerly would have been known as EDA's regional directors.

The broad program tools and strong local support of EDA could be combined with the greater reliance upon States government favored by the administration and practiced by the commissions. Duplicative costs and interagency rivalries would be eliminated. Closer coordination with other Federal agencies utilizing the standard regions would be substantially enhanced. Delivery of funds and technical assistance to recipients would be simplified. There would be an ability to respond to economic problems at all levels of government in a coordinated manner, using the unique capabilities of each.

Multicounty economic development districts, presently supported by EDA would continue to develop their programs based upon local needs. The district program, perhaps EDA's most successful innovation, could be encouraged to encompass the entire Nation. States would then undertake a statewide economic development investment plan, including specific projects and funding priorities, drawn from both the district plans and the State's own requirements.

Presidential initiative in developing a restructured national balanced economic growth policy would assist in the attainment of a number of stated administration objectives.

First, putting the private sector to work toward public objectives.

Often private firms would like to be able to locate in smaller communities away from the large congested metropolitan areas. There are many indications that such a trend is already occurring and would be even more notable were it not for the economic inequities of locating there. A comparatively small public investment in the establishment of permanent job opportunities can many times make these small, often depressed communities economically and socially viable. A single economic development structure, encompassing local, State, regional, and national viewpoints could materially assist in planning for the rational delivery of those public investments.

Too often Federal rhetoric has emphasized the need to revitalize rural America, and too often the Federal response has been inadequate—ill-conceived and ill-coordinated. Part of the reason for this has been the lack of recognition that what rural areas and small towns need to make them stable, attractive communities are adequate numbers of adequately paid jobs. The Rural Development Act, passed last year, has taken this into account, but it has been slow in reaching operational stride. The expertise that could be applied by a unified economic development organization to the task of bringing jobs to rural America as an essential ingredient of rural development, is considerable, and could lead to a much earlier realization of the goals envisioned in the Rural Development Act.

Most of the decisionmaking responsibility could be removed from Washington and distributed to appropriate re-

gional, State, and local levels. It is clear that a Federal economic development organization could operate with lower overhead, devoting attention to purely national aspects of economic growth. At the same time, continuation of the component programs would assure that no violent disruption to local economic development process would occur.

The adoption of this amendment would cause the administration to restudy the Federal role in balanced national economic development.

Mr. President, I want to be candid. Many changes are occurring in the White House and in the administration. I am of the opinion that the administration may wish to take another look at previous decisions in this area. Including this amendment may give President Nixon a valid reason to keep EDA and the title 5 programs alive while the study proceeds.

I urge its adoption.

I have discussed this matter with the author of the bill and with the minority——

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

Mr. BELLMON. I yield.

Mr. MONTOYA. I have discussed this matter with the committee members on this side of the aisle, and we will accept the amendment.

I yield back the remainder of my time.

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

Mr. BELLMON. I yield.

Mr. McCLURE. We have discussed this amendment. I think it is a very constructive amendment. It will be of very great assistance to the committee in evaluating these proposals, and I accept the amendment.

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

Mr. BELLMON. I yield.

Mr. RANDOLPH. Earlier today, I discussed this matter with the able Senator from Oklahoma. It is very important for Senators to realize and to understand—regardless of this amendment, which I support—the necessity, to study very carefully, in depth and scope beyond anything we have yet done, the problems of unemployment in this country. We must examine the need for realistic development programs which will strengthen our economy generally, so that people can work rather than receive public assistance instead of being in the general program of productivity.

That is why I believe the amendment offered is very helpful. We must take a very searching look, and perhaps we will come up with some answers we do not now have.

Mr. BELLMON. I thank the distinguished Senator.

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

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KENNEDY. Mr. President, I wish to add my support to this legislation—H.R. 2246—which would extend regional commissions for 1 year at the same level of funding. It is my long-held belief that the concept of a Federal-State partnership to serve the needs of a region is not only sound and effective but also the most workable instrument to determine and provide for the needs of adjoining States whose major economic and social problems are basically regional. This is dramatically demonstrated when you examine the geographical as well as the economical structure of the six New England States.

These States comprise a region remote from the sources of electricity, gas, and oil, a region with few natural resources, a region whose economy is interdependent and a region which has many of its skilled workers living in one State and depending upon jobs in another. The waters of New England's rivers course through two or three States so that you cannot deal with a water pollution problem in one State without applying similar attention in another. The same is true for the region's transportation needs, its environmental protection, air pollution problems, even the broad scope of law enforcement.

In recent years, New England has witnessed the tragic decline of its fishing industry, and now we see the only hope of salvage in a regional effort to preserve this vital national food source in the five of the six New England States whose borders run to the sea. We see a regional effort to provide, for example, adequate technical vocational education and adequate health services in three of the region's northern States.

These problems and most of the major economic needs of State and local governments cross State and county lines making it evident that solutions must be found on a broader level.

The New England Regional Commission, in the 5 years since its establishment, has approached these problems with a regional view. It has produced worthwhile studies in some areas, such as long-range energy requirements for the entire six-State area. The Commission has begun encouraging and helping to fund industrial development projects throughout the region. It has made promising efforts in developing occupational skills among prison inmates and secondary occupational school students, and has stimulated a growth in low-income housing with financial support.

Congress has been aware that adequate funding is necessary to make such Commissions a potent force and has increased annual authorizations for all Commissions. But the actual amounts appropriated have been at a bare minimum, depriving them of the opportunity to commit large-scale programs to the task of revitalizing the region's economic growth.

Some shortcomings in the direction and the effectiveness of the New England Regional Commission were identified in a series of newspaper articles in the Boston Globe last October. The Globe performed a notable service in examining the progress and programs of the Commission, calling to public attention some of its inadequacies. It is my understanding that this public scrutiny has served a useful purpose and has stimulated our six New England Governors to make changes which will translate into sounder planning and more efficient operations and response to the region's needs.

As a principal supporter of the New England Regional Commission 8 years ago, I felt then that the bill which created it was one of the most significant legislative proposals to come before the Congress. I hold an even stronger view today because the New England Regional Commission has clearly demonstrated that coordination can be effective among the communities, among the States, and between the States and the Federal Government.

Moreover, if New England is to restore its economy and provide new industrial growth in the decades ahead, it will require sound planning and bold and dramatic programs. And its only hope and promise rests with a Federal-State-and local partnership team, pulling together in a make-sense effort. The Regional Commission concept deserves congressional support—and the funds to do the job. I am hopeful the Senate will act affirmatively on H.R. 2246 to provide that funding.

Mr. PELL. Mr. President, we are today considering legislation to help economically depressed and distressed areas, and particularly those areas with high unemployment rates.

This legislation is badly needed, and it has my full support.

There is a particularly pressing need for economic development legislation at this time. The Defense Department recently announced plans to close, consolidate, and realine 274 military activities in 32 States, the District of Columbia, and Puerto Rico. The base closings and transfers will eliminate 42,800 military and civilian jobs.

Now if the impact of these actions were evenly distributed across our country, the economic adjustment required would be manageable. But the impact is not evenly distributed across the country.

In fact, almost half of the military and civilian jobs affected are being eliminated in my own State of Rhode Island—more than 20,000 military and civilian jobs.

This would be a sharp economic setback to any State, and in a small State like Rhode Island it is devastating. With State officials and other members of our congressional delegation from Rhode Island, I am hoping that the administration will review and reverse these base closings, which in my view are not based on sound economic, strategic, or defense arguments.

But we are nevertheless confronted with the prospect of an economic disaster, and we must be prepared for it.

The economic crisis facing Rhode Island is a manmade disaster, planned, prepared, and promulgated by the executive branch of the U.S. Government. Accordingly, I believe the Federal Government has a direct and strong responsibility, if these base closing decisions are not reversed, to provide adequate assistance for economic recovery.

The administration has an Economic Adjustment Committee charged with the responsibility of coordinating Federal Government assistance efforts. But while it pledges assistance with one hand, the

administration with the other hand is trying to cripple or abolish the very programs, including Economic Development Act programs, that are of critical importance to any meaningful adjustment assistance.

I am pleased that the Senate has today given some recognition to the economic assistance needs brought about by these base closing decisions by adopting the amendment requested by my senior colleague, Senator PASTORE, and cosponsored by me and the amendment presented by the senior Senator from Massachusetts (Mr. KENNEDY) also cosponsored by me.

These amendments will provide a start toward the economic adjustment assistance that will be needed.

Quite frankly, I believe much more in the way of assistance will be needed if these base closing decisions are sustained by the administration.

The Defense Department estimates it will save three and a half billion dollars through these base closings during the next 10 years. I think it entirely reasonable to ask that some portion of those projected savings be used to finance programs, such as the Economic Development Act programs, that are designed specifically to assist areas hard hit by economic disasters.

Mr. President, during the recent Presidential election campaign, the voters of Rhode Island were promised in newspaper advertisements that the naval bases in Rhode Island would not be closed if the incumbent President were reelected. Now, we are told the naval bases will be closed, and we are asked to accept promises by the administration that it will give "full energies" to adjustment assistance.

Unfortunately, the people of Rhode Island cannot pay the rent and the food bill with promises. I believe it is up to the Congress to make certain that economic adjustment and development assistance is provided, even if we must do it over the opposition of the administration.

Mr. RANDOLPH. Mr. President, I have always been greatly appreciative of the seriousness of purpose shown by members of the Committee on Public Works. In the development of this legislation, there was detailed examination of all proposals and a thorough discussion that enabled us to bring to the Senate a reasonable and workable answer to the questions we faced.

We did not always agree on details, but members worked together to resolve our differences of approach in the cooperative spirit that characterizes our committee. Special mention is due to the distinguished ranking minority member, Senator BAKER, for his leadership and untiring efforts to achieve a compromise position acceptable to the administration.

I have mentioned the considerable contributions of the chairman of the Subcommittee on Economic Development, Senator MONTOYA, who brought to this bill his knowledge of the subject and his skill as a legislator. Important contributions to our understanding of the subject and to the creation of this bill were made by other committee members.

Senator MUSKIE is immediately familiar with the needs of the New England region which were discussed in some detail today and is well qualified to help resolve them. Likewise, Senator GRAVEL ably represents a State with requirements unique in our country, and he has helped us to realize that special approaches are sometimes needed for Alaska. Senator BENTSEN, as always, utilized his ability to analyze legislation to greatly assist the committee. The ability of Senator BUCKLEY to see potential improvements in legislation continues to be an asset to the committee. Senator STAFFORD is another committee member who knows firsthand of the situation in New England and who has the capacity to approach them with proposals that are both well-reasoned and forcefully articulated.

The contributions and involvement of our newer committee members has been indicated here today by the sponsorship of amendments by Senators MCCLURE and DOMENICI, both of whom have taken an active interest in economic development. Senator BURDICK is a Senator of much experience and wide vision who has recently been welcomed to the Public Works Committee where his talents are welcomed. Senators CLARK, BIDEN, and SCOTT of Virginia are other new Members who have accepted their committee duties with vigor and who have made major contributions to this and other legislation considered by the committee. To all members of the committee I express my thanks for their efforts.

Mr. MONTOYA. Mr. President, the staff of the Committee on Public Works has again functioned in an exemplary manner and enabled us to act on this bill and bring it to the Senate for consideration. Our thanks and our appreciation are owed to those staff members who contributed to the preparation of this legislation: M. Barry Meyer, A. David Sandoval, John W. Yago, Philip T. Cummings, Bailey Guard, Judy Parente, Richard Herod, Steven Swain, Eleanor Putz, Polly Medlin, Birdie Kyle, Barbara Bjornson, Veronica Holland, and Jan Fox.

The PRESIDING OFFICER. The committee amendment in the nature of a substitute is open to further amendment. If there is no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

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

The bill was read the third time.

Mr. MONTOYA. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

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

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAYH) is 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 Arizona (Mr. GOLDWATER) is necessarily absent.

The result was announced—yeas 81, nays 16, as follows:

[No. 123 Leg.]

YEAS—81

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

NAYS—16

Bennett	Hansen	Saxbe
Brock	Helms	Scott, Va.
Buckley	Hruska	Taft
Curtis	McClure	Tower
Fannin	Proxmire	
Gurney	Roth	

NOT VOTING—3

Bayh	Goldwater	Stennis

So the bill (H.R. 2246) was passed.

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

Mr. RANDOLPH. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. MONTOYA. Mr. President, I ask unanimous consent that the bill just passed, H.R. 2246, be printed as passed by the Senate, and that the Secretary of the Senate be authorized to make necessary technical and clerical corrections in the engrossment of the Senate amendment.

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

AIRPORT DEVELOPMENT ACCELERATION ACT OF 1973

Mr. ROBERT C. BYRD. Mr. President, on behalf of Senator CANNON, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 38.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 38) to amend the Airport and Airway Development Act of 1970, as amended, to increase the United States share of allowable project costs 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, which was to strike out all after the enacting clause, and insert:

That this Act may be cited as the "Airport Development Acceleration Act of 1973".

SEC. 2. Section 11(2) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1711) is amended by inserting immediately after "Federal Aviation Act of 1958," the following: "and security equipment required of the sponsor by the Secretary by rule or regulation for the safety and security of persons and property on the airport,".

SEC. 3. Section 14(b) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1714(b)) is amended—

(1) by striking out "$840,000,000" in the first sentence thereof and inserting in lieu thereof "$1,400,000,000; and

(2) by striking out "and" in the last sentence thereof and inserting immediately before the period ", an aggregate amount exceeding $1,120,000,000 prior to June 30, 1974, and an aggregate amount exceeding $1,400,000,000 prior to June 30, 1975".

SEC. 4. Section 16(c)(1) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1716(c)) is amended by inserting in the last sentence thereof "or the United States or an agency thereof" after "public agency".

SEC. 5. Section 17 of the Airport and Airway Development Act of 1970 (49 U.S.C. 1717) relating to United States share of project costs, is amended—

(1) by striking out subsection (a) of such section and inserting in lieu thereof the following:

"(a) GENERAL PROVISION.—Except as otherwise provided in this section, the United States share of allowable project costs payable on account of any approved airport development project submitted under section 16 of this part may not exceed—

"(1) 50 per centum for the sponsor of any airport which enplanes not less than 1 per centum of the total annual passengers enplaned by air carriers certificated by the Civil Aeronautics Borad; and

"(2) 75 per centum for the sponsor of any airport which enplanes less than 1 per centum of the total annual passengers enplaned by air carriers certificated by the Civil Aeronautics Board."; and

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

"(e) SAFETY CERTIFICATION AND SECURITY EQUIPMENT.—

"(1) To the extent that the project cost of an approved project for airport development represents the cost of safety equipment required by rule or regulation for certification of an airport under section 612 of the Federal Aviation Act of 1958 the United States share may not exceed 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after May 10, 1971.

"(2) To the extent that the project cost of an approved project for airport development represents the cost of security equipment required by the Secretary by rule or regulation, the United States share may not exceed 82 per centum of the allowable cost thereof with respect to airport development project grant agreements entered into after September 28, 1971.".

SEC. 6. The first sentence of section 12(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1712 (a)) is amended by striking out "two years" and inserting in lieu thereof "three years".

SEC. 7. (a) Title XI of the Federal Aviation Act of 1958 is amended by adding at the end thereof the following new section:

"STATE TAXATION OF AIR COMMERCE

"SEC. 1113. (a) No State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) shall levy or collect a tax, fee, head charge, or other charge, directly or indirectly, on persons traveling in air commerce or on the carriage of persons traveling in air commerce or on the sale of air transportation or on the gross receipts derived therefrom; except that any State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) which levied and collected a tax, fee, head charge, or other charge, directly or indirectly, on persons traveling in air commerce or on the sale of air transportation or on the gross receipts derived therefrom prior to May 21, 1970, shall be exempt from the provisions of this subsection until December 31, 1973.

"(b) Nothing in this section shall prohibit a State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) from the levy or collection of taxes other than those enumerated in subsection (a) of this section, including property taxes, net income taxes, franchise taxes, and sales or use taxes on the sale of goods or services; and nothing in this section shall prohibit a State (or political subdivision thereof, including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the District of Columbia, the territories or possessions of the United States or political agencies of two or more States) owning or operating an airport from levying or collecting reasonable rental charges, landing fees, and other service charges from aircraft operators for the use of airport facilities.

"(c) In the case of any airport operating authority which—

"(1) has an outstanding obligation to repay a loan or loans of amounts borrowed and expended for airport improvements;

"(2) is collecting without air carrier assistance, a head tax on passengers in air transportation for the use of its facilities; and

"(3) has no authority to collect any other type of tax to repay such loan or loans.

the provisions of subsection (a) shall not apply to such authority until December 31, 1973.".

(b) That portion of the table of contents contained in the first section of such Act which appears under the center heading

"TITLE XI—MISCELLANEOUS"

is amended by adding at the end thereof the following:

"Sec. 1113. State taxation of air commerce.".

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. CANNON, I move that the Senate disagree to the amendment of the House on S. 38 and ask for a conference with the House 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 motion was agreed to; and the Presiding Officer appointed Mr. MAGNUSON, Mr. CANNON, Mr. HART, Mr. COTTON, and Mr. PEARSON conferees on the part of the Senate.

ORDER AUTHORIZING THE COMMITTEE ON LABOR AND PUBLIC WELFARE TO HAVE UNTIL MIDNIGHT TONIGHT TO FILE A REPORT

Mr. ROBERT C. BYRD. Mr. President, on behalf of Senator WILLIAMS, I ask unanimous consent that the Committee on Labor and Public Welfare be authorized until midnight tonight to file its report on S. 1423, to amend the Labor Management Relations Act of 1947, to permit employer contributions to jointly administered trust funds established by labor organizations to defray costs of legal services.

PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, as I recall, there has been no period today for the transaction of routine morning business.

The PRESIDING OFFICER. The Senator is correct.

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

Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with statements limited therein to 3 minutes.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 1379) to authorize further appropriations for the Office of Environmental Quality, and for other purposes.

The message also announced that the House had passed the bill (S. 49) to amend title 38 of the United States Code in order to establish a National Cemetery System within the Veterans' Administration, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

MESSAGES FROM THE PRESIDENT

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

PROPOSED PREPAREDNESS AND ASSISTANCE ACT OF 1973—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. JOHNSTON) laid before the Senate a mes-

sage from the President of the United States, which, with the accompanying paper, was referred to the Committee on Banking, Housing and Urban Affairs. The message is as follows:

To the Congress of the United States:

I am today submitting for the consideration of the Congress the Disaster Preparedness and Assistance Act of 1973. This legislation has resulted from a comprehensive review of all our disaster assistance activities as called for under Public Law 92-385, enacted last August.

A major objective of this bill is to consolidate the responsibility for disaster assistance, reducing the number of Federal agencies involved in these efforts, eliminating overlapping responsibilities and distributing benefits on a more equitable basis. Reorganization Plan No. 1 of 1973, in which the Congress has already concurred, provides the organizational structure for achieving this consolidation under the Secretary of Housing and Urban Development. This new legislation would also do a great deal to strengthen the role of State and local governments and of private institutions in meeting this important challenge.

In addition, as its name clearly implies, this bill would place greater emphasis on protecting people and property against the effects of disasters before they occur. In this same connection, I would call once again for prompt enactment of the Flood Disaster Protection Act of 1973 which I submitted to the Congress several weeks ago.

The Disaster Preparedness and Assistance Act of 1973 represents a comprehensive new approach to a very crucial problem. To ease the transition to this new system, I propose that during its first year of operation a special Federal grant of $250,000 be provided to each State to help it increase its disaster preparedness and assistance capabilities.

Last year set a new record for the number of disasters which had to be formally declared by the President of the United States—48 in all. Already this year, spring floods and tornadoes have brought tragedy to many areas of our country.

While we cannot fully control the occurrence and the impact of disasters, we must do all we can to prepare for them, to prevent them, and to mitigate and remedy their effects. The legislation I am submitting today can help us do all these things more efficiently and more effectively and I strongly urge its prompt enactment.

RICHARD NIXON.

THE WHITE HOUSE, *May 8, 1973.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. JOHNSTON) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

The nominations received today are printed at the end of Senate proceedings.)

The PRESIDING OFFICER. Is there further morning business?

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.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT OF PRESIDENTIAL STUDY COMMISSION ON INTERNATIONAL RADIO BROADCASTING

A communication from the President of the United States, transmitting, pursuant to law, a report of the Presidential Study Commission on International Radio Broadcasting (with an accompanying report). Referred to the Committee on Foreign Relations.

REPORT ON FINAL DETERMINATION IN CLAIM OF TUSCARORA INDIAN NATION

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, on final determination of Docket No. 321, Tuscarora Indian Nation, Plaintiff, v. The United States of America, Defendant (with accompanying papers). Referred to the Committee on Appropriations.

REPORT RELATING TO ASSISTANCE-RELATED EXPENDITURES FOR LAOS

A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting, pursuant to law, a report relating to assistance-related expenditures for Laos, during the third quarter of fiscal year 1973 (with an accompanying report). Referred to the Committee on Armed Services.

PROPOSED LEGISLATION FROM DEPARTMENT OF DEFENSE

A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend titles 10 and 32, United States Code, to authorize additional medical and dental care and other related benefits for reservists and members of the National Guard, under certain circumstances, and for other purposes (with accompanying papers). Referred to the Committee on Armed Services.

A letter from the Secretary of Defense, transmitting a draft of proposed legislation to authorize certain construction at military installations, and for other purposes (with accompanying papers). Referred to the Committee on Armed Services.

PROPOSED LEGISLATION FROM DEPARTMENT OF THE AIR FORCE

A letter from the Assistant Secretary of the Air Force, Manpower and Reserve Affairs, transmitting a draft of proposed legislation to amend section 8371 of title 10, United States Code, to authorize officers of the Air National Guard of the United States to be considered for promotion to the reserve grade of colonel by the Air Force Reserve overall vacancy board (with an accompanying paper). Referred to the Committee on Armed Services.

REPORT OF DEPARTMENT OF DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on Department of Defense Procurement From Small and Other Business Firms, for July 1972—February 1973 (with an accompanying report). Referred to the Committee on Banking, Housing and Urban Affairs.

PUBLICATIONS OF FEDERAL POWER COMMISSION

A letter from the Chairman, Federal Power Commission, transmitting, for the information of the Senate, publications entitled "Steam-Electric Plant Construction Cost and Annual Production Expenses, 1971," and "Hydroelectric Power Resources of the United States, Developed and Undeveloped, 1972" (with accompanying documents). Referred to the Committee on Commerce.

PROPOSED LEGISLATION FROM THE SECRETARY OF TRANSPORATION

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation urging the States to take decisive action to reduce the highway death and injury toll by adopting laws requiring the use of safety belts in motor vehicles (with an accompanying paper). Referred to the Committee on Commerce.

PROPOSED LEGISLATION FROM THE SECRETARY OF COMMERCE

A letter from the Acting Secretary of Commerce, transmitting a draft of proposed legislation to further amend the International Travel Act of 1961 as amended (with accompanying papers). Referred to the Committee on Commerce.

PROPOSED LEGISLATION RELATING TO THE DISTRICT OF COLUMBIA

A letter from the Commissioner, The District of Columbia, Washington, D.C., transmitting a draft of proposed legislation to amend the District of Columbia Public Assistance Act of 1962 (with an accompanying paper). Referred to the Committee on the District of Columbia.

REPORT ON ASSISTANCE-RELATED FUNDS FOR CAMBODIA

A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting, pursuant to law, a report showing the assistance-related funds obligated for Cambodia, during the third quarter of fiscal year 1973 (with an accompanying report). Referred to the Committee on Foreign Relations.

INTERNATIONAL AGREEMENTS OTHER THAN TREATIES

A letter from the Assistant Legal Adviser for Treaty Affairs, transmitting, pursuant to law, the text of international agreements other than treaties (with accompanying papers). Referred to the Committee on Foreign Relations.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on advantages and limitations of computer simulation in decisionmaking, Department of Defense, dated May 3, 1973 (with an acompanying report). Referred to the Committee on Government Operations.

PROPOSED LEGISLATION BY THE ATTORNEY GENERAL

A letter by the Deputy Attorney General, transmitting a draft of proposed legislation to implement the Convention on the Prevention and Punishment of the Crime of Genocide (with accompanying papers). Referred to the Committee on the Judiciary.

A letter from the Deputy Attorney General, transmitting a draft of proposed legislation to amend title XII of the Organized Crime Control Act of 1970, and for other purposes (with an accompanying paper). Referred to the Committee on the Judiciary.

A letter from the Deputy Attorney General, transmitting a draft of proposed legislation to provide for the appointment of U.S. marshals by the Attorney General

(with an accompanying paper). Referred to the Committee on the Judiciary.

REPORT OF NATIONAL MEDIATION BOARD

A letter from the Chairman, National Mediation Board, transmitting, pursuant to law, a report of that Board, including the report of the National Railroad Adjustment Board, for the fiscal year ended June 30, 1972 (with an accompanying report). Referred to the Committee on Labor and Public Welfare.

INTERNATIONAL LABOR CONFERENCE CONVENTION NO. 132

A letter from the Acting Assistant Secretary for Congressional Relations, Department of State, transmitting the text of ILO Convention No. 132, concerning annual holidays with pay (with accompanying papers). Referred to the Committee on Labor and Public Welfare.

REPORT ON NATIONAL VISITOR CENTER

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a report on the National Visitor Center and all other facilities for 1972–73 (with an accompanying report). Referred to the Committee on Public Works.

PROPOSED AMENDMENT TO ATOMIC ENERGY COMMISSION AUTHORIZATION BILL

A letter from the Chairman, Atomic Energy Commission, transmitting a draft of a revised, superseding version of the proposed legislative amendment transmitted earlier to authorize appropriations to be made to the Atomic Energy Commission for fiscal year 1974 (with accompanying papers). Referred to the Joint Committee on Atomic Energy,

REFERRAL OF S. 496 TO THE COMMITTEE ON GOVERNMENT OPERATIONS

Mr. HANSEN. Mr. President, on January 23, I introduced a bill for the relief of Mario Temperini and James H. Groutage which was erroneously referred to the Committee on the Judiciary.

I had introduced the same legislation last year in the second session of the 92d Congress, and that measure was correctly referred to the Senate Committee on Government Operations, since the issue of the bill relates to the application of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of my bill, S. 496, introduced on January 23, 1973, and that it be referred to the Senate Committee on Government Operations.

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

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 1002. A bill for the relief of Giuseppe Paul Pinton (Rept. No. 93–136).

By Mr. JOHNSTON, from the Committee on Banking, Housing and Urban Affairs:

S. 1752. An original bill prescribing the objectives and functions of the National Commission on Productivity and Work Quality (Rept. No. 93–138).

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare, with an amendment:

S. 1432. A bill to amend the Labor Management Relations Act, 1947, to permit employer contributions to jointly administered trust funds established by labor organizations to defray costs of legal services (Rept. No. 93–139).

REPORT OF SUBCOMMITTEE TO INVESTIGATE THE ADMINISTRATION OF THE INTERNAL SECURITY ACT AND OTHER INTERNAL SECURITY LAWS—REPORT OF A COMMITTEE

(S. REPT. NO. 93–137)

Mr. EASTLAND, from the Committee on the Judiciary, submitted a report of the Subcommittee To Investigate the Administration of the Internal Security Act and Other Internal Security Laws, for the fiscal year ending February 28, 1973, which was ordered to be printed.

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. EASTLAND:

S. 1728. A bill to increase benefits provided to American civilian internees in Southeast Asia. Referred to the Committee on the Judiciary.

By Mr. INOUYE:

S. 1729. A bill for the relief of Erlinda Garma Salvador. Referred to the Committee on the Judiciary.

By Mr. RIBICOFF (for himself, Mr. LONG, Mr. HUMPHREY, Mr. MONDALE, Mr. EAGLETON, Mr. PELL, Mr. PASTORE, Mr. TUNNEY, Mr. GRAVEL, Mr. ABOUREZK, Mr. MCGOVERN, Mr. MOSS, Mr. EASTLAND, Mr. MCGEE, Mr. CANNON, Mr. BAYH, and Mr. CLARK):

S. 1730. A bill to amend the Public Health Service Act to provide physician's services in physician-shortage areas through the establishment of a Physicians' Community Service Program. Referred to the Committee on Labor and Public Welfare.

By Mr. YOUNG:

S. 1731. A bill for the relief of Dr. Manuel Javier Mariano and his wife, Lilia Zapanta Mariano. Referred to the Committee on the Judiciary.

By Mr. LONG:

S. 1732. A bill to establish a Joint Committee on Foreign Trade. Referred to the Committee on Finance.

By Mr. FULBRIGHT (by request):

S. 1733. A bill to promote the foreign policy of the United States by prohibiting travel in a restricted area. Referred to the Committee on Foreign Relations.

By Mr. MAGNUSON (by request):

S. 1734. A bill to amend certain laws affecting the Coast Guard. Referred to the Committee on Commerce.

By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 1735. A bill to assure that the public is provided with safe drinking water, and for other purposes. Referred to the Committee on Commerce.

By Mr. MCCLELLAN:

S. 1736. A bill to amend title 38, United States Code, to authorize eligible wives and widows to pursue on-farm training. Referred to the Committee on Veterans' Affairs.

By Mr. ERVIN (for himself and Mr. ALLEN):

S. 1737. A bill to amend the Civil Rights Act of 1964 to provide for freedom of choice in student assignments in public schools. Referred to the Committee on the Judiciary.

By Mr. NUNN (for himself and Mr. TALMADGE):

S. 1738. A bill to authorize the establishment of the Chattahoochee River National Recreation Area in the State of Georgia, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. CANNON (by request):

S. 1739. A bill to amend the Federal Aviation Act of 1958 to provide a definition for inclusive tour charters, and for other purposes. Referred to the Committee on Commerce.

By Mr. TUNNEY (for himself and Mr. CRANSTON):

S. 1740. A bill to establish the Lake Berryessa National Recreation Area in the State of California, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MONDALE:

S. 1741. A bill for the relief of Leonardo Falcones. Referred to the Committee on the Judiciary.

By Mr. WILLIAMS:

S. 1742. A bill to prohibit the use of leghold, steel jaw traps or other inhumane snaring devices on animals in the United States. Referred to the Committee on Commerce.

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

S. 1743. A bill to provide Federal revenues to State and local governments and afford them broad discretion in carrying out community development activities. Referred to the Committee on Banking, Housing and Urban Affairs.

Urban Affairs.

S. 1744. A bill to provide Federal assistance to local governments in support of community development activities. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MONDALE (for himself, Mr. BAYH, Mr. BURDICK, Mr. CHURCH, Mr. EAGLETON, Mr. HART, Mr. HARTKE, Mr. HATHAWAY, Mr. HUMPHREY, Mr. JACKSON, Mr. JAVITS, Mr. MAGNUSON, Mr. MOSS, Mr. PASTORE, Mr. PERCY, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SCHWEIKER, Mr. STEVENSON, Mr. TUNNEY, Mr. WEICKER, and Mr. WILLIAMS):

S. 1745. A bill to provide financial assistance for research activities for the study of sudden infant death syndrome, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. WILLIAMS:

S. 1746. A bill to incorporate the Catholic War Veterans of the United States. Referred to the Committee on the Judiciary.

By Mr. MAGNUSON (for himself, Mr. INOUYE, and Mr. COTTON) (by request):

S. 1747. A bill to amend the International Travel Act of 1961 with respect to fees and charges for travel exhibits and publications and authorizations of appropriations. Referred to the Committee on Commerce.

By Mr. GRAVEL:

S. 1748. A bill to amend the Ship Mortgage Act, 1920, in order to provide that a State, the District of Columbia, the Commonwealth of Puerto Rico, and a territory of the United States shall be considered to be a citizen of the United States for the purposes of such Act. Referred to the Committee on Commerce.

By Mr. MONDALE:

S. 1749. A bill to provide continued rail transportation in rural America. Referred to the Committee on Commerce.

By Mr. KENNEDY (for himself, Mr. BROOKE, Mr. JAVITS and Mr. BUCKLEY):

S. 1750. A bill to establish the Frederick Law Olmstead Home and Office in Brookline, Mass., as a national historic site. Referred

to the Committee on Interior and Insular Affairs.

By Mr. JACKSON (for himself, Mr. RANDOLPH, Mr. COTTON, Mr. FANNIN, Mr. JOHNSTON and Mr. BAKER) (by request):

S. 1751. A bill to amend the Outer Continental Shelf Lands Act and to authorize the Secretary of the Interior to regulate the construction and operation of deepwater port facilities. Referred jointly to the Committees on Interior and Insular Affairs, Public Works and Commerce by unanimous consent.

By Mr. JOHNSTON, from the Committee on Banking, Housing and Urban Affairs:

S. 1752. An original bill prescribing the objectives and functions of the National Commission on Productivity and Work Quality. Placed on the calendar.

By Mr. HARTKE:

S. 1753. A bill to amend the Interstate Land Sales Full Disclosure Act to provide for the licensing of developers in order to insure the maintenance of high professional standards, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. HATHAWAY:

S.J. Res. 106. Joint resolution proposing an amendment to the Constitution of the United States to require the advice and consent of both Houses of Congress before any treaty or agreement providing for the commitment of U.S. armed forces to a foreign nation may be made. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. RIBICOFF (for himself, Mr. LONG, Mr. HUMPHREY, Mr. MONDALE, Mr. EAGLETON, Mr. PELL, Mr. PASTORE, Mr. TUNNEY, Mr. GRAVEL, Mr. ABOUREZK, Mr. MCGOVERN, Mr. MOSS, Mr. EASTLAND, Mr. MCGEE, Mr. CANNON, Mr. BAYH, and Mr. CLARK):

S. 1730. A bill to amend the Public Health Service Act to provide physician's services in physician-shortage areas through the establishment of a physicians' community service program. Referred to the Committee on Labor and Public Welfare.

PHYSICIANS' COMMUNITY SERVICE PROGRAM

Mr. RIBICOFF. Mr. President, today I am introducing legislation to create a physicians' community service program Joining with me as cosponsors are Senators LONG, HUMPHREY, MCGEE, MOSS, EASTLAND, CANNON, ABOUREZK, MCGOVERN, GRAVEL, TUNNEY, MONDALE, EAGLETON, PELL, PASTORE, BAYH, CLARK.

The need to reform our Nation's medical manpower resources is increasing While the number of new doctors we need is not certain—the conventional wisdom says that there is an overall doctor shortage of 50,000—there is no doubt about the critical shortage of physicians in many rural and urban areas. Traditionally, our society has had difficulty encouraging physicians to locate in areas with no doctors or areas where there are not enough physicians to meet the needs of the population. Recently, a disturbing lack of general practitioners needed to provide the basic health care which most Americans require has also developed.

In comparison with other countries, the physician-patient ratio in America is not alarming. The 346,000 doctors now available in the United States provides one physician for every 612 potential patients. While this is 69,000 doctors short of meeting the ratio of one doctor for every 500 patients which is widely regarded as desirable, the patient-doctor ratio in Japan is 900 to 1. In France the ratio is 750 to 1. In the Soviet Union, on the other hand, the ratio is 420 to 1.

While many areas in the United States have an adequate supply of doctors, however, residents of both rural areas and city slums have access to far fewer physicians than they need. In fact, there are 133 counties in the United States which have no physician at all. Rural counties with fewer than 10,000 residents average only 1 doctor for every 2,000 people and rural counties with 50,000 inhabitants or more average only 1 physician for 1,000 potential patients.

In large cities, the only medical care available for many is the understaffed, overcrowded hospital emergency room. Those Americans who need good health care the most—the poor—are relegated to substandard conditions in these emergency rooms.

Hospitals, critically short of personnel, are increasingly recruiting doctors from foreign medical schools whose standards are generallly inferior to American guidelines. In December of 1970, for example, there were more than 63,000 foreign medical graduates in the United States—triple the number who were here in 1959. Less than half the foreign trained doctors caring for patients in American health facilities today are licensed to practice medicine in the States where they work.

An equally alarming problem in health care is the increasing specialization of physicans which limits the number of doctors trained to deliver primary health care—general practitioners, pediatricians and internists. In 1950 there were 75 such physicians for every 100,000 people. By 1971 there were fewer than 50 per 100,000. In 1971 there were only 55,000 general practitioners, less than 1 in every 5 of the physicians involved in patient care. And only 17,000 pediatricians—6 percent of the practicing physicians—were providing health care.

In Connecticut, for example, the number of general practice physicians is dropping each year as older doctors retire and new ones do not take their places. In 1963 there were 933 general practice physicians in Connecticut. By 1970 there were only 664—a decline of almost 29 percent. On a national scale, the decline was 22 percent.

In the past, the Federal Government and private organizations, including the American Medical Association, have tried through grants, loan and loan forgiveness programs, to encourage physicians to locate in medically underserviced areas to provide primary health care. All of these programs have been small and, at best, only marginally successful. The National Health Service Corps, which provides a draft deferment for participating doctors, has only 300 physician-participants. The State and national loan forgiveness programs have attracted less than half their participants to shortage areas on a permanent basis. And the physician shortage area scholarship program under the Public Health Service Act has never been implemented.

The legislation I am proposing is a major step forward in providing incentives to medical schools to train primary care physicians and inducing young doctors to practice in shortage areas. Under my proposed Physicians' Community Service program, the Federal Government would subsidize the education of a substantial number of young physicians. In return, these doctors would agree to serve in medically underserved areas for a period of at least 3 years following completion of their medical education.

This approach would eliminate the financial barrier to a medical education for qualified students. Preference for enrollment would be given to otherwise qualified students whose resources and those of their families are inadequate to finance the necessary education without hardship. By supporting such students in full, the Physicians' Community Service program would also free substantial amounts of scholarship funds in medical schools for other necessary purposes.

The program would improve the distribution of physicians by providing 7,000 or more primary-care doctors to physician-short rural and urban areas. Another effect would be to provide almost every physician in the program with experience in general medical practice—not specialty medicine—for at least 3 years.

Medical schools would benefit substantially through bonus payments, amounting to as much as $40 million annually. Such payments would aid these schools in enhancing their educational programs and permitting employment of additional professional personnel. The schools would also have a direct incentive to increase enrollment so as to earn additional bonus funds.

DESCRIPTION OF PROGRAM

The program would operate as follows:

In each medical school up to 20 percent of each class would be permitted to enroll in the Physicians' Community Service program. Where a school increased its enrollment, it would be permitted a one-for-one increase in student's eligible to participate. For example, a school with 100 students in the freshman class could have 20 of those join the Physicians' Community Service program. If the school increased the class to 103, its enrollment could go to a total of 23 in the Physicians' Community Service program. A school which does not use its full 20 percent would have the unused allocation applied to a school where more than 20 percent of a class desired to participate.

Preference for enrollment would be given to otherwise qualified students whose resources and those of their families are inadequate to finance the necessary education without hardship. For each participating student, the school would be paid full tuition and fees, plus a bonus of $5,000 per student per year. The student would receive a stipend of $5,000 per year for living expenses, books, and so forth.

This legislation would give medical

schools an incentive to encourage students to enroll in the Physicians' Community Service program apart from the incentives to the students themselves. Bonus sums could be used by a school only to improve educational activities, and not for bricks and mortar.

Following completion of an internship or at least 1 year's residency in a specialty in short supply, the physician would be assigned to service as a primary-care physician for a period of 3 years in a physician-short area. The areas would be determined by the Secretary of Health, Education, and Welfare following consultation with State and local public and private health care organizations, as well as other interested groups representative of the community.

At least two physicians, or a physician and an R.N., would be assigned to each area. The reason for having at least two professionals in each location is to assure reasonable coverage; thus Physicians' Community Service program physicians will not be locked into a 6- or 7-day, 24-hour schedule. Another doctor could cover for the first one.

Doctors would be provided with a fully equipped office and such means of communication as would assist in necessary supportive consultation, such as direct phone lines and closed circuit TV. To the maximum extent feasible and appropriate, the Secretary would be expected to arrange for the involvement of Physicians' Community Service program physicians in continuing education. These young doctors should not be isolated professionally, given present technology and continuing education programs. Physicians' Community Service program doctors would be paid at proper professional levels.

The physicians would charge prevailing fees for their services; however, those fees would revert to the Federal Government as an offset to the cost of maintaining the physicians' office and equipment and the payment of adequate salaries to the doctors. The physicians would be Federal employees during the 3-year period and the program is expected to be directed by the Assistant Secretary of Health.

These physicians could not be used to provide care under other Federal programs nor could they be assigned to administrative work. Their job would be to furnish primary care.

Where one or more of the physicians assigned to an area agreed to stay on following completion of 3-year requirement, they would be given use of all of the office equipment without charge.

Any physician or student dropping out of the program, except for good cause, would be obligated to repay the Government $20,000 a year for each year of the 3 years of mandatory service not completed. Certainly, one of the problems encountered in getting physicians into shortage areas has been the relative ease with which loans have been repaid and the physician's obligation thereby cancelled. The magnitude of the repayment obligation in the Physicians' Community Service program should help in assuring completion of the required period of service.

The estimated cost of a fully implemented program would be $150 to $175 million annually. This assumes enrollment of 10,000 students and that Physicians' Community Service program physicians' fees received will offset costs of office overhead and salaries.

Participation in the Physicians' Community Service program would be in lieu of any other service obligation which may be required by the Federal Government, such as military service. Additionally, in assignment of physicians to underserved areas, the Secretary would be required to accommodate to the extent feasible, individual preferences for area assignment.

The Physicians' Community Service program represents a comprehensive and substantial approach to getting thousands of physicians into shortage areas. The legislation would supplant existing limited Federal efforts including the following sections of the Public Health Service Act:

Section 741F—The Loan Cancellation program, but this would be repealed only for physicians;

Section 784–786—Physician Shortage Area Scholarship program, which was never implemented; and

Section 225—The National Health Service Corps.

Mr. President, this program would potentially provide a pool of 7,500 physicians for assignment to areas of need. It would, through the bonus payments to medical schools, provide vitally needed funds for medical education.

Some form of national health insurance will be enacted in the next few years. Unless our medical manpower resources are adequate, any health insurance program is doomed to failure. Without an expansion and redistribution of our medical manpower, the demand for health care will outstrip the supply of health care services and the result will be massive cost inflation. My proposal, by reforming our health care delivery system, is a critical first step on the road to comprehensive national health care.

Mr. President, I ask unanimous consent that summaries, articles, and the text of the bill be printed in the CONGRESSIONAL RECORD following these remarks.

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

PHYSICIANS' COMMUNITY SERVICE PROGRAM

In order to assist in making doctors available in rural and urban areas, which presently have a shortage of physicians, the Federal Government would subsidize the education of a number of young physicians and, in return, these young physicians would serve in a medically underserviced area for a period of at least three years.

This approach would virtually eliminate the financial barrier to a medical education for qualified students. Preference for enrollment would be given to otherwise qualified students whose resources and those of their families are inadequate to finance the necessary education without hardship. (By supporting such students in full, the Physicians' Community Service Program would also free-up substantial amounts of scholarship funds in medical schools for other necessary purposes.)

The program would improve the distribution of physicians by providing doctors to physician-short rural and urban areas.

Another effect would be to provide physicians in the program with experience in general medical practice—not specialty medicine—for at least three years.

Medical schools would benefit substantially through the bonus payments, which might aggregate as much as $40 million. These funds would be required to be utilized in enhancing their educational programs by means such as employing additional professional personnel, paying higher salaries so as to attract those personnel, etc. The schools would also have definite incentives to increase enrollment so as to earn additional bonus funds.

Organized medicine should not object to the proposal as creating unfair competition because medical societies would be among those consulted in determining physician-short areas and because the PCSP doctors would be charging prevailing fee levels.

OUTLINE OF PHYSICIANS COMMUNITY SERVICE PROGRAM

1. In each medical school up to 20 percent of each class would be permitted to enroll in the Physicians' Community Service Program. Where a school increased its enrollment, it would be permitted a one-for-one increase in students eligible to participate. For example, a school with 100 students in the freshman class could have 20 of those join the PCSP. If the school increased the class to 103, its enrollment could go to a total of 23 in the PCSP. A school which does not use its full 20 percent would have the unused amount applied to a school where more than 20 percent of a class desired to participate.

2. For each participating student the school would be paid full tuition plus a bonus of $5,000 per student per year. The student would receive a stipend of $5,000 per year for living expenses, books, etc.

Bonus sums could only be used by a school to improve educational activities (no bricks and mortar). For public medical schools, a maintenance of effort requirement would apply to prevent reduction of appropriations for the school because of bonus payments.

3. Following completion of internship (or a residency in a specialty in short supply) the physician would serve for a period of three years in a physician-short area. The areas would be determined by the Secretary of H.E.W. following consultation with State and local public and private medical organizations, as well as other interested groups representative of the commnuity.

4. At least two physicians (or a physician and an R.N.) would be assigned to each area. They would be provided with a fully equipped office and such means of communication as would assist in necessary supportive consultation (such as direct phone lines and closed circuit TV).

5. The physicians would charge prevailing fees for their services; however, those fees would revert to the Federal Government as an offset to the cost of maintaining the physicians' office and equipment and the payment of adequate salaries to the doctors (for example, $25,000 a year). The physicians would be Federal employees during the three-year period and the program directed by the Assistant-Secretary of Health.

6. Where one or more of the physicians assigned to an area agree to stay on for an additional two years following completion of the three-year requirement, they would be given all of the office equipment (in effect, a form of subsidy to encourage them to establish roots in that area.)

7. Service in the Physicians' Community Service Corps would constitute completion of any military service requirement.

8. Any physician or student dropping out of the program (except for good cause)

would be obligated to repay the Government $20,000 a year for each year of the three years of mandatory service not completed.

9. Estimated cost: $150-$175 million annually. Assumes enrollment of 10,000 students and that PCSP physicians' fees received will offset costs of office overhead and salaries.

ABE FIGHTS DOCTOR CRISIS

(By Ron Georgeff)

NEW HAVEN.—U.S. Sen. Abraham Ribicoff (D.-Conn.), said today he would introduce legislation in the Senate tomorrow to provide federal funds to encourage more medical students to go into family medicine and to practice in cities.

The family physician, or general practitioner, is fleeing the cities these days, Ribicoff said, and creating a hardship on hospital emergency rooms and a hardship on rural citizens who often must travel great distances to get medical care.

Ribicoff's proposed bill would give federal assistance to medical students who agree to serve three years as family doctors in cities and other areas that have a shortage.

The problem in Connecticut, although not as acute as in other parts of the country, is present nevertheless and has been increasing over the past few years, according to a state Department of Health official.

Sarah Hirakis, director of the department's Comprehensive Health Planning, said there were 814 family physicians in the state, according to latest available statistics. The number has been decreasing over the years. Family practice is losing to the more financially lucrative specialty practices, she explained.

The shortage of doctors is a problem of distribution, according to health officials. One official of the Connecticut Academy of Family Physicians noted for example, that in February, 1972, there were 33 Connecticut towns (92,000 people) without any doctors at all.

Another 13 towns had only one physician, and 11 towns had only two physicians, he added.

The shortage of inner-city family doctors is one reason for the use of hospital emergency rooms by persons who don't really have an emergency problem, Ribicoff said in remarks today at United Church on the Green.

He cited the example of Yale-New Haven Hospital, where 90 percent of the 83,000 persons treated last year in the emergency room were not in urgent need of care. These same persons could have been treated by a private physician, he explained.

A regional Department of Health, Education and Welfare official speaking before the Connecticut Public Health Association last week, corroborated this, saying that across the country 70 to 90 percent of hospital emergency room treatment did not involve true emergencies.

Connecticut may be turning the corner, however, by taking measures to strengthen the practice of family medicine.

The University of Connecticut School of Medicine, for example, has 14 first and second-year students working in family physicians' offices, and hopes to begin a graduate program in family medicine by July 1, 1974.

General hospitals throughout the state are gradually initiating three-year residencies in family medicine. Bridgeport Hospital and St. Raphael's Hospital in New Haven have already begun, and Middlesex Memorial Hospital in Middletown recently announced plans for its residency program.

The federal government has also promised medical students it will reimburse them up to 60 percent of their loan costs for their medical education if they agree to practice family medicine for two years in one of 91 designated towns in Connecticut.

The promise, given by HEW's Bureau of Health Manpower, came as a result of a study of the distribution of physicians in Connecticut by the Health Department's comprehensive health planning office, Mrs. Hirakis said the designated towns had fewer than .67 physicians per 1,000 population.

S. 1730

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1 of the Public Health Service Act is amended by striking out "titles I to XI" and inserting in lieu thereof "titles I to XII".

(b) The Act of July 1, 1944 (58 Stat. 682), as amended, is amended by renumbering title XII (as in effect prior to the enactment of this Act) as title XIII, and by renumbering sections 1201 through 1214 (as in effect prior to the enactment of this Act), and references thereto, as sections 1301 through 1314, respectively.

(c) The Public Health Service Act is further amended by adding after title XI the following new title:

"TITLE XII—PHYSICIANS' COMMUNITY SERVICE PROGRAM

"GRANTS TO SCHOOLS WITH RESPECT TO PARTICIPATING STUDENTS

"SEC. 1201. (a)(1) The Secretary shall make annual grants, in accordance with the provisions of this title, to each school of medicine or osteopathy which has entered into an agreement under subsection (b) for the improvement of the educational program of such school. The amount of the annual grant to each such school shall be computed for each fiscal year as follows: $5,000 for each full-time student enrolled therein who, for the school year, is a participant (as defined in section 1202), plus an additional $5,000 for each such student who is an enrollment bonus student (as defined in subsection (c)(2)).

"(2) The Secretary shall by regulations constitute an 'improvement of the educational program' of a school, as that term is used in paragraph (1); except that such term shall not include construction or remodeling of any building or other facility.

"(b)(1) Any school of medicine or school of osteopathy desiring to receive grants under this section shall enter into an agreement with the Secretary under which such school agrees—

"(A) not to enroll, for any school-year class, a number of students who are participants (as defined in section 1202(a)) in excess of the number of participant-student places allotted to such school under paragraph (2);

"(B) will utilize the grants received by it under this section for the purposes (as determined under regulations of the Secretary) for which such grants are made;

"(C) in selecting individuals for enrollment as participants—

"(i) will apply the same academic and other standards as obtain in determining eligibility for enrollment in such school in the case of students who are not participants; and

"(ii) give a preference to individuals who are in need of assistance in the financing of their education in such school, as determined (in accordance with criteria prescribed by the Secretary) on the basis of the income and resources of such individuals and of their families;

"(iii) establish (in accordance with regulations of the Secretary) procedures which will assure that individuals desiring to apply for selection as participants will be given a reasonable opportunity to do so, and that applications for selection as participants will be acted upon with reasonable promptness, and without regard to race, religion, national origin, or sex;

"(D) to establish and maintain such fiscal control and fund accounting procedures as may be necessary (as prescribed by regulations of the Secretary) to assure proper disbursement of and accounting for funds received by the school under this section;

"(E) to make such reports (in such form and containing such information as the Secretary may reasonably require) to the Secretary, and to keep such records and afford such access thereto by the Secretary or his delegate as the Secretary finds necessary to assure the correctness and verification of such reports; and

"(F) to serve as the agent of the Secretary in the execution of the agreement required under section 1204 between the Secretary and participants.

"(2)(A) Each school of medicine or osteopathy, which has in effect an agreement with the Secretary under this subsection, shall be allotted, with respect to its first-year class for each year, a number of participant-student places equal to:

"(i) 20 per centum of the total number of full-time students enrolled in such class; plus

"(ii) the number of enrollment bonus places (as described in subsection (c)(1) for such class; plus

"(iii) such additional number of participant-student places as may be allotted to such school by the Secretary under subparagraph (C).

"(B)(i) Except as provided in clause (ii), there shall be no limitation on the number of participants enrolled in any school of medicine or osteopathy for any class of such school which is senior to the first-year class.

"(ii) Of the students, who are enrolled in any school of medicine or osteopathy for any year in a class which is senior to the first-year class of such school, and who were not participants for a preceding year (whether in such school or another such school), not more than 20 per centum thereof shall be participants.

"(C) Whenever the Secretary determines that, for any school year, the total number of participant-student places for the first-year class of all schools of medicine or osteopathy (as determined under subparagraph (A), but without regard to clauses (ii) and (iii) thereof) is in excess of the total number of participants which will be enrolled in such class of all such schools, he may make additional allotments of participant-student places from such excess among the various schools of medicine and osteopathy.

"(c)(1) For purposes of subsection (b)(2)(A)(ii), the number of enrollment bonus places for any school for any year shall be equal to the number by which—

"(A) the number of full-time students enrolled in the first-year class of such school for such year exceeds

"(B) the number of full-time students enrolled in the first-year class of such school for the school year which immediately preceded such year.

"(2) (A) In determining, for purposes of subsection (a), the number of 'enrollment bonus students' in the first-year class of any school of medicine or osteopathy for any year, such school shall be deemed to have, in such class, a number of enrollment bonus students equal to the number of full-time students who are enrolled in such class and who (i) are participants, and (ii) occupy, in such class, bonus places (as determined under subparagraph (C)).

"(B) In determining, for purposes of subsection (a), the number of 'enrollment bonus students' in any class, which is senior to the first-year class, of any such school for any year, each such class shall be deemed—

"(i) in the case of the second-year class, to have a number of enrollment bonus students equal to the number of enrollment bonus students in the first-year class of such school for the preceding year,

"(ii) in the case of the third-year class, to have a number of enrollment bonus students equal to the number of enrollment bonus students in the first-year class of such school for the second preceding year, and

"(iii) in the case of the fourth-year class, to have a number of enrollment bonus students equal to the number of enrollment bonus students in the first-year class of such school for the third preceeding year,

reduced, in the case of any such senior-year class, by the number by which the number of enrollment bonus students deemed to be in such class exceeds the number of participants in such class.

"(C) In determining, for purposes of subparagraph (A)(ii), the number of bonus places occupied by participants, enrolled in the first-year class of any such school for any year, each such school shall be deemed to have occupied a number of such places equal to the excess of—

"(i) a number equal to (I) the number of bonus places for such school for such year (as determined under paragraph (1)), plus (II) 20 per centum of the total number of full-time students enrolled in such class, over

"(ii) the total number of participants enrolled in such class for such year (disregarding, in determining such total number, any participant enrolled in such class by reason of the application of subsection (b)(2)(A)(iii)).

"(d) If any school of medicine or osteopathy has a training program designed to permit students enrolled therein to complete, within six years after completing secondary school, the requirements for the degree of doctor of medicine or doctor of osteopathy, then, for purposes of this section, the fourth year class in such program shall be treated as the first-year class, the fifth year class in such program shall be treated as the second-year class, and the sixth year class in such program shall be treated as the third-year class, of such school.

"(e) As used in this section, the terms 'school of medicine' and 'school of osteopathy' mean a school which (1) provides training *leading*, respectively, to a degree of doctor of medicine, or to a degree of doctor of osteopathy, and (2) is accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education, except that a new school which (by reason of no, or an insufficient, period of operation) is not, at the time it enters into an agreement with the Secretary under this section, eligible for accreditation by such a recognized body or bodies, shall be deemed to be accredited for purposes of this subsection if the Commissioner of Education finds, after consultation with the apropriate accreditation body or bodies, that there is reasonable assurance that the school will meet the accreditation standards of such body or bodies prior to the beginning of the academic year following the normal graduation date of the first entering class in such school.

"DEFINITION OF PARTICIPANT

"SEC. 1202. For purposes of this title, a 'participant' is an individual who—

"(1) is enrolled as a full-time student in a school of medicine or osteopathy (which has in effect an agreement with the Secretary under section 1201) in accordance with such agreement, and

"(2) has entered into an agreement with the Secretary (through such a school, acting as the Secretary's agent, or otherwise) under section 1204.

"TUITION AND STIPENDS FOR PARTICIPANTS

"SEC. 1203. The Secretary shall pay to (or on behalf of) each individual who is a participant, for each school year that such individual is a participant—

"(1) the full regular tuition and fees imposed by the school in which he is enrolled (the amount of which shall not exceed the amount of the tuition and fees imposed by such school for students enrolled therein who are not participants); and

"(2) an annual stipend of $5,000, which may be paid in such installments, and at such times, during the school year, as the Secretary may determine to be appropriate.

"AGREEMENTS BETWEEN SECRETARY AND PARTICIPANTS

"SEC. 1204. (a) No individual shall be a participant under this title until and unless he has entered into an agreement with the Secretary under this section.

"(b) Any such agreement with any individual shall provide that such individual will, upon completion of his professional training, serve, as an employee of the Federal Government, for a period of three years in any physician-shortage area to which he is assigned by the Secretary. For the purpose of the preceding sentence, an individual shall be considered to have completed his professional training when he has received the degree of doctor of medicine or osteopathy, and has completed his internship (or completed a residency of at least one year in a specialty in short supply, as determined by the Secretary). In assigning physician-participants to an area, the Secretary shall take into consideration requests of such participants for assignment to specific areas and shall to the extent feasible accommodate such requests.

"(c) If any individual, being a party to an agreement under this section—

"(1) fails, without good cause (as determined by the Secretary), to commence, within a reasonable time (as determined by the Secretary) after the completion of his professional training, the performance of his obligation to serve in a physician-shortage area to which he is assigned by the Secretary, such individual shall be obligated to pay to the United States the sum of $60,000, or

"(2) commences, within a reasonable time (as determined by the Secretary) after the completion of his professional training, to perform such obligation, but fails to complete such obligation, shall be liable to pay to the United States the sum of $60,000, in case he performs service under such obligation for a period of less than one full year, $40,000, in case he performs service under such obligation for a period equal to one full year but less than two full years, and $20,000, in case he performs service under such obligation for two full years but less than three full years.

"(d)(1) The obligation of any individual to perform service under any such agreement shall be cancelled upon the death of such individual.

"(2) The Secretary shall by regulations provide for the waiver or suspension of any such obligation applicable to any individual whenever compliance by such individual is impossible or would involve extreme hardship to such individual and if enforcement of such obligation with respect to such individual would be contrary to equity and good conscience.

"(e) Any individual who is a party to an agreement with the Secretary under this section may, prior to completing his studies for the degree of doctor of medicine or doctor of osteopathy, terminate such agreement, but only if such individual agrees to pay to the United States, within such period of time and in such installments as the Secretary shall prescribe, $15,000 for each school-year (or part thereof) that such individual has been a party to such agreement.

"(f) Moneys collected from individuals, who are parties to agreements with the Secretary under this section, under this section shall be deposited in the Treasury as miscellaneous receipts.

"SERVICE IN PHYSICIAN-SHORTAGE AREAS

"SEC. 1205. (a)(1) For the purposes of this title, the term 'physician-shortage area' means a geographic area which the Secretary determines, after consultation with public health and other appropriate agencies concerned with the provision of health care services in the area and with appropriate professional organizations (including, but not limited to, organizations consisting of licensed doctors of medicine or osteopathy engaged in the practice of medicine or surgery in such area), to have an insufficient number of doctors of medicine or osteopathy practicing in such area to meet the needs of the residents thereof for primary care (as defined by the Secretary under section 768(c)(3)(B)).

"(2) As used in this title, the term 'physician-participant' refers to an individual whose obligation, under an agreement entered into under section 1204, to perform service in a physician-shortage area has commenced.

"(b)(1) The Secretary shall, to the extent that they are available, assign at least two physician-participants to each physician-shortage area, or a physician and a registered nurse to each such area.

"(2) The Secretary shall provide for physician-participants assigned to any area such office space, equipment, and supplies, and such other appropriate supportive services and assistance, as may be necessary to enable them to practice their profession in meeting the needs for primary care of the residents in such area.

"(3) Patients receiving care provided by physician-participants shall be charged fees therefor based on the prevailing charges imposed for similar care provided by physicians (who are not physician-participants) engaged in the practice of their profession in such area (or if there be no such physicians practicing in such area, in an area comparable to such area). Fees collected by any physician-participant shall be deposited (in such manner as the Secretary may prescribe) in the Treasury, as miscellaneous receipts.

"(c) Physician-participants performing service in any area shall be compensated for their services in accordance with the provisions of chapter 51 and subchapter III of chapter 53, of title 5, United States Code, relating to classification and General Schedule pay rates.

"(d) Physician-participants shall not be utilized in the rendering of health care services to patients who are entitled to receive such care from the Public Health Service, the Veterans' Administration, or the Department of Defense, and shall not be required to perform administrative functions (other than those directly related to their activities in providing health care for residents in the physician-shortage area in which they serve.

"(e) During any period that any physician-participant is performing services in a physician-shortage area to which he has been assigned by the Secretary in satisfaction of his obligation to perform such service under this title, such physician-participant shall be exempt from induction and service under the Military Selective Service Act; and, any physician-participant who fully satisfies such an obligation shall thereafter be exempt from induction and service under such Act.

"ENCOURAGEMENT OF PHYSICIAN-PARTICIPANTS TO CONTINUE THEIR PRACTICE IN PHYSICIAN-SHORTAGE AREA

"SEC. 1206. (a) Whenever the physician-participants performing health care services in any physician-shortage area have completed their obligation (under this title) to perform such service, the Secretary may enter into an agreement with such physician-participants under which they agree to continue to render health care services in such area, and, during any period that they so continue to render such services, the facili-

ties, supplies, and equipment provided them during their performance of such obligation will remain available (without charge) for their use.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1207. For the purpose of carrying out the provisions of this title, there are authorized to be appropriated, for each fiscal year, such sums as may be necessary."

(d) Section 225 of the Public Health Service Act is hereby repealed.

(e) Subpart III of part F of title VII of the Public Health Service Act (relating to physician shortage area scholarship program) is hereby repealed.

(f) Notwithstanding any provision of part C of title VII of the Public Health Service Act, no loan under (or pursuant to an agreement under) such part shall be made to any student in a school of medicine or osteopathy for any school year, which commences after the date of enactment of this Act, unless such student has received a loan thereunder as a student in such a school for a school year preceding the first school year which commences after the date of enactment of this Act.

By Mr. FULBRIGHT (by request):

S. 1733. A bill to promote the foreign policy of the United States by prohibiting travel in a restricted area. Referred to the Committee on Foreign Relations.

A BILL TO PROMOTE THE FOREIGN POLICY OF THE UNITED STATES BY PROHIBITING TRAVEL IN A RESTRICTED AREA

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to promote the foreign policy of the United States by prohibiting travel in a restricted area.

The bill has been requested by the Attorney General of the United States and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I must say I was tempted not to introduce this bill even by request because it illustrates a technique which the executive branch has too often utilized in dealing with the Congress. That technique is to ask for a vast delegation of power to the President, illustrated here in section 970(a)(4). That section would enable the President to prescribe a foreign policy toward Sweden, for example, which would give the Secretary of State authority to prohibit an American from traveling to Sweden if the Secretary determined Sweden was an area "to which travel would seriously impair the conduct of foreign policy." There is a criminal penalty for violation of such a determination.

Therefore, I note with more than my usual vigor my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Attorney General to the Vice President, dated April 12, 1973.

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

S. 1733

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Chapter 45 of title 18 of the United States Code is amended by adding the following section:

"§ 970. TRAVEL IN A RESTRICTED AREA.

(a) Subject to such policy as the President may prescribe, the Secretary of State may restrict travel into or through a foreign area by citizens and nationals of the United States if he determines that it is an area—

(1) which is at war,

(2) where insurrection or armed hostilities are in progress,

(3) whose military forces are engaged in armed conflict with forces of the United States, or

(4) to which travel would seriously impair the conduct of United States foreign policy.

(b) An area restriction shall be announced by publication in the Federal Register and shall state the grounds for imposing the restriction. The restriction shall expire one year from the effective date of the restriction unless sooner revoked by the Secretary. The Secretary may extend a restriction for periods not to exceed one year at a time by publication in the Federal Register.

(c) The Secretary may authorize travel to a restricted area by a citizen or national of the United States if the Secretary deems such travel to be not inconsistent with the national interest.

(d) Whoever willfully enters or travels in or through a restricted area without authorization from the Secretary shall be fined not more than $1,000, imprisoned not more than one year, or both."

SEC. 2. The analysis of chapter 45 is amended by adding at the end the following new item:

"970. Travel in a restricted area."

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., April 12, 1973.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: There is enclosed for your consideration and appropriate reference a legislative proposal, "To promote the foreign policy of the United States by prohibiting travel in a restricted area."

The Supreme Court has sustained the authority of the Secretary of State to endorse passports as invalid for travel to specified areas. Existing criminal statutes do not make it a crime to travel to a restricted area, even though a passport is not valid for such travel. If the person actually uses his passport to enter the restricted area, he may be subject to criminal prosecution under 18 U.S.C. 1544, for use of a passport in violation of the restrictions contained therein. As a practical matter, it is virtually impossible to obtain sufficient evidence that a person has used his passport in violation of the area restrictions in order to sustain a prosecution under that law. The only remaining action which the Secretary may possibly take is to deny or revoke a passport when the sole travel intended is to a restricted area. (See *Lynd* v. *Rusk*, 389 F.2d 940 (1967)). The narrow scope of this possible action is inadequate to deter travel to restricted areas by persons who are so inclined. As a result, area restrictions are ineffective since the Secretary has no realistic means of enforcing them.

This legislative proposal would add a new section to the United States Criminal Code, authorizing the Secretary of State, subject to policy prescribed by the President, to restrict travel by United States citizens and nationals to a foreign area if he determines that area is either: (1) at war; (2) experiencing insurrection or armed hostilities; (3) engaged in armed conflict with the United States; (4) one to which travel would impair United States foreign policy. Area restrictions would have to be published in the Federal Register and would be subject to at least annual review. The Secretary would be empowered to authorize a particular individual to travel to a restricted area in the national interest. Criminal penalties of fines up to $1,000 or one year imprisonment, or both, would be available against willful violators of restrictions.

This legislative proposal removes the present weakness in the Secretary's authority to restrict travel to specified areas by creating criminal penalties for unauthorized travel to these areas. At the same time it takes full account of the constitutional liberties of United States citizens by authorizing the designation of a restricted area only when there is a compelling national interest. Moreover, it continues to permit the Secretary to authorize travel to restricted areas in the national interest.

The Department of State joins the Department of Justice in sponsoring this legislation.

The Office of Management and Budget has advised that enactment of this proposed legislation would be consistent with the Administration's objectives.

By Mr. MAGNUSON (by request):

S. 1734. A bill to amend certain laws affecting the Coast Guard. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to amend certain laws affecting the Coast Guard and ask unanimous consent that the letter of transmittal and changes in existing law be printed in the RECORD wtih the text of the bill.

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

THE SECRETARY OF TRANSPORTATION,
Washington, D.C., March 23, 1973.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a proposed bill, "To amend certain laws affecting the Coast Guard," together with a comparative type showing changes made in existing law.

The proposed bill would make changes to title 14 and 10, United States Code, to permit more efficient administration of the Coast Guard, to resolve several problems and ambiguities which have become apparent in the administration of the personnel laws, and to preclude greater obsolescence of several provisions which should be updated.

From time to time in recent years various departments and agencies have been admonished by the Congress to seek permanent legislation to replace substantive provisions which inappropriately appear in appropriations bills. This proposal responds to that advice by incorporating into title 14 provisions of that type relating to the continuing availability of construction funds, authority for schooling of dependents outside the United States when not otherwise available, and authority for the payment of confidential investigative expenses.

A second category of amendments responds to factual and legal issues, relating principally to officer personnel, which have arisen in recent years and the uniqueness of which did not permit anticipation prior to enactment of P.L. 88-130, the most recent major revision of Coast Guard officer personnel laws. For example, the current of-

ficer promotion scheme provides that officers twice passed over for promotion and who have completed at least 18 years of service shall be retained until they complete 20 years of service and then shall be retired. The general retirement entitlement for officers requires that an officer shall have completed 20 years of service of which at least 10 years have been commissioned service. If an officer who has completed 20 or more years service with less than 10 commissioned is twice passed over for promotion, theoretically he is not entitled to retirement nor does the above described provision for involuntary retirement apply. Certainly it was never contemplated that an officer with over 20 years of service would be discharged while an officer of lesser service would be retained so that he could retire at the completion of 20 years service. The proposed amendments to sections 283 and 285 of title 14 will provide express authority for the retirement of an officer in the situation described. Other amendments in this category relate to overcoming a suggestion that captains completing 30 years service may only be retired involuntarily vice voluntarily on the same date, the distinction in some cases resulting in differences in subsequent benefits; altering the fact that officers selected for exemplary performance from below normal promotion zones can in some cases be subject to earlier involuntary retirement than they would otherwise have been; and eliminating the reduction in pay that some warrant officers suffer when being promoted to higher commissioned grade.

Regarding the updating of certain provisions, 14 U.S.C. 475 contains authority for inadequate housing used as public quarters. That authority will expire on June 30, 1973, and it is important that it be extended. Also, the $300 statutory figure assumed to be a temporary reservist's monthly pay for benefit computations when he suffers disability or death on duty was established in 1956. Our proposed bill raises the figure to $600.

The remaining provisions effect other minor substantive and technical changes. They include portal to portal entitlement to death and disability benefits by auxiliarists engaged in Coast Guard business under orders, authority to pay auxiliarists actual necessary expenses under some circumstances, and clarification of the right to exercise certain authority over floating as well as fixed structures within the navigable waters and beyond. As to the single change to title 10, section 2683 now permits the Secretaries of the military departments to relinquish, if appropriate, legislative jurisdiction over United States lands within their control. The amendment would provide the Secretary of the department in which the Coast Guard is operating with the same authority.

The cost implications of the proposed bill are relatively slight. No increases result from the transfer of provisions from the appropriations bills to title 14. Some of the provisions have indeterminate but minor cost implications such as the authority to pay auxiliarists under some circumstances for expenses incident to travel to or from assigned duties. Enactment of the proposal will result in pay computation adjustments for a few warrant officers. It can be stated with a fair degree of certainty that total budget implications will be less than $25,000 for 1974 and can be absorbed within funds available.

It would be appreciated if you would lay the proposed bill before the Senate. A similar bill has been transmitted to the Speaker of the House of Representatives.

The Office of Management and Budget had advised that there is no objection from the standpoint of the Administration's program to the submission of this proposed legislation to the Congress.

Sincerely,

CLAUDE S. BRINEGAR.

COMPARATIVE TYPE SHOWING CHANGES IN EXISTING LAW MADE BY THE PROPOSED BILL

(Matter proposed to be omitted is enclosed in brackets; new matter is italic)

TITLE 14

§ 83. Unauthorized aids to maritime navigation; penalty.

No person, or public body, or instrumentality, excluding the armed services, shall establish, erect, or maintain any aid to maritime navigation *in or adjacent to the navigable waters of the United States, its territories or the Trust Territory of the Pacific Islands, or on the high seas if that person, or public body, or instrumentality is subject to the jurisdiction of the United States,* without first obtaining authority to do so from the Coast Guard in accordance with applicable regulations. Whoever violates the provisions of this section or any of the regulations issued by the Secretary in accordance herewith shall be guilty of a misdemeanor and shall be fined not more than $100 for each offense. Each day during which such violation continues shall be considered as a new offense.

§ 85. Aids to maritime navigation [on fixed structures]; penalty.

The Secretary shall prescribe and enforce necessary and reasonable rules and regulations, for the protection of maritime navigation, relative to the establishment, maintenance, and operation of lights and other signals on fixed *and floating* structures in or over [navigable] waters *subject to the jurisdiction* of the United States *and in the high seas for structures owned or operated by persons subject to the jurisdiction of the United States.* Any owner or operator of such a structure, excluding an agency of the United States, who violates any of the rules or regulations prescribed hereunder, commits a misdemeanor and shall be punished, upon conviction thereof, by a fine of not exceeding $100 for each day during which such violation continues.

§ 86. Marking of obstructions.

The Secretary may mark for the protection of navigation any sunken vessel or other obstruction existing on [any] *the* navigable waters *or waters of the continental shelf* of the United States in such manner and for so long as, in his judgment, the needs of maritime navigation require. The owner of such an obstruction shall be liable to the United States for the cost of such marking until such time as the obstruction is removed or its abandonment legally established or until such earlier time as the Secretary may determine. All moneys received by the United States from the owners of obstructions, in accordance with this section, shall be covered into the Treasury of the United States as miscellaneous receipts. This section shall not be construed so as to relieve the owner of any such obstruction from the duty and responsibility suitably to mark the same and remove it as required by law.

§ 214. Original appointment of temporary officers.

(a) * * *.
(b) * * *.
(c) * * *.

(d) Temporary appointments under this section do not change the permanent, probationary, or acting status of persons so appointed, prejudice them in regard to promotion or appointment, or abridge their rights or benefits. A person who is appointed under this section may not suffer any reduction in the pay and allowances to which he was entitled because of his permanent status at the time of his temporary appointment under this section [.], *or any reduction in the pay and allowances to which he was entitled under a prior temporary appointment in a lower grade.*

(e) * * *.
(f) * * *.

§ 283. Regular lieutenants; separation for failure of selection for promotion; continuation.

(a) Each officer of the Regular Coast Guard appointed under section 211 of this title who is serving in the grade of lieutenant and who has failed of selection for promotion to the grade of lieutenant commander for the second time shall:

(1) be honorably discharged on June 30 of the fiscal year in which his second failure of selection occurs; or

(2) if he so requests, be honorably discharged at an earlier date without loss of benefits that would accrue if he were discharged on that date under clause (1); or

(3) if, on the date specified for his discharge in this section, he *has completed at least 20 years of active service or* is eligible for retirement under any law, be retired on that date; or

(4) if, on the date specified for his discharge in clause (1), he has completed at least eighteen years of active service, be retained on active duty and retired on the last day of the month in which he completes twenty years of active service, unless earlier removal under another provision of law.

(b) * * *.
(c) * * *.

§ 285. Regular lieutenant commanders and commanders; retirement for failure of selection for promotion.

Each officer of the Regular Coast Guard serving in the grade of lieutenant commander or commander, who has failed of selection for promotion to the grade of commander or captain, respectively, for the second time shall:

(1) *if he has completed at least 20 years of active service or is* eligible for retirement under any law on June 30 of the fiscal year in which his second failure of selection occurs, be retired on that date; or

(2) if ineligible for retirement on the date specified in clause (1) be retained on active duty and retired on the last day of the month in which he completes twenty years of active service, unless earlier removed under another provision of law.

§ 288. Regular captains; retirement.

(a) Each officer of the Regular Coast Guard serving in the grade of captain whose name is not carried on an approved list of officers selected for promotion to the grade of rear admiral shall, [if not earlier retired] *unless retired under some other provision of law,* be retired on June 30 of the fiscal year in which he, or any captain junior to him on the active duty promotion list who has not lost numbers or precedence, completes thirty years of active commissioned service in the Coast Guard. *An officer advanced in precedence on the active duty promotion list because of his promotion resulting from selection for promotion from below the zone is not subject to involuntary retirement under this section earlier than if he had not been selected from below the zone.*

(b) * * *.

§ 475. Leasing and hiring of quarters; rental of inadequate housing.

(a) * * *.
(b) * * *.
(c) * * *.
(d) * * *.

(e) The authority provided in subsections (b) and (c) of this section shall expire on June 30, 197[3]6.

(f) * * *.
(g) * * *.

§ 656. [Use of appropriations to restore, replace, establish, or develop facilities.] *Use of monies appropriated for acquisition, construction, and improvement; for research, development, test and evaluation; and for the alteration of bridges over the navigable waters.*

(a) Funds appropriated to or for the use of the Coast Guard for acquisition, construc-

tion, and improvement of facilities; for research, development, test and evaluation; and for the alteration of bridges over the navigable waters shall remain available until expended.

[(a)] *(b)* The Secretary may use any funds appropriated to or for the use of the Coast Guard for other construction purposes to restore, repair, or replace facilities that have been damaged or destroyed, including acquisition of sites.

[(b)] *(c)* The Secretary may use any funds appropriated to or for the use of the Coast Guard for other construction purposes to acquire, construct, convert, extend, and install at Coast Guard installations and facilities, needed permanent or temporary public works, including the preparation of sites and the furnishing of appurtenances, utilities, and equipment, but excluding the construction of family quarters, costing not more than $200,000 for any one project.

§ 657. Dependent school children [; transportation of].

(a) Except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236–244), the Secretary may provide, out of funds appropriated to or for the use of the Coast Guard, for the primary and secondary schooling of dependents of Coast Guard personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of those dependents.

[(a)] *(b)* Whenever the Secretary, under such regulations as he may prescribe, determines that schools located in the same area in which a Coast Guard facility is located are not accessible by public means of transportation on a regular basis, he may provide, out of funds appropriated to or for the use of the Coast Guard, for the transportation of dependents of Coast Guard personnel between the schools serving the area and the Coast Guard facility.

§ 658. Confidential investigative expenses.

(a) Monies appropriated for necessary expenses for the operation of the Coast Guard shall be available for investigative expenses of a confidential character, to be expended on the approval or authority of the Commandant and payment to be made on his certificate of necessity for confidential purposes, and his determination shall be final and conclusive upon the accounting officers of the Government.

(b) The Commandant may delegate the authority granted in this section to any person in, or employed by, the Coast Guard, with or without the authority to make successive redelegations.

§ 760. Disability or death benefits for temporary members.

(a) In case of physical injury, or death resulting from physical injury, to any temporary member of the Reserve incurred incident to service while performing active Coast Guard duty, or engaged in authorized travel to or from such duty, the provisions of law authorizing compensation for employees of the United States suffering injuries while in the performance of their duties, subject to this section, shall apply, and shall be administered by the Secretary of Labor in the same manner and to the same extent as if such person were a civil employee of the United States and were injured in the performance of his duty. For benefits computation, regardless of pay or pay status, such person shall be deemed to have had monthly pay of [$300] *$600*.

(b) * * *.
(c) * * *.
(d) * * *.
(e) * * *.

§ 765. Enlistment of members engaged in schooling.

To permit the enlistment of Reserve members without interruption of full time schooling in which they are engaged, the four month initial period of active duty for training requirement of subsection (d) of section 511 of title 10, United States Code, may be divided into two successive annual periods of not less than two months each.

§ 830. Availability of appropriations.

Appropriations of the Coast Guard shall be available for the payment of actual necessary traveling expense and subsistence, or commutation of ration allowance in lieu of subsistence, of members of the Auxiliary assigned to authorized specific duties, *including authorized travel to or from such duties,* and for actual necessary expenses of operation of any motorboat, yacht, aircraft, *vehicle,* or radio station when assigned to Coast Guard duty, but shall not be available for the payment of compensation for personal services, incident to such operation, other than to personnel of the Coast Guard or the Reserve. The term "actual necessary expenses of operation," as used in this section, shall include payment for fuel, oil, power, water, supplies, provisions, replacement or repair of equipment, repair of any damaged motorboat, yacht, aircraft, *vehicle,* or radio station and for the constructive or actual loss of any motorboat, yacht, aircraft *vehicle,* or radio station where it is determined, under applicable regulations, that responsibility for the loss or damage necessitating such replacement or repair of equipment, or for the damage or loss, constructive or actual, of such motorboat, yacht, aircraft, *vehicle,* or radio station rests with the Coast Guard.

§ 832. Injury or death in line of duty.

When any member of the Auxiliary is physically injured or dies as a result of physical injury incurred while performing any specific duty to which he has been assigned by competent Coast Guard authority, such member or his beneficiary shall be entitled to the same benefits provided for temporary members of the Reserve who suffer physical injury or death resulting from physical injury incurred incident to service. Members of the Auxiliary who incur physical injury or contract sickness or disease while performing any specific duty to which they have been assigned by competent Coast Guard authority shall be entitled to the same hospital treatment afforded officers and enlisted men of the Coast Guard. *The performance of a specific duty as the term is used in this section includes time engaged in traveling back and forth between the place of assigned duty and the permanent residence of a member of the Auxiliary.*

TITLE 10

§ 2683. Relinquishment of legislative jurisdiction.

(a) Notwithstanding any other provision of law, the Secretary [of a military department] *concerned* may, whenever he considers it desirable, relinquish to a State all or part of the legislative jurisdicton of the United States over lands or interests under his control in that State. Relinquishment of legislative jurisdiction under this section may be accomplished (1) by filing with the Governor of the State concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State may otherwise provide.

(b) The authority granted by this section is in addition to and not instead of that granted by any other provision of law.

S. 1734

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 14, United States Code, is amended as follows:

(1) Section 83 is amended by inserting the words "in or adjacent to the navigable waters of the United States, its territories or possessions, or the Trust Territory of the Pacific Islands, or on the high seas if that person, or public body, or instrumentality is subject to the jurisdiction of the United States," between the word "navigation" and the word "without" in the first sentence thereof.

(2) Section 85 is amended—

(A) by deleting the words "on fixed structures" from the catch line;

(B) by inserting the words "and floating" between the word "fixed" and the word "structures" in the first sentence thereof;

(C) by deleting the word "navigable" between the word "over" and the word "waters" and by inserting the words "subject to the jurisdiction" between the word "waters" and the words "of the United States"; and

(D) by adding the following words at the end of the first sentence thereof: "and in the high seas for structures owned or operated by persons subject to the jurisdiction of the United States".

(3) Section 86 is amended by deleting the word "any" preceding the words "navigable waters" and substituting therefor the word "the" and by inserting the words "or waters of the continental shelf" between the words "navigable waters" and the words "of the United States" in the first sentence thereof.

(4) The analysis of chapter 5 is amended by deleting the words "on fixed structures" in item (section) "85".

(5) The second sentence of subsection (d) of section 214 is amended by changing the period at the end thereof to a comma and by adding the following to the sentence:
"or any reduction in the pay and allowances to which he was entitled under a prior temporary appointment in a lower grade."

(6) Subsection (a) of section 283 is amended by inserting the words "has completed at least 20 years of active service or" between the word "he" and the word "is" in paragraph (3) thereof.

(7) Section 285 is amended by inserting the words "he has completed at least 20 years of active service or is" between the word "if" and the word "eligible" in paragraph (1) thereof.

(8) Section 288 is amended—

(A) by deleting in subsection (a) the words "if not earlier retired" and substituting therefor the words "unless retired under some other provision of law";

(B) by adding at the end of subsection (a) a new sentence as follows:

"An officer advanced in precedence on the active duty promotion list because of his promotion resulting from selection for promotion from below the zone is not subject to involuntary retirement under this section earlier than if he had not been selected from below the zone."

(9) Section 475 is amended by amending subsection (e) to read:

"(e) The authority provided in subsection (b) and (c) of this section shall expire on June 30, 1976."

(10) Section 656 is amended—

(A) by amending the catch line to read:

"§ 656. Use of monies appropriated for acquisition, construction, and improvement; for research, development, test and evaluation; and for the alteration of bridges over the navigable waters.";

(B) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(C) by inserting a new subsection (a) as follows:

"(a) Funds appropriated to or for the use of the Coast Guard for acquisition, construction, and improvement of facilities; for research, development, test and evaluation; and for the alteration of bridges over the

navigable waters shall remain available until expended."

(11) Section 657 is amended—

(A) by deleting from the catch line the semicolon and the words following "children";

(B) by designating the existing section as subsection (b); and

(C) by inserting a new subsection (a) as follows:

"(a) Except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236–244), the Secretary may provide, out of funds appropriated to or for the use of the Coast Guard, for the primary and secondary schooling of dependents of Coast Guard personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of those dependents."

(12) Chapter 17 is amended by adding the following new section after section 657:

"§ 658. Confidential investigative expenses.

"(a) Monies appropriated for necessary expenses for the operation of the Coast Guard shall be available for investigative expenses of a confidential character, to be expended on the approval or authority of the Commandant and payment to be made on his certificate of necessity for confidential purposes, and his determination shall be final and conclusive upon the accounting officers of the Government.

"(b) The Commandant may delegate the authority granted in this section to any person in, or employed by, the Coast Guard, with or without the authority to make successive redelegations.

(13) The analysis of chapter 17 is amended—

(A) by amending item (section) "656" to read:

"656. Use of monies appropriated for acquisition, construction, and improvement; for research, development, testing and evaluation; and for the alteration of bridges over the navigable waters.";

(B) by amending item (section) "657" to read:

"657. Dependent school children."

(C) by adding the following after item (section) "657":

"658. Confidential investigative expenses.

(14) The last sentence of subsection (a) of section 760 is amended by deleting therein the figure "$300" and substituting therefor the figure "$600".

(15) Chapter 21 is amended by adding after section 764 the following new section:

"§ 765. Enlistment of Members Engaged in Schooling.

"To permit the enlistment of Reserve members without interruption of full time schooling in which they are engaged, the four-month initial period of active duty for training requirement of subsection (d) of section 511 of title 10, United States Code, may be divided into two successive annual periods of not less than two months each."

(16) The analysis of chapter 21 is amended—

(A) by inserting the following after item (section) 764:

"§ 765. Enlistment of members engaged in schooling.";

and

(B) by inserting the following after item (section) 795:

"§ 796. Failure of selection for promotion

"§ 797. Promotion; acceptance; oath of office.

"§ 798. Rear admiral; maximum service in grade."

(17) Section 830 is amended—

(A) by inserting in the first sentence thereof:

(i) the phrase ", including authorized travel to or from such duties," between the words "duties" and "and";

(ii) the word "vehicle," between the words "aircraft," and "or"; and

(B) by inserting in the second sentence thereof the word "vehicle," between the words "aircraft," and "or" the three times those words occur.

(18) Section 832 is amended by adding at the end thereof a new sentence as follows:

"The performance of a specific duty as the term is used in this section includes time engaged in traveling back and forth between the place of assigned duty and the permanent residence of a member of the Auxiliary."

Sec. 2. Paragraphs (5) and (8) of section 1 of this Act are effective as of the original date of enactment of the sections thereby amended.

Sec. 3. Subsection (a) of section 2683 of title 10, United States Code, is amended by deleting the words "of a military department" in the first sentence thereof and substituting therefor the word "concerned".

By Mr. MAGNUSON (for himself and Mr. COTTON) (by request):

S. 1735. A bill to assure that the public is provided with safe drinking water, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to assure that the public is provided with safe drinking water, and for other purposes, and ask unanimous consent that the letter of transmittal and section-by-section analysis be printed in the RECORD with the text of the bill.

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

ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., February 27, 1973.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I am pleased to transmit a proposed bill, "The Safe Drinking Water Act of 1973," which is designed "to assure that the public is provided with safe drinking water, and for other purposes."

The proposed bill is forwarded in accordance with the Environmental and Natural Resources State of the Union Message of the President.

The Safe Drinking Water Act of 1973 would provide an effective solution to the problem associated with providing safe drinking water for the public. The legislation would insure that adequate standards are developed, require that citizens receive prompt notification if their drinking water fails to meet health standards, and provide that primary enforcement, reporting, and monitoring authorities will rest with State and local governments where they properly belong. The proposal is essentially a preventive measure intended to assure safe drinking water now and for the future.

Under the proposed bill, the Administrator of the Environmental Protection Agency would establish national mandatory drinking water standards, designed to protect the public health. Recommendatory standards relating to non-health characteristics of drinking water would also be issued. States would have responsibility for implementing and assuring compliance with the mandatory national standards. In the event of non-compliance, the supplier of water would be obliged to notify users, the State, and EPA. We believe that the public awareness to be achieved through the notification requirement will best assure continuing safe drinking water to the Nation. Additional assurance of compliance would be achieved through a citizen suit provision. Direct Federal enforcement would be available in the event of an imminent health hazard. Research and studies addressed to drinking water supply problems would also be provided.

We recommend that the bill be referred to the appropriate Committee for consideration and that it be enacted.

The Office of Management and Budget has advised that the enactment of this proposed legislation would be in accord with the program of the President.

Sincerely yours,

WILLIAM D. RUCKELSHAUS,
Administrator.

SECTION-BY-SECTION ANALYSIS, SAFE DRINKING WATER ACT OF 1973

Section 1 of the bill provides that the Act may be cited as the "Safe Drinking Water Act of 1973."

Section 2 declares the findings of the Congress which include: potentially hazardous drinking water affecting interstate commerce is reaching many consumers due to inadequate treatment and distribution facilities, inadequate monitoring and surveillance, and lack of sufficient information and technology; the public should receive prompt notice if the water is not safe; primary responsibility and enforcement authority should continue in State and local governments; and the Federal government should establish health related standards, recommend aesthetic related standards, and provide research, technical assistance, and information with regard to drinking water supplies.

Section 3 contains definitions of terms used in the bill including "public water systems," "contaminant," "allowable limit-health," and "recommended limit-aesthetic."

Section 4 provides that the Administrator of the Environmental Protection Agency shall establish national primary drinking water standards (those related to health) as soon as practicable, and may issue recommended national secondary drinking water standards (those related to aesthetics). In establishing or revising these standards the Administrator must consider the views of recognized experts in water supply and public health and consider the costs and benefits of such standards and their alternatives. When standards are issued, information on effects of contaminants, drinking water treatment and technology, and other information must be published.

Section 5 provides that the States shall have primary enforcement responsibility with regard to the drinking water standards except for Federal facilities. The Environmental Protection Agency is required to monitor the activities of the States and public water supply systems only to the extent necessary to determine if States are establishing and maintaining an adequate program to enforce the national primary drinking water standards.

Section 5 also provides that if the drinking water is not in compliance with the national primary drinking water standards, the suppliers of such water must notify the users, appropriate State agencies, and the Environmental Protection Agency of the non-compliance and of the possible health effects of such non-compliance. The notification received or information obtained by the exploitation of such notification shall not be used against such person in any criminal case, except a prosecution for perjury or for giving a false statement. Section 5 also provides that from any information available to the Environmental Protection Agency, if it should find that any public water supply system does not meet the national primary standards and necessary remedial action is not being taken, it must notify the State.

Section 6 provides that if the Administrator of the Environmental Protection Agency determines that an imminent hazard exists (a violation of the primary standards or other condition which would result in a serious risk to public health) he may institute enforcement proceedings to eliminate the hazard.

Section 7 provides that the Administrator of the Environmental Protection Agency shall conduct research, studies, and investigations and render financial, technical, and other assistance to appropriate public agencies, institutions, water supply utilities, and individuals relating to safe drinking water supplies. The Administrator is also authorized to make available information pertaining to research and investigations and to make the Environmental Protection Agency's research facilities available to appropriate groups and agencies engaged in studies and research relating to water supplies.

Section 8 requires each State to file an annual State program plan with the Environmental Protection Agency outlining its methods and resources for establishing and maintaining an adequate program to enforce the national primary drinking water standards, beginning one year after enactment of the legislation. Section 8 also sets out the requirements of the State plan.

Section 9 provides that the Administrator may issue regulations to carry out the purposes of the legislation. This section also sets out procedures for issuing regulations, holding public hearings, and requiring findings of fact on which regulations are based. Section 9 also makes provisions for judicial review of proceedings of the Administrator under the Act.

Section 10 requires suppliers of water and others subject to the requirements of the Act to submit reports and to make available records and information to the appropriate State agency as necessary for implementation of the State program. Provision is also made for employees of the Environmental Protection Agency to make inspections of water supplies to determine compliance with the national primary drinking water standards.

Section 11 provides that no provision of this legislation will affect the authority of State and local governments to establish drinking water standards, except that such shall not be less stringent than the national primary drinking water standards.

Section 12 lists the prohibited acts, which includes failure by a supplier of water to make proper notifications when there is a non-compliance with the primary standards, failure by a supplier of water to comply with standards for monitoring and reporting, and the refusal to allow entry and inspection of establishments, facilities, and other property.

Section 13 establishes criminal penalties for willfully committing the prohibited acts under the bill of up to $15,000 for each violation, or one year imprisonment, or both. Civil penalties of up to $10,000 for each violation is authorized for unwilliful violations. The Attorney General may also bring an action for injunctive relief.

S. 1735

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 "Safe Drinking Water Act of 1973".

DECLARATION OF POLICY

SEC. 2. (a) The Congress finds—

(1) that potentially hazardous drinking water directly or indirectly affecting interstate commerce is reaching many consumers due to inadequate treatment and distribution facilities, inadequate monitoring and surveillance, and a lack of sufficient information and technology to adequately treat raw water to assure its potability;

(2) that the public should be provided with water that is safe for drinking and other human uses;

(3) that the public should receive prompt and accurate notification if its water is not safe for drinking and other human uses;

(4) that the primary responsibility and enforcement authority for ensuring the quality of public water supplies has rested and should continue to rest with State and local Governments;

(5) that the Federal Government has the responsibility for establishing minimum national primary drinking water standards and for recommending national secondary drinking water standards for all public water systems and for supplying where appropriate technical assistance, research and development information, monitoring, and testing information.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "Agency" means the Environmental Protection Agency.

(3) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico.

(4) The term "municipality" means a city, town, borough, county, parish, district or other public body created by or pursuant to State law and having jurisdiction over the supply of water to the public and an Indian tribe or an authorized Indian tribal organization.

(5) The term "person" includes a State or political subdivision thereof, municipality, corporation, partnership, association, private or public nonprofit institutions or an individual.

(6) The term "public water system" means—

(A) any system which provides drinking water, (i) to ten or more premises not owned or controlled by the supplier of water or (ii) to forty or more individuals receiving such drinking water from a system.

(B) any system which provides drinking water to carriers, or facilities or establishments serving travelers in interstate commerce.

The term "public water system" does not include relocatable systems set up during disasters or emergencies or used in military field operations.

(7) The term "supplier of water" means any person who controls, owns or operates a public water system.

(8) The term "contaminant" means any physical, chemical, biological, radiological, or other substance or matter which causes or transmits infectious disease, chemical poisoning, chronic disease, or other impairment to man.

(9) The term "allowable limit—health" means that water, delivered to any user of the public water system, containing substances above these limits presents a substantial risk to the health of humans and shall not normally be used for drinking or culinary purposes.

(10) The term "recommended limit—aesthetic" means that water delivered to any user of the public water supply system, containing substances above these limits may be objectionable to an appreciable number of persons but is not hazardous to health.

NATIONAL DRINKING WATER STANDARDS

SEC. 4 (a) The Administrator, after consultation with the Secretary of Health, Education, and Welfare, (A) shall promulgate national primary drinking water standards as soon as practicable after the date of enactment of this Act and (B) may issue recommended national secondary drinking water standards for adoption and enforcement by State and local governments at their option. The Administrator shall specify in such regulations for national primary drinking water standards the date on which such regulations shall take effect, which shall be as soon as is practicable. The Administrator shall from time to time, revise such standards as appropriate.

(b) (1) National primary drinking water standards shall be standards, the attainment and maintenance of which are requisite to reasonably protect the public health, except that the Administrator shall not prescribe the addition of any substance other than for the purpose of treating contaminants. Such standards—

(A) shall prescribe the allowable limits—health for any contaminants which may exist in any public water system in the United States which may cause or transmit disease, chemical poisoning, or other impairments to man, allowing adequate margins of safety, and (B) shall include standards for the adequate monitoring and reporting of water quality.

(2) Recommended national secondary drinking water standards, as described under subsection (a) of this section, shall specify the level of quality of drinking water the attainment and maintenance of which is requisite to reasonably assure aesthetically adequate drinking water. Such recommended standards may apply to any constituent of drinking water (A) which may affect the taste, odor, or appearance of such water, or (B) which may otherwise be necessary to assure aesthetically adequate drinking water. These standards shall be designated as recommended limits—aesthetic.

(3) In establishing or revising standards or publishing recommended standards under this section, the Administrator shall take into consideration (A) the views and recommendations of recognized experts in the field of water supply engineering and public health and (B) the economic and social costs and benefits of such standards and their alternatives.

(c) The Administrator shall publish simultaneously with the issuance of any proposed national primary or recommended national secondary drinking water standard under this section—

(1) Such criteria and information as, in his judgment, are necessary to accurately reflect the nature and extent of identifiable effects on public health or welfare which may be expected from the presence of the contaminant which is the object of such proposed drinking water standards.

(2) Information and data on drinking water treatment methods and technology for the control of the contaminant which is the object of such proposed drinking water standard. Such information and data shall apply to features of the water supply system at which control of the contaminant may be exercised including, but not limited to, treatment, storage, and distribution facilities and the adequate construction, maintenance, and operation thereof. Such information and data shall include where available the costs and the effectiveness of such treatment and the time period necessary to control such contaminant.

(d) the Administrator shall, at least every 3 years review the adequacy of any national primary or recommended national secondary drinking water standard under subsection (a) of this section and the criteria, information, and data published under subsection (c) of this section. The Administrator shall publish his findings in the Federal Register.

ENFORCEMENT OF STANDARDS

SEC. 5. (a) For the purposes of this Act, the States have primary enforcement responsibility except for Federal facilities which will comply with section 15(a). The Administrator shall monitor the activities of the States and public water systems only to the extent necessary to determine if States are establishing and maintaining an adequate pro-

gram to enforce the national drinking water standards.

(b) Whenever the water delivered by a water supply system is not in compliance with national primary drinking water standards, the supplier of such water shall notify its users, appropriate State agencies, and through the State, the Administrator, in accordance with regulations promulgated by the Administrator, of the noncompliance and the extent and nature and possible health effects of such non-compliance. Notification received pursuant to this subsection or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

(c) Whenever, on the basis of information available to him, the Administrator finds that any public water system does not comply with any national primary drinking water standard and that necessary remedial action is not being taken, he shall so notify the State in which such water system is operating.

IMMINENT HAZARDS

SEC. 6. (a) An imminent hazard shall be considered to exist when there is reason to believe that a violation of the national primary drinking water standards by a public water system or any other condition will result in a serious risk to public health.

(b) If he determines that an imminent hazard exists, the Administrator may request the Attorney General to petition an appropriate district court of the United States to order such action as is necessary to eliminate the imminent hazard. The Administrator shall simultaneously, if he has not previously done so, propose any regulation which might be necessary under section 4 of this Act, or he may commence an action under section 13 of this Act.

RESEARCH, TECHNICAL ASSISTANCE, INFORMATION

SEC. 7. (a) The Administrator shall conduct research, studies, and investigations and render financial, technical, and other assistance to appropriate public agencies, institutions, water supply utilities, and individuals in the conduct of research, studies, and investigations relating to the causes, diagnosis, treatment, control, and prevention of diseases and impairments of man resulting directly or indirectly from contaminants in drinking water. Such research, studies, or investigations may include, but shall not be limited to, the development of—

(1) new and improved methods to identify and measure the existence of contaminants in drinking water and to identify the source of such contaminants;

(2) new and improved methods to identify and measure the health effects of contaminants in drinking water;

(3) new and improved methods of treating water to prepare it for drinking, to improve the efficiency of water treatment and to remove contaminants from the water; and

(4) new and improved methods for providing safe water for drinking to the public, including improvements in water purification and distribution, and methods of assessing the health-related hazards to other characteristics of drinking water supplies, and studies of the health implications of the reclamation, reuse, and recycling including both indirect and direct reuse of waste waters as sources of public water supplies.

(b) In carrying out this Act, the Administrator is authorized to—

(1) collect and make available information pertaining to research and investigations, with respect to providing adequate quality and quantity of safe drinking water together with appropriate recommendations in connection therewith; and

(2) make available research facilities of the Agency to appropriate public agencies, institutions, water supply utilities, and individuals engaged in studies and research relating to water supply.

STATE WATER SUPPLY PROGRAM PLANS

SEC. 8. (a) Each State shall file an annual State Program Plan with EPA defining the methods and resources to be applied in establishing and maintaining adequate programs to enforce the national primary drinking water standard for each type of public water system as defined in section 3(6) beginning one year from enactment.

(b) Such State plan shall be satisfactory if it—

(1) provides for the adoption by the State of the national drinking water standards or standards which are no less stringent than the national primary drinking water standards;

(2) provides for the adoption by the State of appropriate regulations and procedures for the implementation and enforcement of the standards adopted pursuant to paragraph (1) of this subsection;

(3) provides for the enforcement of the standards violation notification procedures under section 5(b) of this Act;

(4) provides for administration or for the supervision of administration of the plan by the State agency charged with the responsibility for the safety of drinking water;

(5) sets forth the plans, policies, and procedures to be followed in carrying out the State plan;

(6) provides for such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of the plan;

(7) provides for the establishment of an emergency plan of action for each public water system within the State for use in case of an emergency affecting the safety of the treated drinking water or the effective operation of the treatment facility, including provision for emergency reserves or alternate sources of water suitable for drinking and culinary purposes.

REGULATIONS, PROCEDURE, AND JUDICIAL REVIEW

SEC. 9. (a). At his own initiative, or upon the petition of any person, the Administrator is authorized to issue regulations to carry out the purposes of this Act and to amend or rescind such regulations at any time.

(b) The Administrator shall publish any regulations proposed under this Act, or proposals to amend or rescind such regulations, and his justification therefor in the *Federal Register* at least sixty days prior to the time when such regulations shall become final. The Administrator shall also publish in the Federal Register a notice of all petitions received under subsection (a) and, if such petition is denied, his reasons therefor. Such notice shall identify the purpose of the petition and include a statement of the availability of any data submitted in support of such petition. If any person directly and adversely affected by a proposed regulation files objections and requests a public hearing within forty-five days of the date of publication of the proposed regulation, the Administrator shall grant such request. If such public hearing is held, final regulations shall not be promulgated by the Administrator until after the conclusion of such hearing. All public hearings authorized by this subsection shall consist of the oral and written presentation of data, views, or arguments in accordance with such conditions or limitations as the Administrator may make applicable thereto.

(c) Proposed and final regulations issued under this Act shall set forth findings of fact on which the regulations are based and the relationship of such findings to the regulations issued.

(d) Any judicial review of final regulations promulgated under this Act shall be in accordance with section 701–706 of title 5, United States Code, except that, with respect to relief pending review, no stay of an agency action may be granted unless the reviewing court determines that the party seeking such stay (a) is likely to prevail on the merits in the review proceeding and (b) will suffer irreparable harm pending such proceeding.

(e) Except as expressly modified by the provisions of this section, the provisions of 5 U.S.C. 551 et seq, shall apply to proceedings conducted by the Administrator under this Act.

(f) If the party seeking judicial review applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court either (1) that the information is material and was not available at the time of the proceeding before the Administrator or (2) that failure to include such evidence in the proceeding was an arbitrary or capricious act of the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, and to be adduced upon the hearing, in such manner and upon such terms and conditions as to the court may deem proper. The Administrator may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file with the court such modified or new findings, and his recommendations, if any, for the modification or setting aside of his original order, with the return of such additional evidence.

RECORDS AND INSPECTION

SEC. 10. (a) Suppliers of water and others subject to the requirements of this Act shall submit such reports and make available such records and information to the appropriate State agency as necessary for implementation of a State program required under section 8 of this Act.

(b) Any officer or employee duly designated by the Administrator, upon presenting appropriate credentials and a written notice of inspection authority to any supplier of water subject to a national primary drinking water standard prescribed under section 4 of this Act or any grantee (or person in charge of any of its property) is authorized to enter any establishment or facility or other property of such person in order to determine whether such supplier or grantee has acted or is acting in compliance with this Act, including for this purpose, inspection, at reasonable time, of records, files, papers, processes, controls and facilities, or in order to test any feature of a public water system, including its raw water source. Each inspection shall be commenced and completed with reasonable promptness and the supplier or grantee notified of the results of such inspection.

(c) For purposes of this section, the term "grantee" means any person who receives financial assistance under this Act.

STATE REGULATIONS

SEC. 11. Nothing in this Act shall affect the authority of any State or local government to establish drinking water standards or to make other requirements for purposes similar to those contained in this Act, except that any such standards or requirements shall not be less stringent than the requirements of the national primary drinking water standards under this Act.

PROHIBITED ACTS

SEC. 12. The following acts and the causing thereof are prohibited:

(1) Failure by a supplier of water to comply with the requirements of section 5(b)

of this Act, or dissemination by such supplier of any false or misleading information with respect to remedial actions being undertaken to achieve compliance with national primary drinking water standards.

(2) Failure by a supplier of water to comply with the standards for monitoring and reporting pursuant to subparagraph (B) of paragraph 4(b)(1) of this Act; or

(3) The refusal to allow entry and inspection of establishments, facilities, or other property pursuant to section 10(b) of this Act.

PENALTIES AND REMEDIES

SEC. 13. (a). Any person willfully violating section 12 of this Act shall on conviction be fined not more than $15,000 for each violation or imprisoned for not more than one year, or both.

(b)(1) Any person not willfully violating section 12 of this Act shall be liable to the United States for a civil penalty of a sum which is not more than $10,000 for each violation, to be assessed by the Administrator after notice and opportunity for an adjudicative hearing conducted in accordance with section 554 of title 5, United States Code, and after he has considered the nature, circumstances, and extent of such violation, the difficulties of achieving compliance with the provisions violated, and any good-faith efforts to comply with such provisions.

(2) Upon failure of the offending party to pay the civil penalty, the Administrator may request the Attorney General commence an action in an appropriate district court of the United States to secure such payment.

(c) The Attorney General may bring an action in the appropriate district court of the United States for equitable relief to redress a violation by any person of any provision of section 12 of this Act, and the district courts of the United States shall have jurisdiction to grant such relief as the equities of the case may require.

CITIZEN CIVIL ACTION

SEC. 14. (a) Except as provided in subsection (b) of this section, any person may commence a civil action for injunctive relief on his own behalf, whenever such action constitutes a case or controversy—

(1) against any person (including (i) the United States, and (ii) any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of any national primary drinking water standard promulgated under section 4 of this Act; or

(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act which is not discretionary with the Administrator. Any action under paragraph (a)(1) of this subsection shall be brought in the district court for the district in which the alleged violation occurred and any action brought under paragraph (a)(2) of this subsection shall be brought in the district court of the District of Columbia.

The district courts shall have jurisdiction over suits brought under this section, without regard to the amount in controversy or the citizenship of the parties.

(b) No civil action may be commenced—

(1) under subsection (a)(1) of this section—(A) prior to sixty days after the plaintiff has given notice of the violation (i) to the Administrator, (ii) to any alleged violator of such standard and (iii) to the State in which the violation occurs.

(B) if the Attorney General, or the State has commenced and is diligently prosecuting a civil action in a court of the United States to require compliance with such standard.

(2) under subsection (a)(2) of this section prior to sixty days after the plaintiff has given notice of such action to the Administrator. Notice under this subsection shall be given in such manner as the Administrator shall prescribe by regulation.

(c) In any action under this section to which the United States is not a party, the Attorney General at the request of the Administrator may intervene on behalf of the United States as a matter of right.

(d) The court, in issuing any final order in any action brought pursuant to subsection (a) of this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such an award is appropriate.

(e) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any national primary drinking water standard or to seek any other relief.

FEDERAL FACILITIES

SEC. 15. (a) Except as provided for in subsection (b) of this section, each Federal department or agency having jurisdiction over a federally owned or maintained public water system, shall comply with all national primary drinking water standards prescribed under section 4 of this Act and shall, to the maximum extent practicable, comply with any recommended national secondary drinking water standard prescribed under such section. Notification required by section 5(b) will be submitted to the Administrator in lieu of the appropriate State agency.

(b) The Administrator may waive compliance with the requirements of subsection (a) of this section, in whole or in part, upon receiving information from the Secretary of Defense or from the Secretary of the Department in which the United States Coast Guard is operating that such waiver is in the interest of national security. Upon the issuance of such a waiver, the Administrator shall publish in the Federal Register a notice that the waiver was granted for good cause shown by the Secretary of Defense or by the Secretary of the Department in which the United States Coast Guard is operating, in the interest of national security, unless the Administrator has been requested by the applicable Secretary to omit such publication because it would be contrary to the interests of national security.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 16. There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. McCLELLAN:

S. 1736. A bill to amend title 38, United States Code, to authorize eligible wives and widows to pursue on-farm training. Referred to the Committee on Veterans' Affairs.

Mr. McCLELLAN. Mr. President, I am today introducing a bill which will remove an inequity in the system of benefits for veterans' dependents. Under the present law, wives and widows of servicemen cannot participate in on-farm training programs which are available to veterans themselves. The Vietnam-Era Veterans' Readjustment Assistance Act of 1972 (Public Law 92–540) generally extended most available veterans' educational programs to the eligible wives and widows of veterans. However, provision for the training of rural wives and widows in farm management and operation was omitted from the 1972 act.

Mr. President, this omission discriminates against families of veterans who are farmers by denying to them benefits comparable to those which are available to the families of veterans engaged in the operation of a business. This discrepancy in the present law should be removed so that farm families may receive the equitable treatment they deserve. The bill I am introducing will amend present law to provide equal benefits for the families of farmer veterans.

Mr. President, the mechanization of farming has progressed to the extent that women can, with proper training and preparation, manage the family business alone, if necessary. The purpose of this bill is to enable eligible wives of veterans who desire to carry on the operation of a family farm to prepare themselves to do so.

Estimates supplied by the Veterans' Administration indicate that the costs of this program would be nominal with only about 100 projected trainees per year throughout the country.

By Mr. NUNN (for himself and Mr. TALMADGE):

S. 1738. A bill to authorize the establishment of the Chattahoochee River National Recreation Area in the State of Georgia, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

CHATTAHOOCHEE RECREATION AREA BILL

Mr. NUNN. Mr. President, few resources can rival the qualities of a river flowing free through its natural environment for a rewarding recreation experience. Such an experience awaits each visitor to the Chattahoochee River, a favorite recreation area and hallowed retreat for thousands of Georgians who live in or near the city of Atlanta.

The bill I am introducing today, which is cosponsored by Senator TALMADGE, would set aside areas along a 48-mile stretch of the Chattahoochee River near Atlanta as a national recreation area. I am proud to announce that a similar bill has already been introduced in the House this week and has the support of all 10 Georgia Congressmen. The proposed recreation area will extend from Buford Dam downstream to Peachtree Creek, and encompasses some of the most beautiful river vistas and natural scenic woodlands in the Southeast.

At a time when open space continues to disappear under concrete blankets and high rise complexes, our rate of use of available recreation areas has been rising at least 10 percent each year. That is one reason why it is particularly important that we recognize the need to provide additional recreation opportunities for the citizens of large urban centers.

I am pleased to offer this legislation, on behalf of Senator TALMADGE and myself, which will preserve the natural beauty of the Chattahoochee River for the enjoyment of generations of future Georgians.

By Mr. CANNON (by request):

S. 1739. A bill to amend the Federal Aviation Act of 1958 to provide a definition for inclusive tour charters, and for other purposes. Referred to the Committee on Commerce.

Mr. CANNON. Mr. President, I send to

the desk a bill which I am introducing at the request of the National Air Carrier Association, a trade group representing some of the Nation's certificated charter airlines.

The bill, reflecting policy changes which at this time I have reserved judgment on, would change the regulatory framework relating to "inclusive tour charters." Inclusive tour charters, or "ITC's" as they are known, are vacation or recreation programs in which the consumer purchases transportation, hotel rooms, meals, and other ground arrangements as part of one complete package.

Presently, ITC's are regulated by Civil Aeronautics Board regulations and the Federal Aviation Act in a manner which greatly restricts their marketability to the traveling public. For example, ITC tours must make at least three overnight stops at locations at least 50 miles apart and the charge for the service must be not less than 110 percent of the lowest applicable scheduled air fare between the points involved. These restrictions have made it difficult for tour operators to market such packages particularly to those consumers who are interested in short-term vacations.

Additionally, supplemental air carriers, who provide the air transportation portion of ITC's, are precluded by law from marketing their product or from owning or controlling companies which market the tours or vacations.

The bill I am introducing would abolish the requirements I have outlined above and would authorize the Civil Aeronautics Board to devise less stringest regulations in hopes of broadening the interest of the traveling public in vacation or tour packages.

While ITC's have not been particularly popular among American Consumers, because of the restrictions, the situation in Europe is entirely different. ITC's are a huge industry in Europe and enable Europeans to buy total tour and vacation packages at costs which would be prohibitive if the services were purchased individually and independently. It is clear that the European system has fostered a tremendous growth in the use of air transportation and has led to extremely low cost vacation programs suited to the economic conditions of lower-middle and middle-income individuals.

While I do not necessarily support all of the provisions of this bill, I have long believed that the U.S. Government's regulations of ITC's are needlessly restrictive. I am introducing the bill today in hopes of stimulating further discussion both within the Government and within the travel industry as to how we might better utilize our Nation's resources to promote tourism, short vacations, and the greater use of air transportation.

My Subcommittee on Aviation will begin hearings on the subject on May 14 and the bill's introduction today will provide a focal point from which various segments of the travel industry may express their views as to the desirability of deregulation of inclusive tour charters.

Mr. President, I ask unanimous consent that 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. 1739

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Aviation Act of 1958, as amended, is further amended as follows:

(1) Paragraphs (20) through (36) of section 101 are renumbered as paragraphs (21) through (37), respectively, and a new paragraph (20) is added to read as follows:

"(20) 'Inclusive tour charter trip' means a charter trip which combines air transportation, pusuant to a contract between an air carrier or foreign air carrier and a person authorized by the Board to sell inclusive tours, and land arrangements at one or more points of destination, sold to members of the public at a price which is no less than the just and reasonable fare for charter air transportation plus a compensatory charge for land arrangements, and subject to such other requirements not inconsistent herewith as the Board shall by regulation prescribe."

(2) Renumbered paragraph (35) of section 101 is revised to read as follows:

"(35) 'Supplemental air transportation' means charter trips, including inclusive tour charter trips, in air transportation, other than the transportation of mail by aircraft, rendered pursuant to a certificate of public convenience and necessity issued pursuant to section 401(d)(3) of this Act to supplement the scheduled service authorized by certificates of public convenience and necessity issued pursuant to sections 401(d)(1) and (2) of this Act. Provided that nothing in this Act shall be construed to prohibit an air carrier from marketing directly or from controlling or being under common control with a person authorized by the Board to sell charter trips, including inclusive tour charter trips."

By Mr. TUNNEY (for himself and Mr. CRANSTON):

S. 1740. A bill to establish the Lake Berryessa National Recreation Area in the State of California, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

LAKE BERRYESSA NATIONAL RECREATION AREA

Mr. TUNNEY. Mr. President, I am introducing today legislation to establish a national recreation area at Lake Berryessa, Napa County, Calif. This bill of particular concern and importance to citizens of northern California, and I am pleased to have my California colleague, Senator ALAN CRANSTON, join me in sponsoring this legislation.

Lake Berryessa is a large and beautiful body of water which was created when the U.S. Bureau of Reclamation built Monticello Dam. The lake is situated in a delightful area of wooded hills and canyons, and enjoys a temperate yearround climate. It lies within easy driving distance of the San Francisco Bay area and Sacramento-Stockton metropolitan area. The federally owned lake, the second largest man-made body of water in California, thus presents unequaled recreational opportunities for the people of northern California's major cities. Yet, even though this Federal lake has been in existence since the mid-1950's, its full recreational potential has never been developed. In a time of increasing public demands for quality recreation, I think it imperative that Congress investigate this unfulfilled potential and attempt to remedy the problem.

BACKGROUND

Lake Berryessa was formed with the construction of Monticello Dam, part of the Solano Reclamation project. It was designed as a flood control and irrigation project, not for recreational purposes. At normal water level, the main body of water is approximately 10 miles long and three miles wide; at this level, the shoreline length is about 170 miles.

However, because of the anticipated seasonal fluctuations of the lake level, it was not believed that the lake would become a major recreation area, and no recreational facilities were provided.

Nevertheless, as the waters began to form behind the partially completed dam, the area began to receive heavy public use. During this period, there were no sanitary or garbage disposal facilities at the lake, and the only access to the lake was by narrow roads which were inadequate for the traffic. Both the National Park Service and the California State Division of Beaches and Parks made studies in the Berryessa area, but neither agency seemed interested in supervising recreational development at the lake. Finally, after abdication or refusal of responsibility by nearly everyone else, a solution was reached. In the spring of 1958, the county of Napa offered to assume responsibility for provision and management of recreational facilities at Berryessa. The management agreement between the county and the Bureau of Reclamation was finally signed on July 31, 1958.

Unfortunately, no funds were provided by the Federal Government for even minimum basic public use facilities, roads, or parking areas of any kind. Therefore, the county contracted with seven private concessionaires who agreed to develop the lake for recreational day use with their own funds, at no cost to the Napa taxpayers.

THE PROBLEM

It was here that the plans for recreational development began to fall apart. The concessionaires were clear in their intentions to make a fair profit; however, the legal requirements spelled out in the concession agreements were thought to be sufficiently strong to guarantee protection of the public interest.

Instead, Mr. President, we find that Lake Berryessa today provides an example of inexcusable mismanagement by the concessionaires, the county of Napa and the Bureau, for their part, must also share much of the blame for their apparent disregard of the control requirements, and even acquiescence in the illegal incursions.

The concessionaires have violated the obligations spelled out in the management agreement and the contracts. Instead of picnic tables, campsites, public beaches, public restrooms, the visitor finds gates, fences, private trailers and prefabricated homes, private security police, and so on. In short, the lake has

become a private residential area complete with sleazy developments instead of a public recreational center as intended by the original public use plan prepared by the National Park Service. Two-thousand mobile homes have been moved onto the Federal land, despite clear language in the management agreements to the contrary, some of these "mobile" homes have not been moved for as long as 10 years.

Unsurprisingly, in the process of establishing this semipermanent residential community on Federal land, the concessionaires have substantially barred large portions of the public from large portions of the lake.

When I visited Lake Berryessa, I was astonished to see "Private Property, No Trespassing" signs forbidding entrance to what is clearly Federal property. Facilities at some of the resorts are so crowded and congested that slum conditions exist, while there is a complete paucity of facilities at other "free" areas along the shoreline. I saw open, unfenced sewage treatment ponds in some areas where the public use plan called for public beaches and picnic areas. In short, Mr. President, everything at Berryessa seems calculated to discourage the day-use visitor whom the concessionaires were originally contracted to serve.

In June of 1970, an "Environmental early morning memorandum" was filed with the Department of the Interior by a staff member of the Bureau of Sport Fisheries and Wildlife, noting that:

> Recreation developments appear to be geared to benefit a very few with apparent disregard for the needs of the general public.

By late 1970, conditions at the lake had reached such a state that the Bureau of Reclamation at last put out a moratorium on all further developments by concessionaires until the management agreement could be reevaluated. The National Park Service was asked to study the Berryessa area and draft a new plan for recreational development, one which would guarantee the public access to the $50 million resource. Meanwhile, things continued to get worse.

In early 1971, my staff in Washington and San Francisco began an intensive investigation that lasted nearly 6 months. The results of that investigation led me to write Secretary of the Interior, Rogers C. B. Morton requesting an explanation and inviting his comments on an appropriate remedy to the shocking misuse of public lands under the jurisdiction of the Bureau of Reclamation at Berryessa.

In May 1971, the General Accounting Office conducted a survey of Bureau of Reclamation projects which included Berryessa. The results of that survey confirmed my findings—the Bureau concluding that:

> Public recreational facilities at the lake had not been adequately developed, and that . . . contrary to the requirements of the public use plan . . . access to and use of Lake Berryessa by the general public was restricted severely by private developments.

In February of this year, I sent another letter to Secretary Morton in which I again expressed my concern over the problems at Lake Berryessa and asked him to answer specific questions concerning operations and management of the lake facilities. The Secretary's response confirmed my position more than ever that definite action was needed.

I ask unanimous consent to insert a copy of my letter and his response in the RECORD at this point.

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

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., February 26, 1973.

Hon. ROGERS C. B. MORTON,
Secretary, Department of the Interior
Washington, D.C.

DEAR MR. SECRETARY: Despite repeated denials from Bureau spokesmen in Sacramento, I continue to receive disturbing reports from constituents as to your agency's policies and plans for administration of Lake Berryessa in Napa County, California. These reports have been echoed in the California press. In order to set the record once and for all, therefore, I would appreciate answers to the following questions:

1. Is the development moratorium which the Bureau imposed on the seven concessioners at Lake Berryessa in October, 1970, still in effect?

a. If so, is it being vigorously enforced?

b. If so, have there been violations reported, and what sanctions have been imposed?

c. If so, is there presently any intention within the Bureau to either lift or relax the moratorium this year?

d. If the moratorium is not presently in effect, who made the decision to lift it, when was the decision made, and for what reasons?

2. Does the Bureau presently have any plans to allow the concessioners at Lake Berryessa to introduce more trailers and prefabricated, semi-permanent homes onto federal land?

a. If so, when was this decision made, by whom, and for what reasons?

b. If so, how can this decision be justified in light of the National Park Service's 1971 plan which called for a phasing-out of the trailers over the next five to seven years?

3. Does the Bureau presently have any plans to renegotiate the current management agreement with Napa County and the seven concessioners?

a. If so, what changes are contemplated?

b. If so, is there any intention to delete or substantively amend the "termination clause" in s of the Agreement?

4. What is the current status within the Bureau of the 1971–72 National Park Service Plan for Recreational Development at Lake Berryessa?

Thank you for your assistance in this matter.

Sincerely,

JOHN V. TUNNEY,
United States Senator.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., April 25, 1973.

Hon. JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: This is in response to your letter of February 26, 1973, to Secretary Morton regarding the administration of recreation at Lake Berryessa. We are pleased to provide you with information in reply to the questions posed in your letter.

The Bureau of Reclamation has an agreement with Napa County, originally entered into in 1958 and, subsequently, revised under the date of January 17, 1962, for the management of recreation at Lake Berryessa. This agreement was entered into to take care of the recreating public when no other public agency was willing to accept this responsibility and, at a time, when public funds had not been provided for recreation facilities. The Bureau continues to have a basic responsibility that it cannot ignore at Lake Berryessa, and must find some means of providing for the recreating public until such time as some other plan is put into effect.

You have asked if the development moratorium "which the Bureau imposed on the seven concessioners at Lake Berryessa in October 1970, is still in effect." As previously indicated, the Bureau's agreement is with Napa County which, in turn, has entered into agreements with the seven concessioners at the lake. The Bureau's dealings are with the county rather than with the concessioners. The Bureau notified county representatives by letter dated July 20, 1970, that they should approve no new concession developments or additions until a new management agreement between the Bureau and Napa County was executed and placed in effect. This letter has been referred to as the moratorium. These restrictions have not been removed by the Bureau of Reclamation, and are still being vigorously enforced However, the county, on advice of counsel, has contended on numerous occasions that there is nothing in the 1962 agreement that permitted the Bureau to impose a moratorium.

Although there have been some minor violations of the so-called moratorium, the Bureau, working through the county, has made every effort possible to enforce this restriction, and has had an employee reviewing the area at least once weekly to assure that the concessioners are working within the spirit of writen agreements and understanding. Where violations have been found, the Bureau has called them to the attention of the county asking it to take appropriate action, The Bureau has insisted that where public safety and health was involved certain improvements had to be made. Bureau sanitary engineers have been working very closely with county health authorities to upgrade the sewage treatment facilities in the concession areas. Maintenance services necessary to keep the overall facilities operational and of service to the public have also been permitted.

Recognizing that the ultimate solution to Lake Berryessa recreation needs might take some time and that existing situations must be corrected, the Bureau and the county, in July 1972, jointly began the preparation of a set of standards for the development and management of recreation at the lake. Initially, these standards are intended for all new construction and, ultimately, existing facilities will be upgraded to meet these standards. Considerable progress has been made in this effort. The county has adopted planning, design, construction, operation, and maintenance standards for six important categories of recreation facilities. These standards, as adopted by the county, are in essential agreement with standards jointly developed by the Bureau and Napa County, and reviewed by a representative of the National Park Service.

In the meantime, the Bureau is negotiating with Napa County to amend the existing agreement on an interim basis whereby the concessioners would continue to operate the seven areas with all new construction governed by the new standards developed by the Bureau and Napa County. This interim management agreement was proposed to the county in December 1972. Under the interim agreement, the Bureau would have an active part in the administration of the recreation areas by having a full-time employee stationed at the lake.

This interim agreement also would require each concessioner to develop additional day-

use facilities within the concession areas before any additional mobile home spaces could be established. The new interim agreement would partially lift the moratorium, and as additional day-use facilities are provided by the concessioner, additional mobile home spaces would be allowed on a quid pro quo basis so long as all spacing, density, and other upgraded standards are met by the concessioner, and the areas are not needed for other public recreation.

The present arrangement is providing recreation experiences for nearly two million visitors each year. Under the present management agreement, as supplemented by the proposed interim management agreement, and assuming reasonably efficient concession management practices, the concessioners should have an opportunity to operate economically viable enterprises. Until financing is available from some source other than the county or concessioners, it will be necessary for the concessioners to rent space for mobile homes if the concessions are to remain financially solvent, and other concession charges are to be kept at reasonable rates for the general public. It does not seem unreasonable to permit some mobile homes in Government land around Lake Berryessa as long as they do not prevent or seriously interfere with the primary obligation to provide facilities and an environment for other public recreation enjoyment. Occupancy of this Government land must be in conformance with strict standards to assure desirable conditions. It presently appears that public funds will be required for the development of day-use areas outside the concession areas.

The National Park Service Plan for phasing out the trailers over the next 5 to 7 years was based on the premise that Government funds would be provided to purchase the entire investments the concessioners have made in recreational facilities for the lake.

The proposed interim agreement could well be followed by a new management agreement between the Bureau and the county. This, of course, would depend upon a final decision regarding the nature of recreation management of the lake. Any new agreement between the Bureau and Napa County would undoubtedly require revised agreements between the county and the concessioners. All parts of the present agreement would be reviewed and appropriate changes would be made. Certainly, the termination clause will be considered when any new agreement is prepared. The proposed interim management agreement includes the following language: "The Bureau agrees that no action will be taken during the term of this agreement to terminate activities of the county or any concessioner without cause. The Bureau agrees to support enactment of applicable executive and congressional actions, as may be appropriate, to provide for reimbursement to the county of Napa or concessioners at Lake Berryessa for improvements financed by the county or concessioners in the event of the unilateral termination by the Bureau of the agreement of January 17, 1962." Napa County has pointed out on several occasions that the National Park Service has authority to compensate concessioners under circumstances similar to those in the language just quoted.

The National Park Service's Advisory Report dated August 1972 has not been released to the public, as that extensive plan has not been adopted by the Department. Thus, any public release of the report would be highly misleading. This Department has a continuing responsibility to the public at Lake Berryessa. The general public will continue to use the lake whether or not a final plan has been developed. The Bureau has a valid agreement with Napa County, and pending a final solution, it will make every possible effort to correct existing problems and provide the general public with recreation under present authorities.

Sincerely yours,

W. R. WILSON,
Acting Deputy Assistant Secretary of the Interior.

Mr. TUNNEY. Mr. President, my bill to designate Lake Berryessa as a national recreation area is a first step toward opening this entire area to the public. However, bringing Lake Berryessa under the control of the National Park Service is not the entire answer. Numerous actions will be necessary to halt the accelerated eutrophication which threatens to destroy the natural beauty of the lake. I have written a letter to Secretary of Interior Morton today which outlines the interim steps which I believe must be initiated while this bill is pending in the Congress. These include the curtailment of expansion plans for existing "resort areas," implementation of a water quality monitoring system, correction of present inadequacies in the sewage treatment system, establishment of a temporary information/orientation facility in the Moskowite Corners area, immediate curtailment of installation of new mobile homes anywhere on the lakeshore, and enforcement of the applicable California health and safety codes in all existing mobile homes. The moratorium on development of mobile home parks was relaxed last month by the Bureau of Reclamation, an action which will only serve to further complicate the problem of restricted public access to the lake and increase the pollution visible in many areas along the shoreline.

In establishing a national recreation area at Lake Berryessa, Mr. President, the Federal Government must assume responsibility for the entire area as soon as possible. This means that the Government must purchase all existing utilities, roads, launching ramps and structures from the present concessionaires, and must provide such services as maintenance, garbage collection, pickup campers, and motorhome facilities. The establishment of adequate day recreation facilities must be the first priority.

My bills calls for the acquisition of land presently under the control of the Bureau of Reclamation. In addition to these lands, I would strongly recommend that the National Park Service consider purchasing the following parcels of land, for reasons specified under each:

A. A series of presently undeveloped parcels of land between Knoxville Road and the lake south of Rancho Monticello to Capell Creek, excluding the large area presently outside the boundary between Sugarloaf Park and Spanish Flat Resort. These 2.5 acres would enable the scenic setting of the lake east of Knoxville Road to be maintained, preclude undesirable strip type development along the east side of Knoxville Road, provide overlooks at appropriate points, and preclude possible management problems.

B. A parcel of land directly south of the Pope Creek Bridge bounded by the highway, the existing boundary, and the Berryessa Park subdivision. These 25 acres would be used to provide access to and parking for the Pope Creek area.

C. A parcel of land south and adjacent to the existing boundary in Wragg Canyon, including but not limited to the existing easement. These 80 acres would accommodate development at South Shore and eliminate management difficulties inherent in the easement.

D. A parcel of land nearly but not exactly coincidental with the existing easement along Putah Creek. These 1,640 acres are necessary to insure compatible shoreline lands in this area. Potential management problems and use conflicts could be avoided when no private lands separate the highway and the park.

G. A parcel including all lands between Knoxville Road and the existing Federal boundary south of the Berryessa Park subdivision, extending south to the point where Knoxville Road and the Federal boundary cross. These 100 acres would accommodate development.

H. A parcel at the northernmost end of the lake along Eticuera Creek, to include but not limited to lands presently under easement. These 1,050 acres would protect the scenic beauty of the area and accommodate development.

I. A parcel directly to the west of parcel "F". These 400 acres would provide access and management protection to development on the heights between Putah Creek and the Lake.

J. A parcel adjacent to the southerly tip of the existing boundary along the creek in Steele Canyon, which is coincidental with the existing easement. These 30 acres are necessary to insure compatible uses of all waters impounded by the Monticello Dam, including surcharge waters, and to eliminate the possibility of management problems.

K. A parcel located in the Moskowite Corners/Capell Valley area (final location to be determined following the adoption of the Wooden Valley/Capell Valley freeway route). These 2–3 acres would accommodate development of an information/orientation/interpretation center, and should be located near or adjacent to the intersection of the freeway and Route 128.

We can no longer permit this beautiful public resource to be exploited for private gain. If we act now, with comprehensive and aggressive action, we can develop Lake Berryessa into the magnificant recreational area it was intended to be.

It is with the firm commitment to making this lake a beautiful recreational facility for all the public to enjoy that I submit the following bill "to establish the Lake Berryessa National Recreation area in the State of California, and for other purposes."

By Mr. WILLIAMS:

S. 1742. A bill to prohibit the use of leg-hold, steel jaw traps, or other inhumane snaring devices on animals in the United States. Referred to the Committee on Commerce.

THE STEEL JAW TRAP

Mr. WILLIAMS. Mr. President, I am today introducing for consideration by the Senate, a bill which would make it

the public policy of the United States to prohibit the manufacture, sale, and use of leg-hold, steel jaw and spring traps in this country.

This bill would virtually outlaw the leg-hold, steel jaw traps by prohibiting the shipment into interstate or foreign commerce of fur, leather, and other by-products from animals trapped in any State or nation which permits the use of such devices. It also bans the import of fur, leather, or other byproducts of animals from any and all foreign countries which have not banned the manufacture, sale, and use of these traps. I believe that this bill will effectively eliminate these barbaric traps, not only in this country, but also in other countries which desire to export fur and leather to the United States.

The bill would, however, allow farmers and other landowners to protect their property and livestock or domestic animals against damage from predators.

Unfortunately, steel jaw traps make no distinction between the wild animals for which they are intended and someone's pet dog or cat or even a child.

The Humane Society of the United States special report on trapping clearly points out the need for this legislation, as it describes the pain and suffering inflicted upon an animal unfortunate enough to step into one of these torturous devices.

Mr. President, at this point in my remarks, I ask unanimous consent to include the text of the above-mentioned report.

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

THE STEEL JAW IS ONE OF THE CRUELEST DEVICES INVENTED BY MAN

Every year several million American wild animals are killed for their fur by trappers. Most of them die slowly and painfully, after having a leg or a paw caught in a powerful steel jaw (or leghold) trap.

The steel jaw trap is one of the cruelest devices invented by man. It can be hidden under grass along a well-trodden animal path, under water, or among the leaves of a tree. When triggered by an animal's weight, the heavy steel jaws spring shut over a paw or a leg with such force that bones are sometimes broken. Some leghold traps contain sharp steel teeth that pierce all the way through flesh and muscles

As the animal realizes he is trapped, his fear mounts to the point of panic. He bites frantically at the trap, often breaking his teeth. He twists and pulls his leg to free himself, increasing the pain even more. As the pain becomes unbearable, many animals completely chew or twist off their own legs to free themselves. They then face death from loss of blood, gangrene, or infection. At best, they will spend the rest of their lives at the mercy of predators because of their reduced mobility.

For the ones that remain in the traps, hunger and thirst soon set in. Because most animals are trapped in winter when their furs are in prime condition, the victims are exposed to the cold and often soaked by rain and snow. Their tongues sometimes get stuck against the cold steel as they try to free themselves. And, in his helpless situation, the trapped animal often finds himself at the mercy of a predatory animal who soon senses his victim's inability to flee or defend himself.

A trapper who checks his traps frequently at least offers an end to his victim's misery. But few people work at trapping full time today, and, although 16 states require checking traps in 24 hours or less, such laws are almost impossible to enforce. Consequently, the suffering drags on until the animal loses consciousness or is killed by a predator.

On top of all this, the steel jaw trap is not selective. It will spring shut on a non-target animal as quickly and as painfully as on the animal desired. For example, ducks often use ponds built by beavers as feeding grounds and, consequently, get caught in beaver traps that crush their legs or break their necks. Dogs and cats are often caught in the traps, too, especially near urban areas. The Humane Society of the United States assisted in the rescue of a German Shepherd who had caught two legs in a trap set for muskrats outside Washington, D.C. One leg and part of a second one had to be amputated. The number of non-target animals caught is often as high as double a trapper's total useable catch. These "trash animals," as trappers call them, are merely discarded, having been tortured and killed for no reason.

Furthermore, the catching of a mother in a trap is likely to result in the starvation of an entire litter. And, because there are no seasonal limits to trapping, pregnant animals are often killed, resulting in the useless destruction of many unborn animals.

Forty-eight of the 50 states still permit this barbaric method of catching animals. With the opening of new territories in the early 19th century, the steel jaw trap was introduced as an expedient method of obtaining food and building a base for commercial trading. This practice is as unjustified in the 1970s as the use of a torture chamber or a guillotine.

The Humane Society of the United States believes there is no justification for the taking of any wild animal when the motive is merely fashion or decoration. The synthetic fur industry has developed fabrics that look so much like the real thing that only the experienced eye can tell the difference. And mink ranchers have demonstrated that they can raise and kill animals in captivity without causing suffering or fear.

Yet there are enough Americans still buying the skins of wild animals to maintain a market for any American who wants to earn a few extra dollars by trapping. Sadly, a large percentage of trappers today are students, who find the irregular hours required for trapping convenient to their schedules.

Many trappers claim their work is necessary to reduce surplus populations of certain wild animal species and to control disease. The Humane Society can find no justification for such statements. On the contrary, trapping often *causes* infection and disease when animals twist or chew off their paws to escape.

Most trappers regard themselves as lovers of nature, including the very animals they trap. Veteran trappers are eager to teach trapping to their children at an early age. The Humane Society believes that exposing children to the torture of animals will desensitize them to the feelings of other living creatures. It deplores the U.S. Department of the Interior's telling you, in *Trapping Tips for Young Trappers*, that trapping is "wholesome outdoor recreation" and "deep-seated American Tradition."

A YEAR'S CATCH

Almost 6.5 million wild animals were trapped in 1971 in the 42 states that voluntarily reported to the U.S. Department of the Interior: 7,941 badgers, 12,245 ringtail cats, 85,944 beavers, 12,235 bobcats, 47,563 coyotes, 2,431 fishers, 123,989 foxes, 218 Canadian lynxes, 764 martens, 114,453 minks, 3,714,988 muskrats, 1,253,066 nutrias, 100,394 opossums, 15,954 otters, 930,050 raccoons, 11,423 skunks, 5,073 weasels.

Mr. WILLIAMS. My own State of New Jersey recently banned the use of the steel jaw, leg-hold trap in urban counties of the State and I am hopeful that the bill I am introducing today will be acted upon without delay, in order that we may see an end to this unnecessary cruelty throughout the United States.

Mr. President, I ask unanimous consent that the full text of the bill 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. 1742

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

DECLARATION OF POLICY

SECTION 1. (a) It is hereby declared to be the public policy of the United States to discourage the needless maiming and suffering inflicted upon wild animals by the use of leg-hold or steel jaw traps; and

(b) In furtherance of this general policy, it shall also be the public policy of the United States to prohibit the manufacture, sale, and use of leg-hold, steel jaw, and spring traps in the United States.

PROHIBITION

SEC. 2. (a) No fur, leather, or other by-products, whether raw or in finished form, shall be shipped into interstate or foreign commerce if such fur, leather, or other by-products come from animals trapped in any state or nation where such traps and devices are used.

(b) The Secretary of State shall ban all imports of fur, leather, or other byproducts from animals from any and all foreign countries which have not banned the manufacture, sale, and use of such leg-hold, steel jaw, or spring traps.

CURRENT LIST

SEC. 3. The Secretary of State shall compile, publish, and keep current a list of foreign countries which have not banned the manufacture, sale, and use of leg-hold, steel jaw, and spring traps.

PENALTIES

SEC. 4. Anyone shipping or receiving fur, leather, or other byproducts in contravention of section 2 of this Act shall, for the first offense, be fined not more than $2,000; for the second or subsequent offenses, he shall be fined not more than $5,000 and imprisoned for not more than one to three years.

EFFECTIVE DATE

SEC. 5. The provisions of this Act shall become effective one year after the date of its enactment.

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

S. 1743. A bill to provide Federal revenues to State and local governments and afford them broad discretion in carrying out community development activities. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. SPARKMAN:

S. 1744. A bill to provide Federal assistance to local governments in support of community development activities. Referred to the Committee on Banking, Housing and Urban Affairs.

COMMUNITY DEVELOPMENT BILLS

Mr. SPARKMAN. Mr. President, I am introducing two alternative bills to establish a new program of Federal assist-

ance to the Nation's communities for urban development.

The one bill entitled "The Better Communities Act" I am introducing by request for myself and the distinguished senior Senator from Texas (Mr. TOWER). This bill, which was sent to the Congress by Hon. James T. Lynn, Secretary of Housing and Urban Development, on April 20, would carry out the President's recommendations in his message to the Congress of March 8, 1973, on community development. It is one of several special revenue sharing proposals that the President is submitting to the Congress as part of his legislative program for 1973. According to the President's message, the bill would provide $2.3 billion a year, beginning July 1, 1974, to communities to be spent as they desire to meet their community development needs. It would replace seven existing categorical grant and loan programs, retain existing levels of Federal funds to communities by a hold-harmless provision, upgrade the role of State governments by delegating to them the authority of distributing part of the funds, assure a specific level of funding by formula for metropolitan cities and urban counties, and reduce Federal redtape by distributing the funds automatically to units of local government without the requirement of an application.

The other bill I am introducing is identical with the provisions of chapter III of S. 3248, which the Senate passed early last year by a vote of 80 to 1. The only change is the dates of reference in view of an anticipated passage in 1973 rather than 1972.

Last year's provisions grew out of a bill, S. 2333, which I introduced in 1971 to bring about a consolidation of existing community development programs into a single block-grant program. Our committee had before it both S. 2333 and S. 1618, the administration's special revenue sharing community development bill sent to the Congress in 1971. The resulting product, developed by the committee after extensive hearings and many hours of committee meetings in executive sessions, has provisions from both bills, but basically contains the block-grant principles of S. 2333.

Some of the same issues considered by the committee in connection with last year's bill will be before us again this year. However, much has happened in the last year; and I know that the committee will want to take a new look at each of the issues and make independent judgments to develop legislation for recommendation to the Senate this year. The important differences between the two bills follow:

1. REVENUE SHARING

The principle of special revenue sharing has not yet been accepted by the Congress. It carries with it a transfer of responsibility for meeting national objectives from the Federal Government to local governments with no built-in means for directing or evaluating how the Federal funds are spent, other than a postaudit for accounting and auditing purposes. Under the administration bill, communities would be automatically eligible regardless of plans or national goals, the only requirement being a 60-day time period for local comment and a requirement to meet Federal civil rights and other laws.

The Senate-passed bill of last year had a number of built-in requirements to insure that eligibility would be limited to those communities preparing and implementing plans to meet the national objectives spelled out in the law. This obviously would require HUD review and some delays. The committee would probably want to reexamine its decision of last year which required an application and a year-end review to seek a procedure which minimizes the inevitable bureaucratic application approvals, while at the same time insuring that the program is being administered to meet community development national objectives and not just to reduce local taxes or other purely parochial, partisan or narrow local objectives not considered in the public interest.

2. HUD PROGRAMS REPLACED

The major program difference between the two bills is that the administration bill proposes to terminate the model cities and the rehabilitation loan programs, while last year's bill does not. Last year's Senate bill contemplated the eventual inclusion of the model cities program into the new program, so I see no problem over model cities. However, the termination of the rehabilitation loan program proposed by the administration this year appears to leave a serious gap in the tools for an effective rehabilitation program.

3. FUNDING LEVELS

Last year's Senate bill authorized $5.9 billion in contract authority over a 2-year period of time, fiscal years 1974 and 1975. Such contracts could be liquidated subject to an appropriation act by a maximum of $2.7 billion in fiscal year 1974 and $3.2 billion in fiscal year 1975.

The administration's bill would authorize an appropriation of $2.3 billion for fiscal year 1975 with an equal amount contemplated for each of the 4 years thereafter. Considering the inclusion of the model cities program in the administration bill, which last year was at a program level of $600 million, the sharp reduction in the proposed funding becomes quite apparent.

4. ADVANCE FUNDING

Last year's bill contemplated a 2-year advance funding program to insure continuity from year to year. Two-year contracts would be made by the Secretary which would be renewed each year in order to provide for continuing support on a 2-year cycle subject to adequate contract performance.

5. BASIC ENTITLEMENT FOR METROPOLITAN CITIES AND URBAN COUNTIES

The administration's bill would establish a different allocation procedure than the one approved in last year's Senate bill; however, the basic provisions for hold-harmless and the primary distribution of program funds to metropolitan cities in accordance with population size and need would be retained. Entitlement for large metropolitan counties was not covered in last year's bill, but I see no problem in having such counties included.

The distribution of funds through the States rather than by HUD for small communities proposed by the administration is a new proposal that needs to be considered by the committee. Last year's bill made States eligible for funds to carry out community development funds, whereas the administration's bill would contemplate them only as passive distributors of funds. Considerable work needs to be done on the computers to insure that the formula for basic entitlement of funds and hold-harmless provisions are equitable and fair.

6. HOUSING

The administration's bill makes no provision to insure that a recipient community would undertake a program to meet its housing needs as part of its community development efforts. Also, no provision is made in the administration bill to meet the statutory requirement for relocation housing for families displaced by this program or, in fact, by any other current Government program.

Last year's Senate bill not only contemplated a prerequisite plan to meet housing needs, but also a plan to carry out programs to eliminate slums and blight and to improve and upgrade community services and facilities in areas affected by community development programs.

7. LOANS

No provision is made in the administraton bill for Federal support to enable a community to borrow funds at reasonable rates to carry out costly development programs like urban renewal. The bill merely recognizes the right of the community to use whatever financial mechanisms that are available.

Last year's bill made provision for Federal loans to States and communities for planning and operating activities. Our committee has been told that without federally supported loan funds, any substantial development or redevelopment program would not be feasible for most U.S. communities. Land acquisitions, for example, under urban renewal have been largely financed with temporary loans locally issued, but backed by a Federal loan commitment.

Mr. President, you can see that there are many fundamental issues that need to be ironed out. Most of the issues were considered last year, so they are not new to the committee. I have introduced both bills to lay before the committee and the Senate the choices before us and to solicit comments from the public and users of the programs well in advance of hearings. To speedup consideration of a community development bill that will be acceptable to the committee and the Congress and, I hope, to the administration, I am having extensive work done to update the provisions of chapter III of last year's bill. I want an updated bill which will reflect the testimony submitted to the Housing Subcommittee in the recent oversight hearings; also, the current thinking of the administration as indicated in supporting material of its Better Communities Act, which I am also introducing today by request. An example of provisions to be added are those proposed by the administration, which I am sure the committee will support, to

add model cities to the list of categorical programs replaced and the addition of a special allocation for urban counties.

Another reason for introducing last year's community development provisions as a separate bill at this time is the concern I have that mayors and other community leaders are being confused by the current distribution of proposed revenue-sharing funds coming out of the administration's nationwide drive to inform the public on the terms of its revenue-sharing better communities bill. Many Members of Congress are receiving calls complaining about the figures on the assumption that they are final, are, in fact, approved by the Congress. By having my bill introduced as an alternative I hope to eliminate this speculation, making it clear that there is an alternative and that Congress has not yet acted on the matter.

Mr. President, the Congress is facing a very important policy issue at this time involving the reestablishment of Federal programs for housing low- and moderate-income families which were cut off by the President in early January of this year. Over 4 months have gone by and no acceptable plan has been advanced for reinstating these programs or developing new ones. I am fearful that, at the rate we are going, the President's original 18-month moratorium may end up as a 24-month moratorium or longer. The President sent a message to the Congress on March 8 in which he promised to send a report to the Congress in 6 months—that is, by September 8—on his policy recommendations based upon the results of a major study he is making of the housing subsidy programs. Presumably based on these recommendations, some legislative action could be taken at some later date to reinstate Federal subsidy programs, or it is possible that the recommendations would not favor any such program at this time. This latter possibility is credible in view of the lack of housing subsidies for new programs in either the fiscal year 1974 budget or projected fiscal year 1975 budget estimates.

Mr. President, I do not believe that Congress should hold up our normal procedure and wait for this indefinite product. We must remember the long lead-time required to initiate programs. Cutting off programs is so simple compared with reinstating or initiating new ones. Once the authorizing legislation is passed, appropriations must be made, regulations must be written and communities and sponsors need time to prepare for program funds, apply for assistance and finally initiate action at the local level.

I believe that Congress has the responsibility for enacting legislation this year to have the authorization ready for the President's fiscal year 1975 budget message and, even more important, to insure its consideration by the Congress under the new budget procedures recently recommended by the Joint Study Committee on the Budget which would require authorizations 1 year in advance. Any authorization approved by Congress during early calendar year 1974 would have little chance of being included in an appropriations act for fiscal year 1975.

Mr. President, I have another strong feeling about our pending legislation, which I believe would be strongly supported by Members of the Congress; that is, that a community development bill without provision for housing subsidies would be a disservice to our communities and to our needy and ill-housed families. These programs should go together and I propose to move ahead with the preparation of housing legislation to accompany the community development bill. I have already taken steps to draft such a bill consistent with the testimony received in our recent oversight hearings. I hope that our work in drafting a new housing bill can be completed and hearings held on both the housing legislation and the community development legislation this summer. This would give adequate time for passage of legislation in both the Senate and the House this fall.

This is my plan. I have every reason to believe we can meet the schedule I have outlined. I believe that Congress owes this to the Nation and must proceed as rapidly as possible, hopefully bringing the administration along, but proceeding in any event to meet our congressional responsibility.

Mr. President, there is one more matter which I should add here, that is, that we expect to concur with the House in passage of a simple extension bill before the June 30, 1973, deadline for FHA and many of our programs. It has been proposed that such an extension bill extend both dates and funding authority, leaving an option to the Appropriations Committees to appropriate funds for fiscal year 1974 to carry certain programs through until the new programs can be implemented on July 1, 1974. I support that plan.

Mr. President, I ask unanimous consent that the two bills I am introducing today, with section-by-section summaries thereof, be printed in the RECORD.

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

S. 1743

A bill to provide Federal revenues to State and local governments and afford them broad discretion in carrying out community development activities

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 "Better Communities Act".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds and declares that—

(1) States and units of general local government are the most appropriate levels of government to develop and to carry out community development programs and activities.

(2) Federal assistance for community development is presently so excessively fragmented and controlled at the Federal level, channeled through so many separate overlapping and independent grant programs, and to so many different special purpose bodies and agencies that it has become an ineffective use of the Federal funds devoted to assistance for community development.

(3) The effectiveness of Federal assistance for community development would be improved by making Federal resources allocated for such purposes available to States and units of general local government to use with broad discretion in light of their evaluation of their own community development needs and the resources available to them to meet those needs.

(b) It is therefore the purpose of this Act to help States and units of general local government to deal more effectively with the broad range of community development concerns by replacing inflexible and fragmented categorical programs of Federal assistance with a simpler, more certain, and more expeditious system of Federal revenue sharing assistance which will encourage the exercise of State and local responsibility.

DEFINITIONS

SEC. 3. (a) As used in this Act—

(1) the term "Secretary" means the Secretary of Housing and Urban Development;

(2) the term "unit of general local government" means any city, municipality, county, town, township, parish, village, or other general purpose political subdivision of a State; a combination of such political subdivisions recognized by the Secretary; the District of Columbia; and the Trust Territory of the Pacific Islands;

(3) the term "State" means any State of the United States; the Commonwealth of Puerto Rico; Guam; Samoa; and the Virgin Islands.

(4) the term "metropolitan area" means a standard metropolitan statistical area as established by the Office of Management and Budget;

(5) the term "metropolitan city" means a city having a population of 50,000 or more or a central city in a metropolitan area;

(6) the term "urban county" means any county which is within a metropolitan area and which has a population of 200,000 or more, excluding the population of metropolitan cities therein;

(7) the term "population" means total resident population based on data compiled by the United States Bureau of the Census and referable to the same point or period in time;

(8) the term "extent of poverty" means the number of persons whose incomes are below the poverty level, as determined by the Secretary pursuant to the definition provided by the Office of Management and Budget, and based on data referable to the same point or period in time;

(9) the term "extent of housing overcrowding" means the number of housing units with 1.01 or more persons per room based on data compiled by the United States Bureau of the Census and referable to the same point or period in time; and

(10) the term "fiscal year" means that period of time extending from July 1 of any calendar year through June 30 of the subsequent calendar year and receiving the numerical designation of the calendar year in which the period ends.

(b) To the extent practicable, the definitions in subsection (a) shall be based upon the most recent data compiled by the United States Bureau of the Census and the latest published circulars of the Office of Management and Budget. The Secretary may by regulation make technical modifications in the terms defined in subsection (a) where necessary to reflect modifications in Bureau of the Census data categories made subsequent to enactment of this Act.

COMMUNITY DEVELOPMENT ACTIVITIES ELIGIBLE FOR ASSISTANCE

SEC. 4. Community development activities for which a recipient may utilize shared Federal revenues provided under this Act may include—

(1) acquisition of real property (including air rights, water rights, and other interests therein) which is (i) blighted, deteriorated, deteriorating, undeveloped, or inappropriately developed from the standpoint of sound community development and growth, (ii) necessary for the preservation

or restoration of historic sites, the beautification of urban land, the conservation of open spaces, natural resources, and scenic areas, the provision of recreational opportunities, or the guidance of urban development, (iii) determined to be appropriate for rehabilitation or conservation activities, (iv) to be used for the provision of public works, facilities, and improvements eligible for assistance under this Act, or (v) for other public purposes;

(2) relocation payments and assistance for individuals, families, businesses, nonprofit organizations, and farm operations displaced by community development activities;

(3) clearance, demolition, removal, and rehabilitation of buildings and improvements (including financing rehabilitation of privately owned properties when incidental to other activities);

(4) acquisition, construction, reconstruction, or installation of public works, facilities, and site or other improvements—including water and sewer facilities, community and neighborhood facilities, historic properties, utilities, streets, street lights, foundations and platforms for air rights sites, pedestrian malls and walkways, parks, and playgrounds;

(5) elimination, by code enforcement and other means, of harmful physical conditions constituting a danger to public health and and safety;

(6) disposition (through sale, lease, donation, or otherwise) of any real property acquired pursuant to this Act or its retention for public purposes; and

(7) the provision of community services (including activities to further the purposes of section 9(a)) which the recipient determines are necessary to achieve its community development objectives.

STATEMENTS OF COMMUNITY DEVELOPMENT ACTIVITIES

SEC. 5. (a) Prior to the first receipt in any fiscal year of funds by any State or by any unit of general local government under Section 7, the recipient of such funds shall have prepared a final statement of community development objectives and projected use of funds for such fiscal year and shall have provided the Secretary with the certification required in the last sentence of this subsection. The statement shall also reflect the degree to which activities assisted under this Act relate to any State and area wide programs and activities for community development. In order to permit public examination and appraisal of community development projects and activities proposed to be carried out with shared revenues, to enhance the public accountability of recipients of funds and to facilitate coordination of activities with different levels of government, at least 60 days prior to preparation of a final statement, a proposed statement shall be published in such manner as to afford the citizens of such State or unit of general local government a reasonable opportunity to examine its content and to submit comments on the proposed statement. In preparing the final statement, the recipient shall consider any such comments and may, if deemed appropriate by the recipient, modify the proposed statement. The final statement shall be made available to the public, and a copy shall be furnished to the Secretary (and, in the case of any recipient unit of general local government, to the Governor of the State in which it is located as well) together with a certification that the recipient is in full compliance wih the publication requirements of this subsection as well as the other provisions of the Act.

(b) With respect to funds to be received in fiscal year 1975, the requirements of subsection (a) may be met by actions taken prior to the effective date of this Act.

(c) Within 60 days after the close of any fiscal year in which the recipient receives funds under this Act, the recipient shall make public and shall forward to the Secretary a report concerning the community development projects or activities paid for or expected to be paid for in whole or in part by funds received under Section 7 which were initiated or carried out during the then preceding fiscal year. The report shall include an assessment of such activities in relation to the community's development objectives.

AUTHORIZATION OF APPROPRIATIONS

SEC. 6. For the purpose of carrying out this Act there are hereby authorized to be appropriated, without fiscal year limitation, such sums as may be necessary for fiscal year 1975 and the four succeeding fiscal years.

ALLOCATION AND DISTRIBUTION OF FUNDS

SEC. 7. (a) (1) From the funds provided in any fiscal year from appropriations to carry out this Act, the Secretary shall pay to each metropolitan city and urban county an aggregate amount equal to the greater of its formula entitlement, as computed under paragraph (2), or its hold-harmless amount, as computed under paragraph (3).

(2) (A) Subject to subparagraph (C), the Secretary shall compute the formula entitlement of each metropolitan city or urban county by allocating 65 per centum of the total of the funds made available in the fiscal year from appropriations to carry out this Act so that each metropolitan city or urban county is allotted an amount which bears the same ratio to such 65 per centum as the average of ratios among—

(i) the population of the city or urban county and that of all metropolitan cities and urban counties;

(ii) the extent of poverty in the city or urban county and that in all metropolitan cities and urban counties; and

(iii) the extent of housing overcrowding in the city or urban county and that in all metropolitan cities and urban counties.

(B) In applying subparagraph (A), the ratio involving the extent of poverty shall be counted twice for purposes of determining the average ratio, and urban counties shall be considered as if they did not include metropolitan cities. For fiscal years 1975 and 1976, in computing entitlements under subparagraph (A), the Secretary shall exclude from urban county data the population, poverty and housing overcrowding data from units of general local government which are located in such counties and which qualify for hold-harmless funds. For fiscal year 1977, he shall exclude two-thirds of such data and for fiscal year 1978 he shall exclude one-third of such data.

(C) During the first three years for which funds are allocated under this Act the entitlement of a metropolitan city or urban county as computed under the two preceding subparagraphs shall be adjusted as provided in this subparagraph if the amount so computed for the first year exceeds the city's or county's hold-harmless amount as determined under paragraph (3) of this subsection. Such adjustment shall be made so that—

(i) the entitlement for the first year equals one-third of the full entitlement computed under subparagraph (A), or the hold-harmless amount, whichever is the greater,

(ii) the entitlement for the second year equals two-thirds of the full entitlement computed under subparagraph (A), or the hold-harmless amount or the amount allowed under clause (i) of this subparagraph, whichever is the greatest, and

(iii) the entitlement for the third year equals the full formula entitlement computed under subparagraph (A).

(3) (A) The hold-harmless amount of each metropolitan city or urban county shall be determined on the basis of prior grants or other assistance the city or county has received. During fiscal years 1975 and 1976, such amount shall be the full amount computed for the city or county in accordance with subparagraph (B) of this paragraph. In fiscal years 1977, 1978 and 1979, if such amount is greater than the formula entitlement of the metropolitan city or urban county for that year, as computed under subparagraph (A) of subsection (a) (2), it shall be reduced so that—

(i) in fiscal year 1977, the excess of hold-harmless over the formula entitlement shall equal two-thirds of the difference between the amount computed under paragraph (B) and the formula entitlement for such year,

(ii) in fiscal year 1978 the excess of hold-harmless over the formula entitlement shall equal one-third of the difference between the amount computed under paragraph (B) and entitlement for such year, and

(iii) in fiscal year 1979 there shall be no excess of hold-harmless over formula entitlement.

(3) (B) The full hold-harmless amount of each metropolitan city or urban county shall be the sum of (i) the sum of the average during the five fiscal years ending prior to July 1, 1972, of (1) commitments for grants pursuant to part A of title I of the Housing Act of 1949; (2) loans pursuant to section 312 of the Housing Act of 1964; (3) grants pursuant to section 702 and 703 of the Housing and Urban Development Act of 1965; (4) loans pursuant to title II of the Housing Amendments of 1955; and (5) grants pursuant to title VII of the Housing Act of 1961; and (ii) the average annual grant made in accordance with part B of title I of the Housing Act of 1949 during fiscal years ending prior to July 1, 1972, or during fiscal year 1973 in the case of a metropolitan city or urban county which first received a grant under part B of title I in such fiscal year. In the case of a metropolitan city or urban county program under section 105 of title I of the Demonstration Cities and Metropolitan Development Act of 1966 which has been funded or extended in fiscal year 1973 for a period ending after June 30, 1973, determinations of the hold-harmless amount of such metropolitan city or urban county shall be made so as to include, in addition to the amounts specified in clauses (i) and (ii) of the preceding sentence, an amount equal to the average annual grant (excluding grants for Planned Variations) made during the fiscal years ending prior to July 1, 1972, in accordance with such section, except that such amount shall be added annually only for a number of years which, when added to the number of funding years for which the city or county received grants under section 105 of title I of the Demonstration Cities and Metropolitan Development Act of 1966, equals five. For the purposes of this subparagraph the average annual grant under part B of title I of the Housing Act of 1949 and section 105 of title I of the Demonstration Cities and Metropolitan Development Act of 1966 shall be established by dividing the total amount of grants made to a participant under the program by the number of months of program activity for which funds were authorized and multiplying the result by twelve.

(C) In making determinations under subparagraph (B), of this paragraph (3), the Secretary, in the case of urban counties, shall exclude grants or other assistance extended to metropolitan cities and other units of local government within those counties. He shall also exclude from determinations under subparagraph (B), grants or loans made to assist in recovery from natural disasters, and grants made to assist in the initial implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act.

(b) (1) From the funds provided in any fiscal year from appropriations to carry out this Act, the Secretary shall pay such hold-harmless amount if any, as may be deter-

minable under subsection (a)(3) to any unit of local government which is not a metropolitan city or urban county, if on June 30, 1974, it was carrying out a model cities program under title I of the Demonstration Cities and Metropolitan Development Act of 1966, or if during fiscal year 1968 or any subsequent fiscal years preceding the date of the enactment of this Act, one or more urban renewal projects or neighborhood development programs were being carried out by such unit of general local government pursuant to commitments for grants or grants entered into or made during such period of fiscal years under title I of the Housing Act of 1949.

(2) In fiscal years 1977, 1978 and 1979, in determining the hold-harmless amount of units of general local government qualifying under this subsection, the third sentence of subparagraph (A) of subsection (a)(3) shall be applied as though such units were metropolitan cities or urban counties with entitlements of zero.

(c)(1) From the funds available from appropriations to carry out this Act that are not paid in any fiscal year to metropolitan cities, urban counties or other units of general local government (other than funds that are not paid and become available for other uses in fiscal year 1977 and subsequent fiscal years solely by virtue of the operation of the third sentence of paragraph (A) of subsection (a)(3), which funds shall be allotted in accordance with subsection (e) of this section), the Secretary shall pay to States 90 per centum of such funds in accordance with paragraph (2) of this subsection. The sums paid to any State under this subsection shall be available for use for community development purposes in that State, subject to the provisions of paragraph (3).

(2)(A) From the amounts allocated under paragraph (1), the Secretary shall pay to each State an amount which bears the same ratio to the amount available for allocation to all States as the average of ratios among—

(i) the population of metropolitan areas in the State and that in metropolitan areas in all States;

(ii) the extent of poverty in metropolitan areas in the State and that in metropolitan areas in all States; and

(iii) the extent of housing overcrowding in metropolitan areas in the State and that in metropolitan areas in all States.

(B) In applying subparagraph (A), the ratio involving the extent of poverty shall be counted twice in determining the average of ratios, and metropolitan areas shall be considered as though they did not include metropolitan cities.

(3) To receive funds under this subsection a State must certify through its Governor that in the distribution or use of funds there will be made available to units of general local government in each metropolitan area, with no deduction for State administrative costs, an amount which is equal to at least 50 per centum of the amount, if any, of the allocation to the State under paragraph (2) which is attributable to inclusion of data pertaining to population, poverty and housing overcrowding in that metropolitan area. Funds not used in or made available to particular metropolitan areas pursuant to the preceding sentence shall be available for distribution by the Governor to units of general local government in the State and may also be used, in a reasonable amount, subject to regulations of the Secretary, for administrative expenses incurred by the State in carrying out this Act.

(4) In the case of a metropolitan area extending to two or more States, the portion of such area in each State shall be deemed a metropolitan area for purposes of this subsection.

(d) The funds made available from appropriations for carrying out this Act which are not provided for and used pursuant to any of the preceding subsections of this section, of which are allotted but not paid pursuant to subsection (e)(2) of this section, shall be available to the Secretary for payments to States and units of general local government, subject to such terms and conditions as he may prescribe, or for such other uses as the Secretary may determine are consistent with the purposes of this Act including evaluation, directly or by contract or otherwise, of the use of shared revenues disbursed under this Act.

(e) Funds which become available in fiscal year 1977 and subsequent fiscal years by virtue of the third sentence of paragraph (A) of subsection (a)(3) shall be allotted as follows:

(1) Ten per centum of such sums shall be allotted to the Secretary for use in accordance with subsection (d) of this section;

(2) The balance of such sums shall be allotted so that—

(A) one-third is allotted among metropolitan cities and urban counties in the same manner as funds are allotted under subparagraph (A) of subsection (a)(2);

(B) one-third shall be allotted among the States in the same manner as funds are allotted under paragraph (A) of subsection (c)(2) but without regard to the exclusion for metropolitan cities provided for in subparagraph (B) of such subsection, and shall be available in each State for distribution only in metropolitan areas, with each such area being entitled to the amount of the State's allotment which is attributable to inclusion of data pertaining to population, poverty and housing overcrowding in that metropolitan area;

(C) one-third shall be allotted among the States in the same manner as funds are allotted under clause (B) of this paragraph (2) and shall be available to the Governors for distribution to any unit of general local government and for other uses in accordance with the second sentence of subsection (c)(3).

(3) No amount allotted under paragraph (2)(A) of this subsection shall be paid in any fiscal year to any metropolitan city or urban county if such payment would result in such city or county receiving an aggregate amount pursuant to this subsection and subsection (a) of this section which is in excess of its full hold-harmless amount as computed under subparagraph (B) of subsection (a)(3), except that this limitation shall not apply with respect to any city or county if the sum of the amount allotted under such paragraph (2)(A) and the formula entitlement as computed under subparagraph (A) of subsection (a)(2) exceeds such full hold-harmless amount.

(f) All computations and determinations by the Secretary under this section shall be final and conclusive.

LOANS

SEC. 8. Nothing in this Act shall be deemed to prohibit a unit of general local government from obtaining loans to finance any community development activity, and from pledging, or offering as security for a loan, any asset which it otherwise has authority to pledge or offer as security.

NONDISCRIMINATION

SEC. 9. (a) No person in the United States shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this Act.

(b) Whenever the Secretary determines that a recipient has failed to comply with subsection (a) or an applicable regulation, he shall notify the Governor of the State or, in the case of a unit of general local government which has not received shared revenues from the State, the chief executive of such unit of local government, of the noncompliance and shall request the Governor or the chief executive officer to secure compliance. If within a reasonable period of time, not to exceed 60 days, the Governor or the chief executive officer fails or refuses to secure compliance, the Secretary is authorized (1) to refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; (2) to exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); (3) to exercise the powers and functions provided for in section 15 of this Act; or (4) to take such other action as may be provided by law.

(c) When a matter is referred to the Attorney General pursuant to subsection (b), or whenever he has reason to believe that a State government or unit of local government is engaged in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

LABOR STANDARDS

SEC. 10. All laborers and mechanics employed by contractors or subcontractors in the performance of work on any construction project financed in whole or in part with shared revenue funds received 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). This section shall apply to the construction of residential property only if such residential property is designed for residential use for twelve or more families. 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 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276(c)).

MATCHING GRANTS

SEC. 11. (a) Funds provided under this Act may be used by a recipient as its non-Federal share under any Federal program providing assistance for community development activities.

(b) Neither the Secretary nor any State shall require any matching or other expenditure of State or local funds as a condition to assistance under this Act.

USE OF SHARED REVENUE TO CLOSE OUT URBAN RENEWAL PROJECTS

SEC. 12. The Secretary is authorized, notwithstanding any other provision of title I of the Housing Act of 1949, or of this Act, to terminate any urban renewal project being carried out under such title as soon as practicable after consultation with the agency carrying out the project and the chief executive of the locality in which it is located, and to effect a financial closeout as if the project had been fully completed on the termination date. Any funds available to such project at the time of closeout will continue to be available to the unit of general local government for the area in which the project is located for use in meeting its statement of community development objectives and projected use of funds. Such closeout shall be based upon the costs incurred and capital grants earned for the project to the date of termination. If such closeout does not result in full repayment of the principal of, and accrued interest on, any temporary loans made under title I for the project, the Secretary is authorized, notwithstanding any other provision of this act, to condition distribution of funds pursuant to section 7 of this Act to the unit of general local government for the area in which the project is located, upon

the use of such funds, in such amounts, and staged over such time periods as the Secretary deems appropriate, to repay such temporary loans.

RECORDS, AUDIT, AND REPORTS

SEC. 13. In order to assure that revenues shared under this Act are used in accordance with its provisions, each recipient shall—

(1) use such fiscal, audit, and accounting procedures as may be necessary to assure (A) proper accounting for payments received by it, and (B) proper disbursement of such payments;

(2) provide to the Secretary and the Comptroller General of the United States access to, and the right to examine, any books, documents, papers, or records as he requires; and

(3) make such reports to the Secretary or the Comptroller General of the United States as he requires.

RELOCATION

SEC. 14. (a) Sec. 217 of the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 (42 U.S. 4601) is amended by—

(1) Striking out "or" after "Housing Act of 1949, as amended"; and

(2) adding, "or as a direct result of any community development activities, 25 percent or more of the cost of which is paid for with shared revenue funds received under the Better Communities Act" after "Demonstration Cities and Metropolitan Development Act of 1966".

(b) *Notwithstanding* section 211 of the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 (42 U.S.C. 4601) or any other provision of law, no Federal contribution in addition to shared revenue funds under this title shall be made to recipients for costs incurred in providing relocation payments and assistance for those displaced by community development activities assisted under this Act.

REMEDIES FOR NONCOMPLIANCE

SEC. 15. (a) If the Secretary, after reasonable notice and opportunity for hearing finds that a recipient of revenues shared under this Act has failed to comply substantially with any provision of this Act, the Secretary, until he is satisfied that there is no longer any such failure to comply, shall—

(1) terminate payments to such State under this Act, or

(2) reduce payments under this Act by an amount equal to the amount of such payments which were not expended in accordance with this Act, or

(3) limit the availability of payments under this Act to programs, projects, or activities not affected by such failure to comply.

(b)(1) In lieu of, or in addition to, any action authorized by subsection (a), the Secretary may, if he has reason to believe that a recipient has failed to comply substantially with any provision of this Act, refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted.

(2) Upon such a referral the Attorney General may bring a civil action in any United States district court having venue thereof for such relief as may be appropriate, including an action to recover revenues shared under this Act which were not expended in accordance with it, or for mandatory or injunctive relief.

(c)(1) Any recipient which receives notice, under subsection (a), of the termination, reduction, or limitation of revenues shared may, within sixty days after receiving such notice, file with the United States Court of Appeals for the circuit in which such State is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the Secretary's action. The petitioner shall forthwith transmit copies of the petition to the Secretary and the Attorney General of the United States, who shall represent the Secretary in the litigation.

(2) The Secretary shall file in the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28, United States Code. No objection to the action of the Secretary shall be considered by the court unless such objection has been urged before the Secretary.

(3) The court shall have jurisdiction to affirm or modify the action of the Secretary or to set it aside in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may order additional evidence to be taken by the Secretary, and to be made part of the record. The Secretary may modify his findings of fact, or make new findings, by reason of the new evidence so taken and filed with the court, and he shall also file such modified or new findings, which findings with respect to questions of fact shall be conclusive if supported by substantial evidence on the record considered as a whole, and shall also file his recommendations, if any, for the modification or setting aside of his original action.

(4) Upon the filing of the record with the court, the jurisdiction of the court shall be exclusive and its judgment shall be final, except that such judgment shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

GENERAL PROVISIONS

SEC. 16. (a) The Secretary shall prescribe such rules, regulations, and standards as may be necessary to carry out the purposes and conditions of this Act.

(b) The Secretary shall include an evaluation of the effectiveness of this Act in his annual report to the President on departmental activities required by section 8 of the Department of Housing and Urban Development Act.

(c) Each recipient shall provide for the expenditure of amounts received under this Act only in accordance with the laws and procedures applicable to the expenditures of its own revenues.

CONFORMING AND TECHNICAL AMENDMENTS

SEC. 17. (a) This Act shall be effective upon enactment but no funds shall be allocated under section 7 for any year prior to fiscal year 1975.

(b) Except with respect to projects and programs for which funds have been previously committed, no new grants or loans shall be made under (1) section 312 of the Housing Act of 1964, (2) section 702 or section 703 of the Housing and Urban Development Act of 1965, (3) loans pursuant to title II of the Housing Amendments of 1955, (4) title VII of the Housing Act of 1961, or (5) title I of the Demonstration Cities and Metropolitan Development Act of 1966. After June 30, 1974, no new grants or loans shall be made under title I of the Housing Act of 1949 except with respect to projects or programs for which funds have been committed on or before such date.

(c) Section 3689 of the Revised Statutes, as amended (31 U.S.C. 711), is amended by adding at the end thereof a new paragraph as follows:

"(22) For payments required from time to time under contracts entered into pursuant to section 103(b) of the Housing Act of 1949, as amended, with respect to projects or programs for which funds have been committed on or before June 30, 1974, and for which funds have not previously been appropriated."

(d) The Secretary is authorized to transfer the assets and liabilities of any superseded or nonactive program of housing or urban development to the revolving fund for liquidating programs established pursuant to title II of the Independent Offices Appropriation Act of 1955 (Public Law 81-428; 68 Stat. 272, 295).

S. 1744

A bill to provide Federal assistance to local governments in support of community development activities

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Community Development Assistance Act of 1973".

FINDINGS AND PURPOSE

SEC. 2. (a)(1) The Congress finds and declares that the Nation's cities, towns, and smaller urban communities face critical social, economic, and environmental problems arising from, in significant measure—

(A) the growth of population in metropolitan and other urban areas, and the concentration of persons of lower income in central cities; and

(B) inadequate public and private investment and reinvestment in housing and other physical facilities, and related public and social services, resulting in the growth and persistence of urban slums and blight, and the marked deterioration of the quality of the urban environment.

(2) The Congress further finds and declares that the future welfare of the Nation and the well-being of its citizens depend on the establishment and maintenance of viable urban communities as social, economic, and political entities, and requires—

(A) systematic and sustained action by local governments to eliminate blight, to conserve and renew older urban areas, and to develop new centers of population growth and economic activity;

(B) substantial expansion of the scope and level of Federal assistance and increased continuity of programs in support of community development activities; and

(C) continuing effort at all levels of government to streamline program procedures and improve the functioning of agencies responsible for planning, implementing, and evaluating community development efforts.

(b) The purpose of this Act is to meet the requirements referred to in subsection (a) by improving the present system of Federal assistance for community development. Improvement is to be accomplished chiefly through—

(1) simplifying and consolidating various existing categorical programs, replacing them with a single, more comprehensive community development assistance program; and

(2) authorizing a new financial assistance program which is intended to assure greater continuity of Federal support and to increase public and private investment in community development.

The improved program of Federal assistance provided in this Act is designed to support community development activities which are directed toward—

(A) conserving and expanding the Nation's housing stock in order to provide a decent home and a suitable living environment for every American;

(B) eliminating slums and preventing the deterioration of property and facilities which significantly affect the general welfare of the community;

(C) achieving more rational utilization of land and other natural resources, and the better arrangement of residential, commercial, industrial, recreational, and other needed activity centers;

(D) expanding and improving the quantity and quality of community services which are essential for sound community development and for the development of viable urban communities;

(E) restoring and preserving urban prop-

erties of special value for historic, architectural, or esthetic reasons; and

(F) eliminating conditions which are detrimental to health, safety, and public welfare, through code enforcement, demolition, interim rehabilitation assistance, and related activities.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "Secretary" means the Secretary of Housing and Urban Development.

(2) The term "community development agency" means any State or unit of general local government.

(3) The term "State" means any State of the United States; the Commonwealth of Puerto Rico; the Trust Territory of the Pacific Islands; the territories and possessions of the United States; and Indian tribes, bands, groups, and nations, including Alaska Indians, Aleuts, and Eskimos, of the United States.

(4) The term "unit of general local government" means any city, municipality, county, town, township, parish, village, or other general purpose political subdivision of a State; a consortium of such political subdivisions recognized by the Secretary; and the District of Columbia. One or more public agencies, including existing local public agencies, may be designated by a unit of general local government to undertake the community development program in whole or in part.

(5) The term "metropolitan areas" means the standard metropolitan statistical areas, as established by the Office of Management and Budget.

(6) The term "metropolitan city" means a city within a metropolitan area which is the central city of such metropolitan area, as defined by the Office of Management and Budget, or which is a city having a population of fifty thousand or more.

(7) The term "population" means the total resident population based on data compiled by the Bureau of the Census and referable to the same point or period in time.

(8) The term "extent of poverty" means the number of persons (or alternatively, the number of families and unrelated individuals) whose incomes are below the poverty level, as determined pursuant to criteria provided by the Office of Management and Budget, and based on data referable to the same point or period in time.

(9) The term "extent of housing overcrowding" means the number of housing units with 1.01 or more persons per room based on data compiled by the Bureau of the Census and referable to the same point or priod in time.

(10) The term "extent of program experience" means the sum of the average, during the five fiscal years preceding the date of enactment of this chapter, of (A) loans pursuant to title II of the Housing Amendments of 1955. (B) grants pursuant to title VII of the Housing Act of 1961, (C) advances pursuant to section 702 of the Housing Act of 1954, (D) grants pursuant to title VII of the Housing and Urban Development Act of 1965, and (E) grants pursuant to title I of the Housing Act of 1949.

COMMUNITY DEVELOPMENT ACTIVITIES ELIGIBLE FOR ASSISTANCE

SEC. 4. Community development activities assisted under this Act shall further the purposes set forth in section 2 and may include—

(1) acquisition in whole or in part by purchase, lease, donation, or otherwise, of real property (including air rights, and other interests therein) which is necessary to achieve the objectives set forth in the community development program and is (i) blighted, deteriorated, deteriorating, undeveloped, or inappropriately developed from the standpoint of sound community development and growth, (ii) determined to be appropriate for rehabilitation or conservation activities, (iii) necessary for the preservation of restoration of historic sites, the beautification of urban land, the conservation of open spaces, natural resources and scenic areas, the provision of recreational opportunities, or the guidance of urban development, (iv) to be used for the provision of public works, facilities, and improvements eligible for assistance under this Act, or (v) to be used for other public purposes, including the conversion of land to other uses where necessary or appropriate to a community development program;

(2) disposition (through sale, lease, donation, or otherwise) at its fair value for uses in accordance with the community development program of any real property in whole or in part acquired pursuant to this Act, or its retention for public purposes;

(3) clearance, demolition, and removal of buildings and improvements in whole or in part;

(4) acquisition, construction, reconstruction, or installation of, community facilities and site or other improvements necessary to achieve the objectives of the community development program, including water and sewer facilities, neighborhood facilities, fire-protection services and facilities, historic properties and beautification areas, streets, utilities, street lights, foundations and platforms for air right sites, pedestrian malls and walkways, parks, playgrounds and recreation facilities, and other similar and necessary improvements required for the execution of a community development program;

(5) designing and providing interim financing for the construction of public facilities, other than facilities, encompassed within the provisions of paragraph (4), which are necessary or apppropriate to a community development program;

(6) relocation payments and assistance for individuals, families, businesses, nonprofit organizations, and farm operations displaced or temporarily dislocated by community development activities;

(7) conservation and rehabilitation of existing properties and facilities through code enforcement, interim assistance, or other programs of rehabilitation; or the elimination of slums and harmful physical conditions which constitute a danger to public health and safety through demolition or other activities;

(8) development or redevelopment of surplus real property within the meaning of the Federal Property and Administrative Services Act of 1949 acquired pursuant to section 414 of the Housing and Urban Development Act of 1969, or otherwise;

(9) provision of technical or financial assistance to persons or organizations providing necessary or appropriate services, including advisory services, to the planning and execution of a community development program;

(10) provision, where necessary or appropriate to the execution of a community development program, of grants or loans for the rehabilitation and conservation of properties;

(11) provision of necessary or appropriate additional public services when not otherwise available which are directed toward (i) improving the community's public services and facilities, including those concerned with the employment, health, drug abuse, education, welfare, or recreation needs of persons residing in areas in which community development activities are being carried out, and (ii) coordinating public and private development programs;

(12) payment of administrative costs and carrying charges related to the planning, execution, and evaluation of community development programs;

(13) payment of financial incentives (not to exceed 15 per centum of the total Federal contribution to the cost of the facilities involved) to encourage the timely construction of public facilities, such as schools and libraries, which are not otherwise eligible and are required for the execution of a community development program;

(14) carrying out unspecified local-option activities, necessary or appropriate to the conduct of a community development program, in an amount not to exceed 10 per centum of the total annual grant authorized for a locality under this Act; and

(15) payment of the Federal share of the cost of completing a project funded under title I of the Housing Act of 1949.

AUTHORIZATIONS

SEC. 5. (a) To finance grants under this Act, the Secretary is authorized to incur obligations on behalf of the United States in the form of grant agreements or otherwise in amounts aggregating such sum not exceeding $5,900,000,000 as is approved in an appropriation Act. The amount so approved shall become available for obligation on July 1, 1974, and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligation incurred under this section not to exceed $2,700,000,000 prior to July 1, 1975, which amount may be increased to not to exceed aggregate of $5,900,000,000 prior to July 1, 1976. Sums so appropriated shall remain available until expended.

(b) The Secretary shall report annually to the Congress with respect to outstanding grants or other contractual agreements executed pursuant to subsection (a). To assure program continuity and orderly planning, the Secretary shall submit to the Congress timely requests for increased authorizations for the fiscal years commencing after June 30, 1976, and concurrently with those authorization requests he shall submit his recommendations for any necessary adjustments in the schedule for liquidation of obligations.

ALLOCATION OF FUNDS; BASIC GRANT ENTITLEMENT; REPORT

SEC. 6. (a) Of the amount approved in an appropriation Act pursuant to section 5 and available for obligation, 75 per centum shall be allocated by the Secretary to metropolitan areas. Except as provided in subsection (d), each metropolitan city shall be eligible for annual grants in an aggregate amount at least equal to the greater of its basic grant entitlement amount computed pursuant to subsection (b), or its hold-harmless amount computed pursuant to subsection (c).

(b)(1) The Secretary shall allocate for each metropolitan area an amount which bears the same ratio to the allocation for all metropolitan areas as the average of the ratios between—

(A) the population of the metropolitan area and that of all metropolitan areas;

(B) the extent of poverty in the metropolitan areas;

(C) the extent of housing overcrowding in the metropolitan area and that in all metropolitan areas; and

(D) the extent of program experience in the metropolitan area and that in all metropolitan areas.

(2) From the amount allocated to each metropolitan area, the Secretary shall determine for each metropolitan city therein a basic grant entitlement amount for that city which shall equal an amount which bears the same ratio to the allocation for the metropolitan area as the average of the ratios between—

(A) the population of the metropolitan city and that of the metropolitan area;

(B) the extent of poverty in the metropolitan city and that in the metropolitan area;

(C) the extent of housing overcrowding in the metropolitan city and that in the metropolitan area; and

(D) the extent of program experience in the metropolitan city and that in the metropolitan area.

(3) In determining the average of ratios under paragraph (1) or paragraph (2), the ratio involving the extent of poverty shall be counted twice.

(c) The Secretary shall determine the hold-harmless amount for each metropolitan city, which shall be an amount equal to the sum of (1) the sum of the average, during the five fiscal years preceding the date of enactment of this Act, of (A) loans pursuant to title II of the Housing Amendments of 1955, (B) grants pursuant to title VII of the Housing Act of 1961, (C) advances pursuant to section 702 of the Housing Act of 1954, (D) grants pursuant to title VII of the Housing and Urban Development Act of 1965, and (E) grants pursuant to part A of title I of the Housing Act of 1949; and (2) the average annual grant made in accordance with part B of title I of the Housing Act of 1949.

(d) Whenever the Secretary determines that a metropolitan city would have except for the provisions of this subsection a basic grant entitlement for the first year in an amount exceeding 135 per centum of the city's hold-harmless amount, as determined under subsection (c), he shall adjust the amount of such basic grant entitlement over a period not exceeding three years, so that the city's basic grant entitlement will be increased, by such steps as the Secretary determines to be equitable and feasible, from the hold-harmless amount up to the full basic grant entitlement of the city. Any amounts not used by virtue of the operation of the preceding sentence shall be available for use by the Secretary pursuant to subsection (g)(3).

(e) The remainder of the allocation for each metropolitan area shall be allocated by the Secretary to community development agencies within that metropolitan area, taking into consideration such factors as population, extent of poverty, extent of overcrowding, extent of program experience, and other social and fiscal conditions prevailing in the metropolitan area. Any portion of the remainder of the allocation for each metropolitan area unused at the end of the fiscal year for which it was allocated shall be available for use within metropolitan areas.

(f) Any unit of general local government which is not a metropolitan city shall be eligible for annual grants in an aggregate amount at least equal to the hold-harmless amount for that locality as computed under the provisions of subsection (c), if, during the five years preceding the date of enactment of this Act, one or more urban renewal projects or neighborhood development programs were being carried out in such locality and assisted (or with respect to which commitments for assistance have been entered into) under title I of the Housing Act of 1949.

(g) Amounts which are not allocated under subsection (a), or which are allocated but rejected by the recipient or disapproved by the Secretary under section 7, shall be allocated by the Secretary in aid of community development activities to be undertaken by community development agencies in—

(1) localities outside metropolitan areas where such use of funds is necessary to comply with subsection (f);

(2) other localities outside metropolitan areas; and

(3) localities within metropolitan areas where such use of funds is necessary to comply with subsection (a) or (f).

(h) If at the time the Secretary computes the amount of any allocation or the amount of any annual grants to which a community development agency is entitled under this Act, the full amount of funds authorized to be appropriated are not available for obligation as prescribed in section 5(a), the Secretary may (notwithstanding any other provision of this Act) make such adjustment in that computation as he deems desirable to maintain a distribution of funds consistent with the objectives of this Act.

(i) Not later than September 1, 1975, the Secretary shall make a report to the Congress setting forth such recommendations as he deems advisable, in furtherance of the purposes and policy of this Act, for modifying or expanding the provisions of this Act relating to the method and level of funding and the allocation of funds, and the determination of the basic grant entitlement, and for the application of such provisions in the future distribution of funds under this Act.

GENERAL REQUIREMENTS APPLICABLE TO THE GRANTING OF FINANCIAL ASSISTANCE

SEC. 7. (a) Financial assistance shall be granted under this Act only upon the basis of an annual application by a community development agency. Each application shall contain the following:

(1) An outline of community development needs and objectives, and the actions to be taken during the next three-year period—

(A) to meet the housing needs and needs arising from the installation or relocation of Government facilities, including replacement and relocation needs, of families who may reasonably be expected to seek housing in the community, particularly those families with low or moderate income;

(B) to prevent and eliminate slums and blight, and upgrade neighborhood environments through renewal, code enforcement, and other community improvement programs; and

(C) to improve and upgrade community services and facilities to meet the social needs of residents in areas affected by community development activities.

(2) A description of the activities to be undertaken over the next two-year period which are designed to meet community development objectives and their estimated costs, the general location of these activities, and any requirements for federally assisted housing units and rehabilitation loans.

(3) A certification that the applicant—

(A) has determined that activities to be carried out under the community development program are consistent with local and areawide comprehensive development plans and national growth policies;

(B) has afforded or will afford an adequate opportunity for public hearings prior to any acquisition of private land included in the proposed development activities pursuant to reasonable prior notice; and

(C) has afforded adequate opportunity for citizen participation in the development of the annual application and has provided for the meaningful involvement of the residents of areas in which community development activities are to be concentrated in the planning and execution of these activities, including the provision of adequate information and resources.

(4) A report concerning the community development activities which were carried out during the previous calendar year and their costs, including an assessment of such activities in relation to the community's development objectives.

(b) The Secretary may waive all or part of the requirements contained in subsection (a), if (1) the application for assistance is in behalf of a locality having a population of less than 25,000 according to the most recent data compiled by the Bureau of the Census which is located either (i) outside a standard metropolitan statistical area, or (ii) inside such an area but outside an "urbanized area" as defined by the Bureau of the Census (or as such definition is modified by the Secretary for purposes of this Act), (2) the application relates to the first community development activity to be carried out by such locality with assistance under this Act, (3) the assistance requested is for a single development activity under this Act of a type eligible for assistance under the provisions of law referred to in clauses (1) through (4) of section 15(b), and (4) the Secretary determines that, having regard to the nature of the activity to be carried out, such waiver is not inconsistent with the purposes of this Act.

(c)(1) The Secretary shall make his determination with respect to any application and give written notice of his approval or disapproval within ninety days after submission of the application. Each application providing for continuation or revision of an ongoing community development program shall be deemed approved by the Secretary within ninety days after submission, unless the the Secretary notifies the applicant in writing of his disapproval of the application, or any part thereof, setting forth the reasons therefor with respect to performance by the community development agency or the eligibility of proposed activities.

(2) Except as otherwise specifically provided, no application for financial assistance under this Act shall be approved by the Secretary unless he has concluded that the community has (A) set forth a meaningful program to meet its urgent development needs to achieve the purposes of this Act, and (B) carried out its contractual commitments pursuant to any previous applications.

(3) Upon approval of any application, the Secretary shall reserve funds, to the extent he deems it to be necessary and feasible, to meet the housing requirements specified in the application.

GRANTS

SEC. 8. (a) The Secretary is authorized to make grants to assist community development agencies in carrying out community development activities. Such grants shall be made pursuant to contracts providing for payments with respect to activities to be carried out over a period of two years. Except as otherwise herein provided, the amount of any such grant to any such agency shall not exceed 90 per centum of the total net program cost as determined by the Secretary. In any case where the execution of a community development program involves the making of rehabilitation grants or relocation payments, any grant made to any such agency may be increased, notwithstanding any other provision of law but subject to the limitations prescribed in section 6, to include the full costs of making such rehabilitation grants and, in the case of relocation payments, the full costs of making such payments but not to exceed $25,000 for any displaced person as such term is defined in section 101(6) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The Secretary shall require that any part of the total net program cost which is to be provided by local or other non-Federal sources shall consist of cash grants, the cash value of donated property, or public improvements or services at their costs, contributed by such sources in furtherance and as part of the community development program for which Federal assistance is made available under this Act.

(b) In determining the total cost of carrying out any community development activity there shall be excluded that part of such cost as is payable under any other Federal grant program.

(c) As used in subsection (a), the term "rehabilitation grant" means a grant not exceeding $4,000 made to a low-income individual or family who owns and occupies real property and only for the purpose of covering the cost of repairs and improvements necessary to make such real property conform to public standards for decent, safe, and sanitary housing as required by applicable codes or requirements of the community development program.

LOANS

SEC. 9. (a) (1) After June 30, 1974, the Secretary is authorized to make loans to community development agencies to provide financing for planning and operating activities pending the receipt by such agencies of grant assistance under section 8 and to provide interim financing for activities authorized under section 4(5).

(2) Loans under this subsection shall bear interest at such rates (not less than the applicable going Federal rate, as defined in section 110(g) of the Housing Act of 1949), and shall be secured in such manner and be repaid within such period of time as the Secretary shall prescribe.

(3) (A) To obtain funds for advances and loan disbursements under this subsection, the Secretary may issue and have outstanding at any one time notes or other obligations for purchase by the Secretary of the Treasury in an amount which shall not, unless authorized by the President, exceed $1,500,000,000. For the purpose of establishing unpaid obligations as of a given date against the authorization contained in the preceding sentence, the Secretary shall estimate the maximum amount to be required to be borrowed from the Treasury and outstanding at any one time with respect to loan commitments in effect on such date.

(B) Notes or other obligations issued by the Secretary under this paragraph (3) shall be in such forms and denominations, have such maturities, and be subject to such terms and conditions as may be prescribed by the Secretary, with the approval of the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average rate on outstanding marketable obligations of the United States as of the last day of the month preceding the issuance of such notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations of the Secretary issued under this paragraph (3) and for such purpose is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such Act, as amended, are extended to include any purchases of such notes and other obligations. The Secretary of the Treasury may at any time sell any of such notes or other obligations so acquired. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

(b) Section 312(a)(1) of the Housing Act of 1964 is amended—

(1) by striking out the colon at the end of subparagraph (C) and inserting in lieu thereof "; or"; and

(2) by adding at the end thereof a new subparagraph as follows:

"(D) the property is determined to require rehabilitation, and such rehabilitation is necessary or appropriate to the execution of an approved community development program under the Community Development Assistance Act of 1973;".

CONSULTATION

SEC. 10. In carrying out the provisions of this Act, including the issuance of regulations, the Secretary shall consult with other departments and agencies administering Federal grant-in-aid programs.

TECHNICAL ASSISTANCE

SEC. 11. (a) The Secretary is authorized to undertake such activities as he determines to be desirable to provide technical assistance to smaller communities to assist such communities in planning, developing, and administering community development programs. Such assistance may be furnished either directly or by contracts or other arrangements, including contracts or arrangements with rural development and area planning agencies. The Secretary may utilize for demonstration purposes smaller communities carrying out meritorious programs involving community development, or comprehensive city demonstration programs under title I of the Demonstration Cities and Metropolitan Development Act of 1966.

(b) Not later than one hundred and eighty days after the date of enactment of this Act, the Secretary shall make a report to the Congress setting forth his findings and recommendations with respect to—

(1) existing and recommended Federal, State, and local programs relating to community development in smaller communities;

(2) the significance of such programs in assisting the larger urban areas to solve their acute problems by reducing population density;

(3) the need for unified Federal agency coordination, control, or direction of such programs;

(4) the extent to which the Department of Housing and Urban Development should participate in such coordination, control, or direction, and the manner and method of achieving that participation; and

(5) the appropriate allocation of Federal funds for community development in smaller communities and in the larger urban areas.

(c) As used in this section, the term "smaller communities" means any municipality or other political subdivision having a population of fifty thousand or less according to the most recent census.

LABOR STANDARDS

SEC. 12. The provisions of section 109 of the Housing Act of 1949 shall be applicable in the administration of the authority conferred by this Act.

UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

SEC. 13. Section 217 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is amended—

(1) by striking out "or" after "Housing Act of 1949, as amended," and

(2) by adding after "Demonstration Cities and Metropolitan Development Act of 1966" the following: ", or as a direct result of any community development activity assisted under the Community Development Assistance Act of 1973".

INTERSTATE AGREEMENTS

SEC. 14. The consent of the Congress is hereby given to any two or more States to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative effort and mutual assistance in support of community development planning and programs carried out under this Act as they pertain to interstate areas and to localities within such States, and to establish such agencies, joint or otherwise, as they may deem desirable for making such agreements and compacts effective.

EFFECTIVE DATE; TRANSITIONAL TERMINATION OF EXISTING PROGRAMS

SEC. 15. (a) This Act takes effect on the date of its enactment.

(b) After June 30, 1974, no new grants or loans shall be made (except with respect to projects or programs for which funds have been committed on or before that date) pursuant to—

(1) title II of the Housing Amendments of 1955;

(2) title VII of the Housing Act of 1961;

(3) section 702 of the Housing Act of 1954;

(4) title VII of the Housing and Urban Development Act of 1965; and

(5) title I of the Housing Act of 1949.

(c) Section 3689 of the Revised Statutes, as amended (31 U.S.C. 711), is amended by adding at the end thereof a new paragraph as follows:

"(22) For payments required from time to time under contracts entered into pursuant to section 103(b) of the Housing Act of 1949 with respect to projects or programs for which funds have been committed on or before June 30, 1974, and for which funds have not previously been appropriated."

(d) The Secretary is authorized to transfer the assets and liabilities of any superseded or nonactive program of housing or urban development to the revolving fund for liquidating programs established pursuant to title II of the Independent Offices Appropriation Act of 1955 (Public Law 81-428; 68 Stat. 272, 295).

SECTION-BY-SECTION SUMMARY—BETTER COMMUNITIES ACT

To provide Federal revenues to State and local governments and afford them broad discretion in carrying out community development activities.

SECTION 1. *Short Title.*

This section would provide that this Act may be cited as the "Better Communities Act."

SECTION 2. *Statement of Findings and Purpose.*

This section would set forth Congressional findings and declarations that:

(1) States and units of general local government are the most appropriate levels of government to develop and carry out community development programs and activities.

(2) The current method of distributing Federal assistance for community development is seriously deficient because it is so excessively fragmented and controlled at the Federal level, and channeled through so many separate, overlapping and independent grant programs, to so many different special purpose bodies and agencies, that it has become an ineffective use of the Federal funds involved.

(3) The effectiveness of community development would be improved by making Federal resources for such purposes available to States and units of general local government to use with broad discretion in evaluating their community development needs and allocating resources to meet those needs.

Section (b) would declare, therefore, that it is the purpose of the Act to help States and units of general local government to deal more effectively with the broad range of community development concerns by replacing inflexible and fragmented categorical programs of Federal assistance with a more efficient system of Federal revenue sharing assistance which will encourage the exercise of State and local responsibility.

SECTION 3. *Definitions.*

Subsection (a) would define certain terms as follows:

(1) "Secretary" would mean the Secretary of Housing and Urban Development;

(2) "Unit of general local government" would mean any city, municipality, county, town, township, parish, village, or other general purpose political subdivision of a State; a combination of such political Subdivisions recognized by the Secretary; the District of Columbia; and the Trust Territory of the Pacific Islands;

(3) "State" would mean any State of the United States; the Commonwealth of Puerto Rico; Guam; Samoa; and the Virgin Islands.

(4) "Metropolitan area" would mean a standard metropolitan statistical area as established by the Office of Management and Budget;

(5) "Metropolitan city" would mean a city having a population of 50,000 or more or a central city in a metropolitan area;

(6) "Urban county" would mean any county which is within a metropolitan area and which has a population of 200,000 or more, excluding the population of metropolitan cities therein;

(7) "Population" would mean total resident population based on data compiled by the United States Bureau of the Census and referable to the same point or period in time;

(8) "Extent of poverty" would mean the number of persons whose incomes are below the poverty level, as determined by the Secretary pursuant to the definition provided by the Office of Management and Budget, and based on data referable to the same point or period in time;

(9) "Extent of housing overcrowding" would mean the number of housing units with 1.01 or more persons per room based on data compiled by the United States Bureau of the Census and referable to the same point or period in time; and

(10) "Fiscal year" would mean that period of time extending from July 1 of any calendar year through June 30 of the subsequent calendar year and receiving the numerical designation of the calendar year in which the period ends.

Subsection (b) would provide that to the extent practicable, the definitions in subsection (a) must be based upon the most recent data compiled by the United States Bureau of the Census and the latest published circulars of the Office of Management and Budget. The Secretary would be authorized to make technical modifications in the terms defined in subsection (a) by regulation where necessary to reflect modifications in Bureau of the Census data categories made subsequent to enactment of the Act.

SECTION 4. *Community Development Activities Eligible for Assistance.*

This section would set forth the community development activities for which shared Federal revenues provided under this Act may be used.

These activities may include:

(1) acquisition of real property (including interests therein) which is blighted or inappropriately developed, needed for public or community facilities, historic preservation, beautification, conservation, recreation, the guidance of urban development, or for other public purposes;

(2) relocation payments and assistance for those displaced by community development activities;

(3) clearance, demolition, removal, and rehabilitation of buildings and improvements (including financing rehabilitation of privately owned properties when incidental to other activities);

(4) provision of public works, facilities, and sites or other improvements;

(5) elimination, by code enforcement and other means, of harmful physical conditions constituting a danger to public health and safety;

(6) disposition (by sale, lease, donation, or otherwise) of acquired real property or its retention for public purposes; and

(7) the provision of community services (including activities to further the purposes of section 9(a)) which the recipient determines are necessary to achieve its community development objectives.

SECTION 5. *Statement of Community Development Objectives.*

Subsection (a) would provide that prior to first receipt in any fiscal year of funds by any State or by any unit of general local government under Section 7, the recipient of such funds is required to have prepared a final statement of community development objectives and projected use of funds for such fiscal year. In order to permit public examination and appraisal of community development projects and activities and to facilitate coordination of activities with different levels of government, at least 60 days prior to preparation of a final statement, a recipient must publish a proposed statement in such manner as to afford the citizens of such State or such unit of general local government a reasonable opportunity to examine its content and to submit comments on the proposed statement. In preparing its final statement the recipient would have to consider any such comments and may, if deemed appropriate by the recipient, modify the proposed statement. A recipient's statement must reflect the degree to which activities assisted under this Act relate to any State and area wide programs and activities for community development. Every final statement of community development objectives and projected use of funds must be made available to the public, and a copy must be furnished to the Secretary (and, in the case of any recipient unit of general local government, to the Governor of the State in which it is located as well) together with a certification that the recipient is in full compliance with the publication requirements of this subsection as well as the other provisions of the Act.

Subsection (b) would provide that with respect to funds received in fiscal year 1975, the requirements of subsection (a) may be met by actions taken prior to the effective date of this Act.

Subsection (c) would provide that within 60 days after the close of any fiscal year in which the recipient receives funds under this Act, it must make public and forward to the Secretary a report concerning the community development projects or activities paid for or expected to be paid for in whole or in part by funds received under Section 7 which were initiated or carried out during the preceding fiscal year. The report must include an assessment of such activities in relation to the community's development objectives.

SECTION 6. *Authorization of Appropriations.*

This section would authorize to be appropriated without fiscal year limitation such sums as may be necesary for fiscal year 1975 and the four succeeding fiscal years.

SECTION 7. *Allocation and Distribution of Funds.*

Subsection (a) would provide for payments by the Secretary to metropolitan cities and urban counties as follows:

(1) From the funds provided in any fiscal year from appropriations to carry out this Act, the Secretary would be required to pay to each metropolitan city and urban county an aggregate amount equal to the greater of its formula entitlement, subject to a phase in adjustment, as computed under (2), or its hold-harmless amount as computed under (3).

(2) The Secretary would be required to compute the formula entitlement of each metropolitan city or urban county by allocating 65 per cent of the total of the funds made available in each fiscal year from appropriations to carry out this Act so that each metropolitan city or urban county is allocated an amount which bears the same ratio to such 65 per cent of the total of the funds made available in each fiscal year as the average of ratios among (1) the population of the city or urban county and that of all metropolitan cities and urban counties, (2) the extent of poverty in the city or urban county and that in all metropolitan cities and urban counties (counted twice), and (3) the extent of housing overcrowding in the city or urban county and that in all metropolitan cities and urban counties. In computing the entitlement of urban counties the Secretary would be required to exclude population, poverty, and housing overcrowding data which are derived from metropolitan cities located within such counties. In addition, in computing entitlement for fiscal years 1975 and 1976, the Secretary would be required to exclude population, poverty, and housing overcrowding data which are derived from units of general local government located within any urban county and which qualify for hold-harmless funds. For fiscal year 1977, he would be required to exclude two-thirds of such data and for fiscal year 1978, he would be required to exclude one-third of such data.

Some metropolitan cities and urban counties would be allotted considerably more funds under this needs formula than these communities have received in past years from participation in the categorical programs being replaced by this Act. Formula entitlements would be adjusted in the case of metropolitan cities and urban counties having metropolitan entitlements which are more than their hold-harmless amount as determined under (3). During the first three years for which funds are allocated under this Act, the entitlement of such metropolitan cities or urban counties would be subject to an adjustment so that (1) the entitlement for the first year equals one-third of the full entitlement, or the hold-harmless amount, whichever is the greater, (2) the entitlement for the second year equals two-thirds of the full entitlement, or the hold-harmles amount, or the amount allowed under clause (1) whichever is the greatest, and (3) the entitlement for the third year equals the full formula entitlement.

(3) Each metropolitan city or urban county would be guaranteed a hold-harmless amount computed on the basis of prior grants or other assistance the city or county has received as a result of its participation in categorical grant programs being replaced by this Act. The full hold-harmless amount for each metropolitan city or urban county would be made up of the sum of (i) the sum of the average during the five fiscal years ending prior to July 1, 1972 of (1) commitments for grants which the city or county has received under the urban renewal program (part A of title I of the Housing Act of 1949), (2) loans under the rehabilitation loan program (section 312 of the Housing Act of 1964), (3) grants under the basic water and sewer facilities and neighborhood facilities programs (sections 702 and 703 of the Housing and Urban Development Act of 1965), (4) loans under the public facilities loan program (title II of the Housing Act of 1955), and (5) grants under the open space land program (title VII of the Housing Act of 1961); and (ii) the average annual neighborhood development grant (Part B of title I of the Housing Act of 1949) made during fiscal years ending prior to July 1, 1972, or during fiscal year 1973 in the case of a metropolitan city or urban county which first received a neighborhood development grant in such fiscal year. In the case of metropolitan cities and urban counties which have been participating in the model cities program the hold-harmless amount would be increased on the basis of their model cities experience. The amount of additional hold-harmless would be the amount of the average annual grant (excluding grants made for Planned Variations) made to these communities pursuant to section 105 of the Model Cities Act during fiscal years ending prior to July 1, 1972. This additional amount would be credited however only for a period that permits the community a five year combination of model cities funding years and hold-harmless additions. The amount of the average annual grant resulting from participation in the model cities or NDP programs would be established by taking the total dollar amount of the grants made to a participant under the program, dividing by the number of months for which those grants were authorized and multiplying the result by twelve.

Grants or loans made to assist in recovery from natural disasters, and grants made to assist in the initial implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act would be excluded when determining hold-harmless amounts. In addition, for the purpose of determining the hold-harmless amount in

the case of urban counties, the Secretary would be required to exclude grants or other assistance extended to metropolitan cities and other units of local government within those counties.

During fiscal years 1975 and 1976, the hold-harmless amount for each metropolitan city or urban county would be the full hold-harmless amount computed for the city or county. The hold-harmless provision would begin to be phased out after fiscal year 1976. In fiscal years 1977 and 1978, if the hold-harmless amount is greater than the formula entitlement of the metropolitan city or urban county for that year, it would have to be reduced so that in fiscal year 1977 the excess of hold-harmless over the formula entitlement would equal two-thirds of the difference between the full hold-harmless computation and the formula entitlement for such year, and so that in fiscal year 1978 the excess of hold-harmless over the formula entitlement would be equal to one-third of the difference between the full hold-harmless amount of the formula entitlement for such year. After fiscal year 1978, there would be no hold-harmless amount.

Subsection (b) would provide hold-harmless payments to a unit of general local government which is not a metropolitan city or urban county if it was participating in the model cities program on June 30, 1974, or if during fiscal year 1968 or any subsequent fiscal years preceding the date of enactment of this Act it was carrying out urban renewal or neighborhood development programs pursuant to grants and commitments for grants entered into during that period.

Subsection (c) would provide that of the funds available from appropriations to carry out this Act that are not paid in any fiscal year to metropolitan cities, urban counties or other units of general local government under subsections (a) or (b) (but not including funds that become available in fiscal year 1977 and subsequent fiscal years solely by virtue of the phase out of hold-harmless) the Secretary would allocate 90 per cent of such funds for use by States for community development purposes.

The Secretary would be required to allot such funds to the States on the basis of the relative needs of metropolitan areas in the States. The factors used in establishing need would be population, poverty (counted twice) and housing overcrowding. For the purpose of determining the amount to be allocated to each State under this subsection, metropolitan areas would be considered as though they did not include metropolitan cities.

To receive funds under this subsection (c) a State would have to certify through its governor that in the distribution or use of funds allocated to the States among different metropolitan areas in the State, each of its metropolitan areas will receive at least 50 per cent of the amount of the States allocation which is attributable to inclusion in the allocation formula of data pertaining to that metropolitan area without any deduction for State administrative costs. Funds not allocated and used in or made available to particular metropolitan areas as required in the preceding sentence would be available for distribution by the governor to units of general local government in the State and, in reasonable amounts, for State expenses in carrying out the Act.

Subsection (d) would provide that any funds not allocated and used under any preceding subsection or which are allotted but not paid pursuant to subsection (e)(2) of this section would be available to the Secretary for payments to states and units of general local government subject to such terms and conditions as he may prescribe or for such other uses as he determines would be consistent with the purposes of the Act including evaluation, directly or by contract or otherwise, of the use of shared revenues disbursed under this Act.

Subsection (e) would provide that funds which become available in fiscal year 1977 and subsequent fiscal years by virtue of the phase out of hold-harmless would have to be allotted as follows: ten per cent of such sums would be allotted to the Secretary for use in accordance with subsection (d) of this section and the balance of such sums would be allotted so that (1) one-third is divided among metropolitan cities and urban counties in the same manner as funds are allotted to them under subparagraph (A) of subsection (a)(2), (2) one-third is divided among the States in the same manner as funds are allotted to them under subparagraph (A) of subsection (c)(2) but without regard to the exclusion of metropolitan cities required by subparagraph (B) of that subsection and this amount would be available in each State only for distribution in metropolitan areas with each metropolitan area being entitled to that amount of the State's share of these funds which is attributable to inclusion of data pertaining to its population, poverty and housing overcrowding, and (3) one-third is divided among the States in the same manner as in (2) above and this amount would be available to the Governors for distribution to any unit of general local government, and subject to regulations of the Secretary for administrative expenses incurred by the State in carrying out this Act. No amount allotted among metropolitan cities and urban counties out of the balance of funds remaining in any fiscal year by virtue of the phase out of hold-harmless (after the 10 per cent of such funds are allotted to the Secretary) would be paid in any fiscal year to any metropolitan city or urban county, if such payment would result in such city or county receiving an aggregate amount which is in excess of its full hold-harmless amount, except that this limitation would not apply with respect to any city or county if the amount allotted by reason of such extra payment when added to the formula entitlement exceeds such full hold-harmless amount.

Subsection (f) would make the Secretary's determination and calculations of allocations and entitlements final and conclusive.

SECTION 8. *Loans.*

This section would provide that nothing in this Act prohibits a unit of general local government from obtaining loans to finance any community development activity, and from pledging, or offering as security for such loan, any asset which it otherwise may pledge or offer as security.

SECTION 9. *Nondiscrimination.*

This section would provide for the nondiscriminatory use of Federal assistance made available under the act.

Subsection (a) would provide that no person in the United States shall on the ground of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this Act.

Subsection (b) would provide that whenever the Secretary determines that a recipient has failed to comply with subsection (a) or an applicable regulation, he shall notify the Governor of the State (or, in the case of a unit of local government, which has not received shared revenues from the State, the chief executive of such unit) of the noncompliance and shall request the Governor or the chief executive to secure compliance. If within a reasonable period of time, not to exceed 60 days, the Governor or the chief executive fails or refuses to secure compliance the Secretary would be authorized (1) to refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; (2) to exercise the powers and functions provided by Title VI of the Civil Rights Act of 1964; (3) to exercise the powers and functions provided for in section 15 of this Act; or (4) to take such other action provided by law.

Subsection (c) would provide that when a matter is referred to the Attorney General pursuant to subsection (b), or whenever the Attorney General has reason to believe that a State government or unit of local government is engaged in a pattern or practice in violation of the provisions of this section, he may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

SECTION 10. *Labor standards.*

This section would require that all laborers and mechanics, employed by contractors or subcontractors in the performance of work on any construction project financed in whole or in part with shared revenue funds, must 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. This section would apply to the construction of residential property only if such residential property is designed for residential use for twelve or more families.

SECTION 11. *Matching Grants.*

This section would provide that shared revenue funds may be used as matching shares for Federal programs which provide assistance for community development activities and that neither the Secretary nor any State shall require any matching of State or local funds as a condition to making payments under this Act.

SECTION 12. *Use of Shared Revenue To Close Out Urban Renewal Projects.*

This section would authorize the Secretary to terminate any urban renewal project being carried out under title I of the Housing Act of 1949 as soon as practicable after consultation with the agency carrying out the project and the chief executive of the locality in which it is located, and to effect a financial closeout as if the project had been fully completed on the termination date. Any funds available to such project at the time of closeout would continue to be available to the unit of general local government for the area in which the project is located for use in meeting its community development objectives. Such closeout would be based upon the costs incurred and capital grants earned for the project to the date of termination. If such closeout did not result in full repayment of the principal of, and accrued interest on, any temporary loans made under title I of the Housing Act of 1949 for the project, the Secretary could, notwithstanding any other provision of this Act, condition distribution of funds pursuant to section 7 of this Act to the unit of general local government for the area in which the project is located upon the use of such funds, in such amounts, and staged over such time periods as the Secretary deems appropriate, to repay such temporary loans.

SECTION 13. *Records, Audit, and Reports.*

This section would provide that in order to assure that revenues shared under this Act are used in accordance with its provisions, each recipient must (1) use such fiscal, audit, and accounting procedures as may be necessary to assure proper accounting for payments received by it, and proper disbursement of such payments, (2) provide to the Secretary and the Comptroller General of the United States access to, and the right to examine, any books, documents, papers, or records as he requires, and (3) make such reports to the Secretary or the Comptroller General of the United States as he requires.

SECTION 14. *Relocation.*

Subsection (a) would amend Sec. 217 of the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 to add a provision that permits relocation pay-

ments for displacement as a direct result of any community development activities, 25 percent or more of the cost of which is paid for with shared revenue funds received under the Better Communities Act.

Subsection (b) would provide that notwithstanding section 211 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (which makes the cost of relocation payments and assistance a project expense and authorizes a Federal payment for the first $25,000 of relocation costs for each displacement which occurs prior to July 1, 1972) no Federal contribution in addition to shared revenues shall be made to recipients for costs incurred in providing relocation payments and assistance for those displaced by community development activities assisted with community development special revenue sharing funds.

SECTION 15. *Remedies for Noncompliance.*

This section would provide for remedies for noncompliance with any provision of this Act as follows:

Subsection (a) would provide that if the Secretary, after reasonable notice and opportunity for hearing finds that a recipient of revenues shared under this Act has failed to comply substantially with any provision of this Act, the Secretary, until he is satisfied that there is no longer any such failure to comply, would be required to terminate payments to such State under this Act, or reduce payments under this Act by an amount equal to the amount of such payments which were not expended in accordance with this Act, or limit the availability of payments under this Act to programs, projects, or activities not affected by such failure to comply.

Subsection (b) would provide that if in lieu of, or in addition to, any action authorized by subsection (a), the Secretary may, if he has reason to believe that a recipient has failed to comply substantially with any provision of this Act, refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted. Upon such a referral the Attorney General could bring a civil action in any United States district court having venue thereof for such relief as may be appropriate, including an action to recover revenues shared under this Act which were not expended in accordance with it, or for mandatory or injunctive relief.

Subsection (c) would provide that if any recipient which receives notice, under subsection (a), of the termination, reduction, or limitation of revenues shared could, within sixty days after receiving such notice, file with the United States Court of Appeals for the circuit in which such State is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the Secretary's action. The petitioner would have to transmit copies of the petition to the Secretary and the Attorney General of the United States, who shall represent the Secretary in the litigation.

The Secretary would be required to file in the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28, United State Code. No objection to the action of the Secretary could be considered by the court unless such objection has been urged before the Secretary.

The court would have jurisdiction to affirm or modify the action of the Secretary or to set it aside in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence on the record considered as a whole, would be conclusive. The court could order additional evidence to be taken by the Secretary, and to be made part of the record. The Secretary could modify his findings of fact, or make new findings, by reason of the new evidence so taken and filed with the court, and he would also be required to file such modified or new findings, which findings with respect to questions of fact would be conclusive if supported by substantial evidence on the record considered as a whole, and he would also file his recommendations, if any, for the modification or setting aside of his original action.

Upon the filing of the record with the court, the jurisdiction of the court would be exclusive and its judgment would be final, except that such judgment would be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

SECTION 16. *General Provisions.*

Shared revenues would be paid to recipients in such installments as the Secretary may determine into account the objective that the time elapsing between the transfer of funds from the United States Treasury and its disbursement by a recipient shall be minimized.

Subsection (a) would provide that the Secretary must prescribe such rules, regulations, and standards as may be necessary to carry out the purposes and conditions of this Act.

Subsection (b) would require the Secretary to include an evaluation of the effectiveness of this Act in his annual report to the President on departmental activities required by section 8 of the Department of Housing and Urban Development Act.

Subsection (c) would require each recipient to provide for the expenditure of amounts received under this Act only in accordance with the laws and procedures applicable to the expenditures of its own revenues.

SECTION 17. *Conforming and Technical Amendments.*

Subsection (a) would provide that this Act shall be effective upon enactment, but no funds would be allotted before fiscal year 1975.

Subsection (b) would provide that no new grants or loans may be made under section 312 of the Housing Act of 1964, section 702 or section 703 of the Housing and Urban Development Act of 1965, title VIII of the Housing Act of 1961, or title I of the Demonstration Cities and Metropolitan Development Act of 1966 after the effective date of this Act; after June 30, 1974, no new loans or grants could be made under title I of the Housing Act of 1949. In certain limited cases, new grants and loans—but not amendatories—could continue to be made on the basis of previous commitments.

Subsection (c) would amend Section 3689 of the Revised Statutes, as amended, (31 U.S.C. 711) to provide for payments required from time to time under contracts entered into pursuant to section 103(b) of the Housing Act of 1949, as amended, with respect to projects or programs for which funds have been committed on or before June 30, 1973, and for which funds have not previously been appropriated.

Subsection (d) would authorize the Secretary to transfer the assets and liabilities of any superseded or nonactive program of housing or urban development to the revolving fund for liquidating programs established pursuant to title II of the Independent Offices Appropriation Act of 1955.

SECTION-BY-SECTION SUMMARY—COMMUNITY DEVELOPMENT ACT OF 1973

SHORT TITLE

Section would cite this bill as the Community Development Assistance Act of 1973.

FINDINGS AND PURPOSE

Section 2 would recite Congressional findings that—

(1) the Nation's cities, towns, and smaller urban communities face critical social, economic and environmental problems arising from the growth of population in urban areas and the concentration of lower-income persons in central cities, and from inadequate public and private investment in planning physical facilities, public and private services.

(2) the Nation's future welfare depends on the establishment and maintenance of viable urban communities and declares that the purpose of this bill is to improve the present system of Federal assistance through simplifying and consolidating existing categorical programs and authorizing a new program to assure greater continuity of Federal support and to increase public and private investment in community development.

The new program is designed to support community development activities which are directed toward (a) conserving and expanding the Nation's housing stock, (b) eliminating slums and preventing deterioration of property and facilities, (c) achieving more rational utilization of land, (d) expanding and improving the quality of community services, (e) restoring and preserving properties of special value, and (f) eliminating conditions which are detrimental to health.

DEFINITIONS

Section 3 would define:

A community development agency as a State or other unit of general local government.

A unit of general local government as a city, county, or other general purpose subdivision of a State, or a consortium of such political subdivisions recognized by the Secretary. One or more public agencies, including existing local public agencies, may be desgnated by a unit of local government to undertake all or part of any community development activities assisted under the bill.

A metropolitan area as a standard metropolitan statistical area as established by the Office of Management and Budget.

A metropolitan city as a central city within an SMSA or one within a metropolitan area with a population area with a population of 50,000 or more persons.

Population as the total resident population according to U.S. Bureau of the Census.

Extent of poverty as the number of persons (or families and individuals) whose incomes are below the poverty level according to data compiled by the Office of Management and Budget.

Extent of overcrowding as the number of housing units with 1.01 or more persons per room according to U.S. Census data.

Program experience as the sum of the average of loans or grants received by a locality during the five preceding fiscal years under—

Title II of the Housing Amendments of 1955,

Title VII of the Housing Act of 1961,

Section 702 of the Housing Act of 1954,

Title VII of the Housing and Urban Development Act of 1965,

Title I of the Housing Act of 1949.

ELIGIBLE ACTIVITIES

Section 4 would set forth a variety of activities which further the purposes of the Act as set forth in Section 302, including:

(1) acquisition of property which is blighted or inappropriately developed; appropriate for rehabilitation or conservation; necessary for preservation, beautification, conservation or future development; to be used for public works, facilities or other public purposes;

(2) disposition of property at its fair value;

(3) clearance or demolition of buildings;

(4) acquisition, construction or reconstruction of community facilities;

(5) designing and interim financing for the construction of certain public facilities;

(6) relocation payments;

(7) conservation and rehabilitation of existing properties through code enforcement and other programs;

(8) development of surplus property;

(9) provision of technical or financial as-

sistance to persons or organizations participating the planning and execution of community development programs;

(10) provision of grants or loans for rehabilitation and conservation;

(11) provision of additional public services which are not otherwise available;

(12) payment of related administrative costs;

(13) payment of financial incentives to encourage the timely construction of community facilities;

(14) carrying out unspecified activities necessary to the program;

(15) payment of the Federal share of the cost of completing a project funded under the Title I of the Housing Act of 1949.

AUTHORIZATION

Section 5(a) would authorize the Secretary to incur obligations in an amount not exceeding $5.9 billion as approved in an Appropriation Act, beginning July 1, 1974. Authority to liquidate obligations would be limited to $2.7 billion prior to July 1, 1975, and $5.9 billion prior to July 1, 1976, with sums appropriated remaining available until expended.

Subsection (b) would require the Secretary to report to the Congress annually, and to submit requests for (a) increased authorizations and (b) any needed adjustments in the schedule for liquidation of obligations in a timely manner.

ALLOCATION OF FUNDS; BASIC GRANT ENTITLEMENT, REPORT

Section 6(a) would require that 75% of appropriated funds for community development be allocated to metropolitan areas.

Each metropolitan area would be eligible for annual grants in an amount which is the greater of (a) basic grant entitlement amount or (b) a hold harmless amount.

Subsection (b) would provide for the allocation of funds (1) to metropolitan areas and (2) to metropolitan cities according to a formula incorporating population, extent of poverty, extent of housing overcrowding and the extent of program experience.

Subsection (c) would define the hold harmless amount as an amount equal to the sum of the average during the five fiscal years preceding the date of enactment of (a) loans pursuant to title II of the Housing Amendments of 1955, (B) grants pursuant to title VII of the Housing Act of 1961, (C) advances pursuant to section 702 of the Housing Act of 1954, (D) grants pursuant to title VII of the Housing and Urban Development Act of 1965, and (E) grants pursuant to part A of Title I of the Housing Act of 1949; and the average annual grant made in accordance with part B of Title I of the Housing Act of 1949.

Subsection (d) would require the Secretary to adjust in an equitable manner the basic grant entitlement of any metropolitan city which would have an entitlement exceeding 135 percent of the city's hold harmless amount in the first year.

Subsection (e) would provide for the retention and distribution of any remainder of a metropolitan area allocation within metropolitan areas.

Subsection (f) would provide that any nonmetropolitan city would be eligible for annual grants in an amount at least equal to its hold harmless if during the five preceding years, one or more urban renewal or neighborhood development projects or programs were being carried out in the locality with assistance under title I of the Housing Act of 1949.

Subsection (g) would authorize the Secretary to distribute any unallocated funds to localities outside of metropolitan areas and to any locality to meet its hold harmless entitlement.

Subsection (h) would authorize the Secreary to make such adjustments as he deems necessary to maintain a distribution of funds consistent with the objectives of the Act in the event that the full amount of funds authorized to be appropriated are not available for obligation.

Subsection (i) would require the Secretary to report to the Congress his recommendations for modifying or expanding provisions related to the method and level of funding and the allocation of funds, the determination of the basic grant entitlement, and for the application of such provisions in the future distribution of funds under the Act.

GENERAL REQUIREMENTS

Section 7(a) would provide that financial assistance shall be granted only upon an annual application by a community development agency.

Each application would be required to contain:

(1) an outline of community development needs and objectives, and actions to be taken during the next three year period (a) to meet the housing needs of families who may reasonably be expected to seek housing in the community, (b) to prevent and eliminate slums and blight and upgrade neighborhoods through code enforcement and other community improvement programs; and (c) to improve and upgrade community services and facilities to meet the social needs of residents in areas affected by community development activities.

(2) a description of activities to be undertaken over the next 2-year period, the general location of these activities and requirements for federally-assisted housing units and rehabilitation loans.

(3) a certification that the applicant:

(A) has determined that the proposed program is consistent with local and areawide comprehensive development plans and national growth policies;

(B) has afforded, or will afford, adequate opportunities for public hearings prior to any acquisition of land, pursuant to reasonable prior notice; and

(C) has afforded adequate opportunity for citizens participation in the development of the annual application, and has provided for meaningful involvement of residents in areas affected by community development activities in the planning and execution of these activities, including provision of adequate information and resources.

(4) a report covering community development activities carried out during the previous year, their costs, and an assessment of these activities in relation to the community's development objectives stated in the previous application.

Subsection (b) would permit the Secretary to waive all or part of these requirements if the application is in behalf of a locality outside an SMSA or inside an SMSA but outside an "urbanized area", and having a population of less than 25,000 according to the most recent Census data; covers the first development activity under the act (except for an urban renewal activity); and is determined by the Secretary not to be inconsistent with the purposes of the Act.

Subsection (c)(1) would require that the Secretary make his determination with respect to any application and give written notice of his approval or disapproval within ninety days following submission of the application. Any application providing for renewal or revision of an on-going program would be deemed approved within ninety days after submission, unless the Secretary notifies the applicant in writing of his disapproval and sets forth the reasons with respect to performance by the applicant agency or the eligibility of proposed activities.

Subsection (c)(2) would provide that no application for assistance under the Act may be approved by the Secretary unless he has concluded that the community has set forth a meaningful program to meet its urgent development needs and to achieve the purposes of the Act, and has carried out its contractual commitments pursuant to previous applications.

Subsection (c)(3) would provide that the Secretary shall reserve funds to meet the housing requirements specified in the application, to the extent he deems it to be necessary and feasible.

GRANTS

Section 8(a) would authorize the Secretary to enter into contracts to make grants to community development agencies for activities to be carried out within a two year period. No grant may exceed 90 percent of an agency's total net program cost. Where the program involves rehabilitation grants or relocation payments the grant may be increased, subject to prescribed limitations, to include either the full cost of making rehabilitation grants, or the full cost up to $25,000 for each displaced person for relocation. Non-federal contributions to the program cost must be in the form of cash grants, property donated at cash value, or public services or improvements at their cost.

Subsection (c) would define "rehabilitation grant" as a grant of under $4,000 made to a low-income owner-occupant to finance repairs and improvements necessary to conform the property to requirements of applicable codes or of the community development program.

LOANS

Section 9(a) would authorize loans at not less than the going federal rate to community development agencies to finance activities pending receipt of grant assistance. It also would provide interim financing for construction of public facilities. These funds may be obtained by issuance of obligations not to exceed $1,500,000,000, under conditions prescribed by the Secretary with the approval of the Secretary of the Treasury, who is further authorized to purchase and sell any of these obligations as public debt transactions.

Subsection (b) would authorize the Secretary to make rehabilitation loans where the rehabilitation is necessary or appropriate under an approved community development program.

CONSULTATION

Section 10 would provide that the Secretary in carrying out the provisions of this Act shall consult with other Federal agencies which administer grant-in-aid programs.

TECHNICAL ASSISTANCE

Section 11(a) would authorize the Secretary to provide technical assistance directly or through contracts to smaller communities in planning, developing and administering community development programs. He may use for demonstration purposes, smaller community programs being carried out under Model Cities or other community development programs.

Subsection (b) would require the Secretary to report to the Congress within 180 days his findings and recommendations with respect to:

(1) Existing and recommended programs of Federal, State and local governments relating to community development in smaller communities as defined above;

(2) The significance of such programs as they relate to the relief of acute problems in communities of greater population, and population density;

(3) The need for unified federal agency coordination, control or direction of such programs;

(4) The extent to which the Department should be involved in such coordination, direction or control and the manner and method of such participation;

(5) The appropriate allocation of federal funds and resources as between the community development of rural areas as herein defined and community development in urban areas.

Subsection (c) would define the term smaller community to mean any municipal-

ity or other political subdivision having a population of 50,000 or less according to the most recent census.

LABOR STANDARDS

Section 12 would provide that the provisions of section 109 of the Housing Act of 1949, relating to the protection of labor standards, will apply to the administration of this Act.

UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

Section 13 would extend the definition of a person displaced as the result of the acquisition of real property to include those who discontinue business or move from their dwelling as a direct result of activity assisted under the Community Development Assistance Act of 1973.

INTERSTATE AGREEMENTS

Section 14 would approve multi-state agreements and agencies for cooperative effort in support of community development programs which have an interstate impact.

EFFECTIVE DATE; TRANSITIONAL TERMINATION OF EXISTING PROGRAMS

Section 15 would provide that this Chapter is to take effect on the date of enactment, and that after June 30, 1974 no new grant or loans are to be made except where funds have been committed before that date pursuant to title II of the Housing Amendments of 1955; title VII of the Housing Act of 1961; section 702 of the Housing Act of 1954; title VII of the Housing and Urban Development Act of 1965; and title I of the Housing Act of 1949. An amendment would be made to Section 3689 of the Revised Statutes to deal with payments pursuant to contracts entered into under section 103(b) of the Housing Act of 1949. The Secretary would be authorized to transfer assets and liabilities of superseded or nonactive programs to a revolving fund for liquidating programs.

Mr. TOWER. Mr. President, I take pleasure in introducing today, along with the distinguished senior Senator from Alabama, the administration's proposed Better Communities Act, transmitted to the Senate on April 30, 1973, by Hon. James T. Lynn, Secretary of the Department of Housing and Urban Development.

In 1971, the administration submitted to the Congress the Community Development Act which embodied its urban community development special revenue sharing proposal. The Better Communities Act also proposed to share revenues with State and local governing bodies and is similar in content to the administration's proposal of 2 years ago.

As you will recall, last year the Senate passed the Housing and Urban Development Act of 1972 which contained provisions which allowed block grants to be used by local governments for community development purposes. This was the result of extensive hearings held by the Committee on Banking, Housing and Urban Affairs and represented the best of the many proposals submitted. Communities would receive their fair share of Federal funds to be used in activities which were determined by local priorities. Unfortunately, a bill which contained similar provisions never passed the House.

This year the Better Communities Act provides that initial funding be at a $2.3 billion level. The act proposes that funds go directly to State and local units of government. Funds would be distributed on a formula basis taking into consideration factors such as population, poverty, and the extent of overcrowding in housing.

Additionally, a "hold harmless" provision is designd to assure those communities that have ongoing projects that funding will continue at a level so that particular projects might be completed if that is the community's priority.

Mr. President, while the Better Communities Act proposes to alleviate the problems that have resulted from the present system of categorical grants, there are certain portions of this bill which I think should be explored in committee hearings. Some of the concerns I have regarding the proposal deal with the amount of funds available to small communities. Additionally, the amount of funds available to the States, and the phaseout provisions for certain hold harmless communities merit further consideration. It is my hope that these matters could be examined in hearings to be held as early as scheduling will permit.

As you know the President and Secretary Lynn have repeatedly assured us that the administration's housing policy recommendations would be submitted to Congress by September 7, 1973. I think all of us agree that despite the increased number of housing starts in the past few years, there is still a significant shortage of housing that low- and moderate-income families can afford. It is highly important that this need be met. Much of the testimony received in the past has shown, however, that the present programs do not effectively solve the housing problems of those persons who are at the very lowest rung of the income scale. It is hoped that the proposal to be submitted by HUD will offer solutions to this very pressing problem.

Nevertheless, it is also my hope, Mr. President, that the Committee on Banking, Housing and Urban Affairs will not wait to commence action on the Better Communities Act until these housing proposals have been submitted. The importance of its provisions are evident in that the Senate last year passed a bill which was similar in scope. It is important that the frustration and headaches that our local officials now go through be eliminated. It is important that a community be able to decide what it wants to do with funds rather than being locked into spending money on a project which might not be its No. 1 priority. It is important that the taxpayer's money be used as efficiently as possible.

By Mr. MONDALE (for himself, Mr. BAYH, Mr. BURDICK, Mr. CHURCH, Mr. EAGLETON, Mr. HART, Mr. HARTKE, Mr. HATHAWAY, Mr. HUMPHREY, Mr. JACKSON, Mr. JAVITS, Mr. MAGNUSON, Mr. MOSS, Mr. PASTORE, Mr. PERCY, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SCHWEIKER, Mr. STEVENSON, Mr. TUNNEY, Mr. WEICKER, and Mr. WILLIAMS):

S. 1745. A bill to provide financial assistance for research activities for the study of Sudden Infant Death Syndrome, and for other purposes. Referred to the Committee on Labor and Public Welfare.

SUDDEN INFANT DEATH

Mr. MONDALE. Mr. President, today I am introducing legislation which I hope will result in a national commitment to finding the cause and cure of Sudden Infant Death Syndrome or crib death. This disease is the largest killer of infants between the ages of 1 month and 1 year in this country. It strikes at least 10,000 children each year.

Babies who die of SIDS die unexpectedly and from no apparent medical cause. Because so little is known about SIDS the pain it causes can envelop entire families and can have wide-ranging psychological implications. Grief-stricken families are sometimes even ostracized by other members of the community who wrongly blame them for the death.

As chairman of the Subcommittee on Children and Youth, I have a long standing interest in trying to expand research into SIDS. In January 1972, the subcommittee held a hearing in which parents and doctors testified to the pressing need for a systematic SIDS research program. In addition, they pointed out that the grief of families who lose children to SIDS could be considerably alleviated if hospital and similar personnel—such as doctors, nurses, and social workers—were more aware of the nature and effects of crib deaths.

Last year I introduced and the Senate passed a resolution calling on the Department of Health, Education, and Welfare to make crib death research a top priority; and to develop education, information, training and statistical resources on the disease. The resolution was not acted on by the House.

During the summer of 1972 the National Foundation for Sudden Infant Death, Inc. conducted a study of the treatment of SIDS cases by the authorities in various parts of the United States. The final report of this study is not available yet. But preliminary findings indicate that there is a desperate need for an immediate focus on SIDS to relieve the suffering of families who lose children and to find out why these children continue to die so mysteriously.

For this reason today I am introducing legislation authorizing the creation of SIDS research centers; and authorizing support for information, counseling and training activities related to SIDS.

No institution could receive a grant in excess of $50,000, and grants would have to be matched by a 50-percent contribution.

I ask unanimous consent that a copy 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. 1745

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the purpose of this Act to provide financial assistance to identify the causes and the preventive measures needed to eliminate sudden infant death syndrome, to provide in-

formation and counseling services to families affected by sudden infant death syndrome, and to personnel engaged in research for the prevention of sudden infant deaths.

SEC. 2. (a) The Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") is authorized to make grants to or enter into contracts with public or private nonprofit institutions to pay the Federal share of the cost of research, designed to identify the causes and to develop preventive measures to eliminate sudden infant death syndrome.

(b) Activities for which a payment may be made under this Act include—

(1) the establishment of research centers for the study of sudden infant death syndrome;

(2) the collection, analysis, and furnishing of information with respect to the causes of sudden infant death syndrome;

(3) counseling services to families affected by sudden infant death syndrome; and

(4) short-term training and other professional services for personnel engaged in preventing sudden infant death syndrome.

(c) No grant under this Act may be made and no contract may be entered into under this Act unless—

(1) an application is made to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require; and

(2) provision is made for such reporting and fund accounting procedures as the Secretary deems neecssary.

(d) Payments in any fiscal year to any single institution under this Act may not exceed $50,000.

SEC. 3. (a) The Federal share of the cost of any activities for which application is made under this Act shall be 50 percent.

(b) Non-Federal contributions may be in cash or in kind, fairly evaluated, including plant, equipment or services.

SEC. 4. Not later than September 1, 1975, the Secretary shall prepare and submit to the President and to the Congress a detailed and complete report of the findings and conclusions developed pursuant to activities assisted pursuant to this Act.

SEC. 5. There are authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1974 to carry out the provisions of this Act.

By Mr. WILLIAMS:

S. 1746. A bill to incorporate the Catholic War Veterans of the United States. Referred to the Committee on the Judiciary.

Mr. WILLIAMS. Mr. President, I am privileged today to introduce a bill which will provide the Catholic War Veterans of the United States with a national charter by act of Congress.

Since 1935, the Catholic War Veterans have been in the forefront of protecting rights and benefits and promoting fellowship for men and women of the Catholic faith who honorably served in our Nation's armed services during wartime.

As loyal Americans and defenders of our national interest, the Catholic War Veterans of the United States are committed to the moral and ethical principles of their faith and the advancement of those principles as a guide in the conduct of our national affairs. It is in the American tradition that the more than 8,000,000 living Catholics who served in our Nation's defense and whose interests are advanced by the Catholic War Veterans should receive a charter from Congress.

In his second inaugural address, President Lincoln pledged the Nation—"to care for him who shall have borne the battle and for his widow and his orphan—to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations." The Catholic War Veterans of the United States preeminently helps carry out that pledge.

By Mr. GRAVEL:

S. 1748. A bill to amend the Ship Mortgage Act, 1920, in order to provide that a State, the District of Columbia, the Commonwealth of Puerto Rico, and a territory of the United States shall be considered to be a citizen of the United States for the purposes of such Act. Referred to the Committee on Commerce.

Mr. GRAVEL. Mr. President, today I am introducing a bill which will enable the State of Alaska and any other State, district, Commonwealth, or territory to make loans to commercial fishermen for the repair and rehabilitation of their fishing vessels. This legislation amends the Ship Mortgage Act of 1920 [46 U.S.C. 922(a)(5)] by including a State within the definition of a citizen for purposes of that act.

Since State statutes require them to obtain a first lien on the collateral which secures the loan, most applicants are unable to offer any collateral other than their fishing vessel; and this creates the problem. In most cases the only first lien obtainable on a vessel is a preferred ship mortgage created and held in accordance with the Ship Mortgage Act of 1920. This act requires that, in order to have a preferred ship mortgage, the mortgagee must be a citizen of the United States. Unfortunately, a State is nowhere defined as being a citizen. This legislation will correct that oversight by enabling States to create and hold preferred ship mortgages.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD.

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

S. 1748

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection D(a)(5) of the Ship Mortgage Act, 1920 (46 U.S.C. 922(a)(5)) is amended by inserting after "Reconstruction Finance Corporation" the following: "and a State, the District of Columbia, the Commonwealth of Puerto Rico or a territory of the United States".

By Mr. MONDALE:

S. 1749. A bill to provide continued rail transportation in rural America. Referred to the Committee on Commerce.

Mr. MONDALE. Mr. President, I am introducing legislation to establish within the Department of Transportation a Rural Rail Transportation Administration.

This legislation is designed to provide rural community groups with a way to continue rail service when it is important to the economic growth and development of communities.

The Rural Rail Transportation Administration would have the responsibility of aiding the continuation and improvement of rail service in rural America. It would be authorized to make loans or loan guarantees to reestablish service of an abandoned rail line or to continue and improve service on a line to be abandoned. This type of financing program would enable cooperatives or other nonprofit organizations made up of shippers and residents to purchase and operate short-line railroads.

I have not included in the bill a ceiling on the size of loans. This was done on the assumption that the Commerce Committee, through hearings and appropriate study, will be able to establish fair and practical limits and percentages.

Increased reliance on motor carriers is not the answer for farmers or for other residents of rural America. In my home State of Minnesota, a recent study indicates that 304 communities will lose railroad service by 1980. Of those communities, 98 now have roads which are restricted to less than 9-ton carrying capacity. The Minnesota Highway Department informed me that it would cost State and county governments $79.7 million in additional highway construction money to provide unrestricted access to those communities. I am afraid that many rural communities would be left to die, because of the prohibitive cost of providing adequate transportation facilities to replace railroads.

But even if it were possible to obtain the vast investment required to improve rural roads in the next 5 years, it is becoming more and more apparent we should not permit rail service to be discontinued.

This spring the Nation is experiencing serious gasoline shortages, and industry spokesmen predict that there is almost an even chance of gas rationing. Independent distributors throughout the Midwest and Northeast regions of the country may be forced to close for lack of fuel supplies.

The fuel shortages are in many ways related to the growing agricultural transportation crisis. As we become more and more dependent upon overseas sources for oil, the Federal Government is looking toward a dramatic expansion in domestic agricultural production to feed world markets, and to alleviate the balance-of-payments deficit created by large-scale imports of oil. Reports indicate that by 1980, the United States may be spending $18 billion overseas to pay for oil imports alone, compared with a $4.2 billion expenditure in 1972.

The promising outlook in world demand for farm products is viewed by administration strategists as the major hope of preventing a sharp deterioration in the U.S. balance of payments. In fiscal 1973, it is estimated we will export $11.1 billion in farm commodities for a net surplus of $3.3 billion in agricultural trade. The Department of Agriculture has recently moved to remove Government controls on farm production. In a report prepared for Presidential Assistant Peter M. Flanigan, officials of the Agriculture Department concluded optimistically

that the United States could achieve $18 billion in agricultural exports by 1980.

We see already the vicious cycle which could occur. The U.S. imports greater supplies of oil from overseas. The Agriculture Department opens up millions of acres of farmland to production to pay for these imports. Rail transportation is reduced while we increase the amount of agricultural produce which must be moved. Thus we are forced to rely more and more on trucks to haul not just present but also greatly expanded production. Yet highways in many cases are not capable of replacing rail transport without costly improvements. And the increased reliance on trucks adds to the skyrocketing demand for fuel.

Trains can move one ton of freight for nearly one fourth the fuel required by trucks.

It is therefore critical to not only the agricultural community but also to the Nation's over-all economic future, that we maintain rural rail lines.

Corporations which presently own the railroads want to abandon rural lines. They have shown clearly that they do not want to live up to their responsibilities. Service to rural communities has been declining for a number years.

A year ago, I had an opportunity to examine some of the rail lines in the State of Minnesota, which were slated for abandonment. The rails were old, ties were rotted out, and in many places it was difficult to tell whether there were any ties at all because the entire roadbed was covered with sod.

The railroads argue that this faulty equipment is a reason to be granted permission to abandon the branch lines. But the poor condition of the track and roadbed are not the fault of the shippers and rural communities serviced by the lines. Who else but the companies owning the railroads is at fault?

Not long ago, railroads were allowed to abandon passenger service to many major cities. They said that was necessary in order to run freight trains profitably. Now they want to abandon freight service in rural areas. They say they must do this to keep main freight lines operating. And so it goes on. A dangerous trend continues and rural America is the victim.

In my judgment, we should initiate a transportation program similar to the Rural Electrification Administration. The REA has been one of our Nation's truly great rural development successes. Rural electric cooperatives, owned and operated by rural residents and farmers, provide services that big business cannot or will not provide. And REA's pay back all loans that they get from the Government.

Three or four decades ago opponents of the REA effort said it would never work. They said farmers don't need electricity, and if they had it, they could not pay for it.

Today rural America has electric power. All the bills get paid. And I am convinced that the labor saving, accomplished by electricity on the farm, has contributed greatly to the farmers' productivity, which has made American agriculture the bright spot of our international payments crisis.

I believe investing in people and entrusting our Nation's resources to organizations run by the people. Rural electric cooperatives have a fine record showing what can be done by such organizations. The Rural Rail Transportation Administration authorized by this legislation would do so also.

Mr. President, I do not claim that this will completely solve the transportation crisis. As put forth in this bill, I strongly support efforts to declare a moratorium on the abandonment of railroad lines until a national transportation plan can be developed. But the Rural Transportation Administration is needed to help continue rail service in rural communities.

Mr. President, 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. 1749

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 "Rural America Rail Transportation Act of 1973."

RURAL RAIL TRANSPORTATION ADMINISTRATION

SEC. 2. The Secretary of Transportation (Hereinafter referred to as the "Secretary") shall establish within the Department of Transportation a Rural Rail Transportation Administration which shall be headed by an Administrator who shall be appointed by the President by and with the advice and consent of the Senate and shall be compensated at the rate provided for level IV of the Executive Schedule in title 5 United States Code. The Secretary shall carry out his functions under this Act through such Administration.

STUDIES, RESEARCH, AND DEMONSTRATION PROGRAMS

SEC 3. (a) In order to promote the continuation and improvement of rail service in rural areas of the United States the Secretary is authorized to contract or enter into other arrangements for studies, research, and demonstration programs as may be necessary to—

(1) develop improved equipment for such service;

(2) determine means of continuing and improving such service under existing railroad management;

(3) determine means of restoring such service where it has been discontinued.

(b) In carrying out the provisions of this section the Secretary shall consult and cooperate with appropriate State and local agencies, shippers, railroads, and other appropriate organizations and groups.

LOANS AND LOAN GUARANTEES TO RESTORE ABANDONED SERVICE

SEC. 4. (a) The Secretary is authorized to make loans or loan guarantees pursuant to this section to reestablish service on an abandoned railroad line, or to continue service on a line to be abandoned, in any case in which he determines—

(1) a valid need for such service in order to maintain economic growth and development of areas along the line;

(2) that the applicant has the capability of providing such service and for the purpose of this section any applicant which is a nonprofit organization made up of shippers and residents, or is a State or local government agency, of the area to be served, shall be given preference;

(3) that the applicant has complied with the provisions of the Interstate Commerce Act to provide such service; and

(4) that the provision of such service is, or can be made, economically feasible.

(b) Any such loan or loan guarantee—

(1) shall be made in accordance with the provisions applicable to loans and loan guarantees made pursuant to section 7(b)(5) of the Small Business Act (15 U.S.C. 636(b)(5)), except as otherwise provided in this section;

(2) may be made for costs of any necessary acquisition of tracks and right-of-way and other real property and necessary acquisition and improvement of equipment;

(3) may be made for not to exceed —— per centum of such costs or $——————; and

(4) may be made subject to such other terms and conditions as the Secretary determines necessary to carry out the purpose of this Act.

(c) As part of any loan guarantee under this section the Secretary shall pay such portion of the interest on the guaranteed loan as may be necessary to make the cost of such interest to the borrower equal to the interest cost of a direct loan from the Secretary.

AMENDMENT OF INTERSTATE COMMERCE ACT

SEC. 5. Part I of the Interstate Commerce Act is amended by inserting after section 13a a new section as follows:

"ABANDONMENT OF LINES

"SEC. 13b. (a) The Commission shall not consider the request of any common carrier by railroad for a certificate authorizing the abandonment of all or any portion of a line of railroad, or the operation thereof, until after a five-year period following the date of such request to the Commission and during which the carrier has provided public notice of such request, in accordance with regulations of the Commission in the area affected by such abandonment. In determining whether the public convenience and necessity permit the granting of such request, the Commission shall give thorough consideration to the economic importance of such line to all areas which it serves.

"(b) As a condition to the granting of any certificate authorizing such abandonment the Commission shall require such carrier to—

"(1) cooperate to the extent possible with communities served by such line in efforts to restore operations on such line, including making the right-of-way and tracks available for lease on a reasonable basis; and

"(2) not disturb the tracks and roadbed of such line for five years after the date on which such certificate was granted.

"(c) The Commission shall notify the Secretary of Transportation of the receipt of any request for a certificate of abandonment pursuant to this part and shall, to the extent possible, give priority to any proceedings initiated to continue or restore rail operations on an abandoned railroad line.

"(d) The Commission may reduce the five-year period required by subsection (a) or subsection (b)(2) of this section in any case in which it determines, after notice and public hearing, that the public convenience and necessity does not require such period."

AUTHORIZATION

SEC. 6. There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this Act.

By Mr. KENNEDY (for himself, Mr. BROOKE, Mr. JAVITS, and Mr. BUCKLEY):

S. 1750. A bill to establish the Frederick Law Olmsted Home and Office in Brookline, Mass., as a national historic site. Referred to the Committee on Interior and Insular Affairs.

FREDERICK LAW OLMSTED HISTORIC SITE

Mr. KENNEDY. Mr. President, I am introducing legislation to establish the Frederick Law Olmsted Historic Site in Brookline, Mass. I ask unanimous consent that the full text of the bill be printed at the conclusion of my remarks. Today in the House of Representatives, Congressman ROBERT DRINAN is introducing companion legislation.

Mr. President, we are celebrating this year the 150th anniversary of the birth of Frederick Law Olmsted, the father of landscape architecture, enlightened city planning, the man who brought public green space into our urban centers. Olmsted is probably most famous for Central Park in New York City and in my own State of Massachusetts, the Emerald Necklace, a parkland that sweeps along the Charles River through the Fenway, across Jamaica Pond to Franklin Park.

From October of 1972 to January of 1973, we had the opportunity to see a complete exhibition of Olmsted's accomplishments at the National Gallery of Art in honor of the anniversary of his birth. The exhibit included Olmsted's plans for the 17 major urban parks he created including Jackson Park in Chicago and Belle Isle in Detroit, his complete residential community outside Chicago, Riverside, and the college campuses he designed from one coast to the other.

Every day, we in the Congress walk through the Capitol Grounds which Olmsted designed and created, and while we most often take this simple beauty for granted, I think all of us are struck at different moments by the quiet, peaceful charm and grace of these grounds.

Olmsted's efforts contributed to the founding of the National Park System. He was instrumental in preserving the setting of Niagara Falls and was chairman of the original Yosemite Park Commission in 1865.

But Olmsted's greatest contribution was in the cities. For so long it was assumed that urban residents had to travel to enjoy the kinds of natural beauty that add so much to our quality of life. No one else had attempted to set aside green space in the rapidly growing cities, much less to create green spaces where none existed. Central Park in New York and Belle Isle in Detroit were not scenic locations; Olmsted created them out of swamplands and dumps. It was Olmsted who promoted the idea that city dwellers had a right to enjoy scenic beauty and the city itself could only grow and mature if it balanced beauty and development, charm and functional facilities, peace and activity, tranquility and commercial bustle.

Prior to his death in 1903, Olmsted predicted that "the further progress of civilization is to depend mainly upon the influences by which men's minds and characters will be affected while living in large towns." And it was this vision of Olmsted's that prevailed; and it is because of this vision that we have in our major cities the kind of planning that encouraged beautiful landscape as well as buildings. Boston, New York, Milwaukee, Detroit, Buffalo, and Louisville all benefited from the implementation of Olmsted's plans.

Olmsted, in recommending the greenway through Boston wrote to the Boston Commissioner of Parks in 1880 that "pleasing rural scenery" is an antidote for urban ills including "excessive nervous, overanxiety, hasteful disposition, impatience and irritability." The development of the greenway along the Boston Fens changed a public nuisance due to odors, flooding, and disease to the "Emerald Necklace," a parkland of unsurpassed elegance and simple natural beauty.

I ask unanimous consent to include in the RECORD at this point an article by William Alex of the Olmsted Sesquicentennial Committee outlining Olmsted's place in the history of urban planning in this country.

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

THE SESQUICENTENNIAL OF A GREAT AMERICAN

In the 19th century America produced a man who could look on a piece of land, understand the quality of the earth in it, ascertain the kinds of trees and grasses it could nourish, assay its capability to absorb and drain water, perceive the effect of prevailing winds and the action of the seasons. He knew the structure of the land and how it conducted the organic interchange of sun, air, water and life. He also knew how to rearrange—not break or interfere with—these organic linkages in a viable, constructive way so that the land could serve man's purposes, because he was a firm believer in growth and progress.

In this same way this same man could also look at a city, understand the course of its development, predict the places where industry and trade would concentrate, where workers' houses would then follow, perceive where the problems of crowding would fester most, pinpoint the impending tangles of transportation and communication lines, forsee the inadequacies of provision for sewage and waste disposal with consequent pollution and, when permitted the opportunity, could plan for and obviate these problems with remarkable vision.

And, in between these ecological and urban spheres, this man knew how to mediate nature's way, providing for crowded cities great parks that re-created almost totally for those deprived of it, the countryside, charming and complete, or; providing in a country area the amenities of an entire town, intelligently urbanized only to the extent required and rationally connected to the big city it served.

A small boy, exploring the hills and woods and lakes of his native New England countryside till after night fall, self-confident he would knock for shelter at the nearest farmhouse door he could find.

A man, directing one of the greatest American civil engineering projects up to that time, managing over 4,000 men, he had the courage to face up to one of the most extraordinary and sustained barrages of subterfuge, vituperation and abuse ever directed against one man by machine politics from both a state and municipal level. And he won.

During his lifetime, whose dimensions are just barely hinted at above, he expressed his faith in America devotedly. Responding to the neds of its growth he wrote endlessly, worked tirelessly, travelled almost constantly and fought small minds every step of the way.

Here are five areas of his accomplishments in environment—there are many others in other fields—a series of American firsts of the highest order:

1. America's first major conservationist whose actions and writings formulated the basis for our national and state park systems.

2. America's first regional planner who conceived, designed and built this country's first metropolitan scale park and parkway system for Boston and its surrounding areas.

3. America's greatest designer of major urbans parks, seventeen of them in our central cities across the United States, many of them with associate Calvert Vaux, the first of which was New York's Central Park.

4. America's first urban planner and theorist of note who designed an extensive series of residential communities that were carefully connected to the expanding urban centers they served.

5. Founder in America of the profession of landscape achitecture through his own work in which he conceived plans, detailed land programs and physically supervised the siting and landscaping of innumerable public and private institutions, college campuses, estates and railroad stations, and by training a body of men to do this work and providing professional standards for them.

It is ironic that just as the argument is being taken up all over the world as to whether man has actually succeded in severing the links of the biosphere, the organic chain that binds his very existence on this planet, this country's and perhaps the world's most important environmental artist-enginer, Frederick Law Olmsted, comes to take his place on the stage of history. It must be explicitly understood that the celebration of the sesquicentennial of his birth marks nothing less than a rededication to the idea of human survival. It is against this American that we must measure the captains who must now guide spaceship Earth.

Mr. KENNEDY. Mr. President, several years ago the Frederick Law Olmsted home and office was designated a National Historic Landmark in recognition of Olmsted's outstanding contribution to the history of this Nation. But it has become clear through the years that if this site is to be preserved for generations to come, assistance from the Department of Interior will be needed.

This legislation establishes the home and office of Olmsted as a National Historic Site authorizing the Secretary of Interior to conduct the maintenance and preservation efforts of the site as well as to protect the hundreds of drawings, prints, photographs, and documents which outline the history of Olmsted's achievements.

In addition the bill sets up an Advisory Commission to be made up of those with expert knowledge of Olmsted, his work, and his papers to work with the Department of Interior to assure that none of the material is lost and that it is protected against time and misfortune.

Olmsted's home in Brookline, Mass., is an 18th century house built by Joshua Clark. Olmsted went to live there in 1883 at the age of 61 and began making the house suitable for his work and office. After Olmsted's death in 1903, his son Frederick, Jr., lived there until his retirement in 1950. Through the years the structure has been altered to form to not only an interesting group of buildings, but a perfect setting for the work of Olmsted Associates, the firm carrying on the work of Olmsted.

There is an immediate need to provide protection for the enormous collection of papers and drawings in the office which

have been cherished and preserved through the years by Olmsted's family, friends, and associates. This legislation will authorize the Secretary of Interior to determine the most effective methods of guarding these treasures with the expert advice of the Advisory Committee made up of those who have shown their deep concern for Olmsted's history through the years.

I ask unanimous consent to insert in the RECORD at this point articles from papers and journals which have appeared recently in celebration of Olmsted's birthday.

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

[From Newsweek, November 6, 1972]

PROPHET IN THE PARK

(By Douglas Davis)

Frederick Law Olmsted, America's first landscape architect and first city planner, liked to call himself an "unpractical" man. He used the term in jest but the joke was spiced with a terrible irony. For he spent his long and tumultuous career in deadly conflict with the "practical" men who ran society—politicians, financiers and civic leaders. Occasionally he won, and those triumphs, some of them miraculous, are being celebrated now in two major museums, the Whitney in New York and the National Gallery in Washington, D.C., 150 years after his birth.

Olmsted is now a culture hero, but it should not be forgotten how often he lost, how soon wilted were the garlands of his victories, and how accidental was his rise to fame. Like Buckminster Fuller, Olmsted was a fortuitous freak, obsessed with a lonely grandeur of vision. In one of his classic confrontations with the New York Board of Public Parks he objected that the city's planners had plotted meanly, with the timidity of "a small, poor, remote provincial village." The city should consider itself instead a "metropolis," he said, serving not only the needs of commerce but of "humanity, religion, art, science and scholarship." What folly! How they must have laughed and turned to other things.

SLOPES

But they laughed to themselves, not in public. By 1877, Olmsted was something of a public hero. He had created Central Park in New York, the first work of its kind in the United States; it was by then a national treasure, to which millions flocked—and other sites by Olmsted followed, dotting the countryside, along with areas such as Yosemite, which he preserved. He had virtually invented the "art" of landscaping in the U.S., and many artists ranked him with Leonardo da Vinci and Rembrandt. "He paints with lakes and wooded slopes," said one of them, "with lawns and banks and forest-covered hills."

Olmsted's rise in middle age was a stunning reversal of his early fortunes, prompted as much by luck as by skill. He was raised in the lap of gentility by his merchant father, educated by a series of clergyman instructors, and wandered among places and professions. Finally, his father bought him a farm in Staten Island, which Olmsted tended by scientific methods, convinced that rural living nourished the soul. But soon he was employed in the city as a journalist, and later he founded an ill-fated monthly magazine. By 1857, when he applied for the unlikely post of superintendent of Central Park—and got it—he was a conspicuous, unsettled dilettante.

ENERGY

Olmsted had been mightily impressed by the "people's" park in Birkenhead, near Liverpool, in England. But he brought to his job nothing more than a horticulturist's skills, and enthusiasm. The plan he submitted to build a "central" park in the city was at least 50 per cent the work of Calvert Vaux, an architect. But the premise behind it was Olmsted's; so was the rhetoric and energy that kept the plan going, against all odds, political and financial.

For the making of Central Park was a massive, sweaty, earthy business. It involved thousands of laborers, tons of soil, millions of shrubs; lakes were excavated; cozy grottoes and walkways erected; four different kinds of pathways were built, many of them below ground level, preserving the pedestrian's right to walk. And, all the while, Olmsted was fighting to keep his sweet, sylvan plan free from pork-barrel political projects, from race-tracks and athletic fields. When the park was finally finished, in the 1860s, it was instantly acclaimed and instantly popular. But it was—and is—a nineteenth-century park, sculpted to cultivate nature and civilize man. Olmsted did not love nature wild and pagan. He wrote: "No matter how rural a park may be . . . there is no place where the work of man ought to be done with greater skill, or . . . a franker artificiality."

Olmsted was Emerson with a hoe, in brief, not an organic gardener. Nothing is clearer than this fact in the rows of photo blowups and drawings, accompanied by slide shows in the round, that characterize the New York and Washington shows. Along with these visual delights is an accompanying text, deploring the gamy and vulgar modifications that have been visited upon Olmsted's parks in New York, Boston, Detroit, Chicago and beyond. But these are liberal pieties, missing the real value of the man. Olmsted was more than a genteel maker of parks. He saw—like Fuller—the sweep of the future. Mixed in with the pretty pictures on the museum walls are quotations from his writings and speeches; they are stunning both in their prophetic awareness of a system esthetic in man and nature and of rampant, accelerating urban growth.

Long before the end of the nineteenth century he foresaw the choked, crowded Manhattan we now see, the need for green, grassy suburbs, the interdependence of adjoining urban regions, and the threat to the air itself. When asked to build Prospect Park in Brooklyn—his finest park—he tried to lift the eyes of the politicians to a regional system of parks and roads running from the Atlantic Ocean to the Hudson Valley. But they kept their eyes to the ground, "practicality" triumphed, and we are left today with the debris of that practicality. Olmsted died a broken, sick man. The lessons of both his defeats and victories have yet to be learned.

(From Time, Dec. 11, 1972)

THE PRESCIENT PLANNER

"The main object and justification of [Central Park] is simply to produce a certain influence in the minds of people. . . . The character of this influence is a poetic one and it is to be produced by means of scenes, through observation of which the mind may be more or less lifted out of moods and habits into which it is, under the ordinary conditions of city life, likely to fall." Frederick Law Olmsted's words on his noble design for Manhattan may ring with some irony in a New Yorker's ears today as he promenades his German shepherd past a sniffling junkie on a park bench and settles down to meditate on the future of *rus in urbe* among the tattered newspapers and paper cups surrounding some graffiti-sprayed rock. But the fact is that New York, to the extent that it is still habitable, remains so partly by virtue of Olmsted's prescient and humane planning.

Many of his urban designs have since been bastardized, and the parks he completed have been eroded by careless crowds, inadequate maintenance and spurious development. Consequently some of Olmsted's New York projects—Morningside Park in Manhattan, Tompkins Park and Prospect Park in Brooklyn—are now parodies of their 19th century selves. Moreover, a changed idea of leisure has bitten into the patterns that Olmsted left. Parking lots, baseball diamonds and 27 playgrounds, not to mention the Metropolitan Museum's expansion, have severely damaged Central Park itself. So grasping Olmsted's work is partly a matter of archaeology: the achievement must be reconstructed. This is the aim of a fascinating exhibition at Washington's National Gallery organized and directed by William Alex in commemoration of the 150th anniversary of Olmsted's birth.

The son of a prosperous Connecticut merchant—his ancestors had immigrated to America in the early 17th century—Olmsted was a capable writer, and his thoughtful, closely researched books on conditions in the South were acclaimed as the best record of the slave society that had been written before the Civil War. He farmed too, and dabbled (with disastrous results to his purse) in publishing. His career as a planner and designer spanned more than a generation, from his appointment in 1857, at age 35, as the superintendent of an as yet undesigned Central Park to his retirement in 1895. Throughout, Olmsted was known as a landscape architect. This "miserable nomenclature," as he called it, fretted him; but what else could Olmsted call himself? "For clearness, for convenience, for distinctness," he complained, "you do need half a dozen new technical words at least." The fact that his culture had no exact name for his work is an interesting proof of Olmsted's originality.

As Elizabeth Barlow writes in a graceful new study, *Frederick Law Olmsted's New York* (Praeger; $12.50): "At the time of his birth" his type of activity "was almost beyond imagining." America's image of itself was still Arcadian and rural; the city was generally considered to be past redemption, a sink of iniquity and profit. Even by the mid-19th century, there was no American equivalent of the royal parks in which Londoners could refresh themselves. From Boston to Buffalo to Chicago to Minneapolis, Olmsted set out to supply them. He also designed a park for San Francisco, which unfortunately was never built. As Mrs. Barlow puts it, he "did not turn his back on the process of American urbanization; rather, he took the Jeffersonian rural ideal and carried it into the heart of the city."

COMPLETE SYSTEMS

His prototypes were, naturally, English. Olmsted had absorbed the lessons of the "picturesque" on his first visit to England and Europe in 1850—that mode of articulating a landscape or a park so that it seemed not designed, but modulated, into a suggestive wildness. The sight of hawthorn hedges and coppices, glistening under the mild English sun, threw him into transports of delight; two of the key texts on English romantic gardening, Sir Uvedale Price's *On the Picturesque* and William Gilpin's *Forest Scenery*, so influenced him that he later enjoined his pupils to read them "seriously, as a student of law would read *Blackstone*."

Olmsted's mind, so delicate in its attention to detail and so wide in its grasp of social issues, was of a sort not often found elsewhere in 19th century America; he was, in fact, the first American planner to think holistically, in terms of complete systems. Architect, sociologist, ecologist, engineer and conservationist, he felt an abiding concern for the refreshment of human life by an interaction with nature, but with a nature that was planned or, if not planned, lovingly preserved. He drew up a project that restored Niagara Falls after its defacement by com-

mercial exploiters; and the conservation of Yosemite Park, whose rock outcroppings were already splashed with patent medicine ads as early as 1860, is largely the result of his dedication.

But it was in urban design that his genius revealed itself. No living architect could propose a more humane suburb than the cellular plan for Riverside, Ill., with its sociably curving layout and "character of informal village greens," which Olmsted and his partner Calvert Vaux drew up in 1868. Similar master plans for The Bronx and other areas of New York were not carried through; instead, the builders and real estate speculators imposed the mechanically uniform grid system that was a special target of Olmsted's anger—and remains today. The landscape of New York City—which, well into the 19th century, was still a landscape, mostly farm land—vanished under the relentless leveling, cutting and filling, and one of history's greatest urban bungles was consummated.

WASTE SPACE

Except, fortunately, in Central Park; there, Olmsted and Vaux had a free hand. They won it with great difficulty against a phalanx of businessmen and politicos who could see no point in creating such "waste space" in Manhattan. Olmsted's tenacity was such that when his thigh was broken in three places by a carriage accident, he insisted on being carried round the park in a litter while he issued his orders to the foremen and struggled to complete, in grass and trees, his "gallery of mental pictures." Though he disapproved of such grand formal gardens as Versailles, the park entailed a stupendous effort of engineering. Ten million cartloads of earth and stone were dragged in and out of the area, millions of trees, vines and shrubs were planted, the brooks that traversed it were turned, by an impressive feat of hydraulic engineering, into lakes and reservoirs; even the four systems of traffic circulation, which Olmsted designed with unusual finesse, still work admirably after more than a century. No detail, from the marble inlay of a niche or the angle of a fountain jet to the disposition of a hickory grove, escaped him or Vaux. The result was a masterpiece.

Its uses have changed—the dubious honor of driving the first car in Central Park went to one Winston Buzby in 1898, and the present infestation of buildings and ugly monuments was no part of Olmsted's plan. Today, the character of Central Park is stretched to its elastic limit. But it still survives, and Olmsted's words to his partner Vaux (who got dispirited sometimes) still speak for many New Yorkers: "I have none of your feelings of nauseousness about the park. There is no other place in the world that is as much home to me. I love it all through, and all the more for the trials it has cost me."

[From the Boston Sunday Globe, July 23, 1972]

BOSTON CELEBRATES PARK FESTIVAL HONORING OLMSTED

(By Christina Robb)

After 150 years, Frederick Law Olmsted is venerated as a landscape architect. His first week long festival starts today in the half dozen Boston Parks he designed.

In 1848, he'd never thought of landscaping. At 26, he had written four books about Southern slave society and a fifth about English farmers. Just back from Europe, he was sitting in a harbor tavern in New York when Fernando Wood stopped by and mentioned that the superintendency of Central Park—which was then as undeveloped as Olmsted's landscaping art—was up for grabs.

The politically chosen park site, Olmsted wrote, "was a very nasty place. In fact, the low grounds were steeped in the overflow and mush of pig-sties, slaughterhouses and bone-boiling works, and the stench was sickening."

Wood was a rich merchant, Tammany leader and future Democratic mayor of New York. But in 1848 he was fighting for his political life and wanted to prevent the appointment of a Republican to the park superintendent's job. He suggested that the apolitical Olmsted think about it.

"I take it? Olmsted mused aloud. I'm not sure I wouldn't if it were offered me. Nothing interests me more in London than the parks, and yet I thought a great deal more might be made of them."

"Well, it will not be offered you," Wood told him. "That's not the way we do business; but if you'll go to work, I believe you may get it."

A week later, Olmsted presented the New York City parks commissioner with an application backed by the weighty signatures of cultural worthies like Washington Irving.

Olmsted described the interview in a fragment of the unfinished autobiography he wanted to call "Passages from the life of an Unpractical Man:"

"The practical Democratic commissioner having ascertained that I had no experience in practical politics, even no personal acquaintance with the Republican leaders in the city, that my backing would be from unpractical men, and that I responded warmly to virtuous sentiments with regard to corruption in both parties. After a long conversation, he gave me the impression that I might hope that, if the Republicans brought me forward, he should be less inclined to oppose me than a possible Republican who had been deep in the mire and who disapproved of the practice of virtue in politics."

Olmsted got the job.

When he reported for work, the engineer sent him out with the foreman on a tour of the park site, "in the black and unctuous slime of which," Olmsted remembered, "I sometimes sank nearly half-leg deep."

The foreman was a talkative tour-guide. "Under all the circumstances," Olmsted judged years later, "it was plain enough that when foreman Smith pleasantly remarked that he supposed they would be 'pushed up now,' and the men laughed with him at the suggestion. It was because of the idea that I might expect a day's work from them for each day's due bill was thought a good joke."

Ten years later, Olmsted's design for the world's largest park had been accepted. Twenty years after that, in the 1870's when Central Park was near completion, he started work on Boston's "Emerald Necklace"—the string of riverside and city parks that stretches from the Fenway via the Common and Arnold Arboretum to Franklin Park.

When he died in 1903, Frederick Law Olmsted was the most famous landscape architect in America. He had designed 16 major metropolitan parks—notably Central Park in New York, Golden Gate Park in San Francisco, Mt. Royal Park in Montreal, South Park and the world's Columbian Exhibition Grounds (now Jackson Park) in Chicago.

The Boston's seven-mile green spoke—a park system rather than a single park—was his most ambitious project. It is unfortunate that he left no record of his "unpractical" experience in getting that monumental job done.

Olmsted's son, also called Frederick Law, lived from 1870 to 1957. He landscaped the Lincoln and Jefferson memorials in Washington and taught landscaping at Harvard.

Writing in the Boston Post of 1912, the younger Frederick characterized his father as "the earnest, clear-sighted American citizen. He was anxious as to the political conditions and tendencies of his country. He suffered from no illusions as to the proximate inefficiency, waste and corruption of our governmental agencies, but had unshaken confidence in the principle of the Democratic rule as the only safe basis for ultimate human progress."

[From the Smithsonian, December 1972]

RENEWED ACCLAIM FOR THE FATHER OF AMERICAN LANDSCAPE ARCHITECTURE

(By Tanya Edwards Beauchamp)

A 150th birthday salute to Frederick Law Olmsted, who not only designed city parks but also promoted a national parks system.

In the mid-1860s, when construction of New York's Central Park was under way, the *Herald Tribune* editorialized on the folly of the undertaking, prophesying that it would "be nothing but a great beer garden for the lowest denizens of the city," that decent citizens could not safely venture there, that real estate bordering the park would be adversely affected, and that only the grog shops would benefit from its presence. The park, of course, was successful.

Citizens of all classes flocked to this idyllic 840-acre expanse of trees and grass and water. In a single day, visitors often numbered as high as 80,000 persons on foot, 30,000 in carriages and 5,000 on horseback. It was the scene of family outings, of wedding parties, of school excursions. Doctors sent their patients there to convalesce. As a lure in attracting tourists and wealthy new residents to the city, it was said to outweigh "all the colleges, schools, libraries, museums and art galleries which the city possesses." Ruffianism was negligible (at least then), the neighboring grog shops were emptied, to be replaced by classier establishments, and the value of real estate along its seven-mile boundary appreciated by leaps and bounds.

Frederick Law Olmsted, who collaborated on the design of Central Park with architect Calvert Vaux and supervised its construction went on to design 16 more large parks and as many smaller ones in cities across the country. He also designed suburban developments and college campuses, private estates and institutional grounds, becoming America's first landscape architect and city planner. In an era of unprecedented industrial and urban growth, he saw the opportunities and responsibilities in his time for favorably influencing the health and spirit of city dwellers for generations to come. Yet he referred to himself as a "wholly unpractical man" to distinguish himself from those men—all too numerous then as now—who prefer to define practicality entirely in terms of the nearest dollar.

This year marks the sesquicentennial of Olmsted's birth. Probably more acclaimed now than at any time during his lifetime, Olmsted is being honored with numerous exhibitions, parties in the parks, newly published books and environmental festivities in many American cities. Currently, his work is being celebrated in two major exhibitions—"Frederick Law Olmsted's New York" at the Whitney Museum of American Art in New York (through December 3) and "Frederick Law Olmsted/U.S.A." at the National Gallery of Art in Washington, D.C. (through January 7). A supplemental version of the latter show will be circulated by the American Federation of Arts to several other cities, including San Francisco, during the next two years.

Born in Hartford, Connecticut, in April 1822, Olmstead was the son of a well-to-do merchant. Unable to attend Yale because of an illness temporarily affecting his eyesight, he was apprenticed in 1837 to a civil engineer. In 1843, he sailed as a crew member on a ship bound for China. The following year he joined his brother John—then a premedical student—at Yale. Though he did not matriculate, he participated in the life of the college, attending lectures on scientific agriculture. In 1846 he apprenticed himself to a farmer in Onondaga County, New York. With the financial backing of his father, he then established himself as a farmer, first in

Guilford, Connecticut, and then, in 1848, on Staten Island, New York, where he operated a fruit tree nursery and began writing for various agricultural journals.

In 1850, Olmstead, accompanied by his brother and a Yale friend, made a walking tour of Great Britain and parts of Western Europe. His published account of this tour, *Walks and Talks of an American Farmer in England,* led the *New York Times* to send him on reporting assignments through the troubled South and Southwest. Making three trips between 1852 and 1854, he filed dispatches that earned him a lasting reputation as an observer of unusual perception. His three books on the antebellum South were eventually compiled into one volume, *The Cotton Kingdom,* which is still in print.

Olmstead was 35 in 1857 when he sought and obtained the post of superintendent of the site set aside as Central Park. Until then he had never seriously considered becoming a landscape architect. But the following year Calvert Vaux persuaded him to collaborate on what was to be the winning park design.

Later, defending himself against charges that he had become an instant landscape gardener, he answered: "It is true that I had not set up to be a landscape gardener before I came upon the park. I had not thought myself one, and had been surprised and delighted when I was asked if I would accept even a journeyman's position in the intended work. Why? Simply because I held the art in such reverence, that, to that time, it had never occurred to me that I might rightly take upon myself . . . it's public practice. My study of it had been wholly a study of love, without a thought of its bringing me pecuniary reward. . . ."

Indeed, with his careful and sensitive observation of parks and natural scenery here and abroad, his theoretical studies, his practical experience with drainage, nursery stock and the management of agricultural labor, he was well qualified for the undertaking. But Olmsted's work at Central Park was marred by political infighting as he obstinately refused to put the interests of Tammany Hall ahead of those of the Park. He was maligned in the press and received threatening letters. His plans were frequently obstructed by "practical men," workmen and politicians. At one point he was brought close to nervous collapse. During the 21-year span in which he worked intermittently on the Park, Olmsted occasionally resigned, always to be reappointed.

Though he often had trouble with clients who didn't quite understand what he was doing or who weren't willing to spend enough money to do a thorough job, he never again experienced the bitter opposition he had met in the protracted construction of Central Park. During the late 1860's and early 1870s, Olmsted and Vaux went on to design Prospect Park in Brooklyn, the Buffalo and Chicago park systems as well as several college campuses and suburban areas in Riverside, Illinois, and Tarrytown, New York. He also devised a comprehensive plan for the development of Staten Island.

PARK SCENERY SHOULD BE PASTORAL

The urban landscape park was the nucleus of Olmsted's design thought. He envisioned it in its simplest form as a place where large numbers of people might find recreation in moving "among scenes that should be gratifying to their taste or imagination." A park should present the "greatest possible contrast with the restraining and confining conditions of the town, those conditions which compel us to walk circumspectly, watchfully, jealously, which compel us to look closely upon others without sympathy." In a park people should be able to meet in an open and friendly manner, finding pleasure in "a sense of enlarged freedom." The scenery should be pastoral—including greensward, with the light and shade of sunlight filtering through trees, a pleasing variety of foliage, expansive lakes, swiftly running streams and grazing sheep and deer. The city should be obscured from view by thick plantings of trees, architectural effects should be minimized, and distant views should be opened up.

Such a park would be, according to Olmsted, a "sustained landscape poem" wherein the visitor would himself become an element in the landscape. That the landscape was indeed a work of art and not a mere imitation of nature should always be evident.

While touring England, Olmsted had paid a visit to Birkenhead Park, designed by the architect Joseph Paxton. English parks so impressed Olmsted that he wondered: "What artist, so noble . . . as he who, with far-reaching conception of beauty and designing power, sketches the outline, writes the colors, and directs the shadows of a picture so great that Nature shall be employed upon it for generations." In practice, as Olmsted discovered, nature was far from the docile assistant this romantic idea implies. Topography had to be altered by blasting, excavating, filling and grading. Soil had to be drained and manured. New plant materials had to be selected with a view to their adaptability to climate and exposure. Even after all these preparations the success of the work was subject to the vagaries of weather, time, disease and maintenance. It is no wonder that after his career was under way Olmsted referred to landscape architecture as a fresco rather than an easel painting (see Dubos, p. 18).

In his design for Central Park, Olmsted drew heavily upon the vocabulary of the English landscape garden with its conceit of idyllic countryside, its illusion of unlimited extent. At Prospect Park in Brooklyn, which he and Vaux undertook in 1866, Olmsted brought his own version of the naturalistic style to perfection. Here he designed magnificent expanses of subtly shaped lake and meadow, surrounded by open woodland. Earth fills at the boundaries of the park were thickly planted to screen views of the town. Provision was made for concerts with the band playing from a pavilion on an island in a bay of the lake, while the audience listened from a natural amphitheater on the shore. In the woodland between the lake and meadow, a mountain stream was created, providing a charming diversity of scenic effects. At one side of the park a fenced grazing ground for deer was created. A well-thought-out system of carriage roads, riding trails and walkways threaded their way through the park, providing maximum access.

To Olmsted the urban park was kinetic in concept. Parkways could extend its benefits throughout a city, connecting with other recreational areas, cultural facilities and residential zones. It was in this development of the spatial dynamics of the urban park that Olmsted is most original and most divergent from his English antecedents. His linear parks, such as Seneca Park in Rochester, follow river banks for long distances, integrating river scenery with the city in a way that is far removed from the 18th-century English garden. His park and parkways system for Boston—the so-called "Emerald Necklace"—connected the parks and waterways of an entire region with continuous greenery.

At South Park in Buffalo in 1888 he proposed to unite the parks and parkways system of the city with the grandeur of Lake Erie. Here, a flat, featureless, treeless, lakeside tract, subject to frequent flooding, was to be sculptured into an aquatic park. Boaters would glide through lagoons among islands designed to provide an intricate variety of scenery. There would be a protected haven for excursion boats and facilities for bathing. Unfortunately this park was never built.

In 1871 Olmsted and Vaux had proposed a similar system of interconnected parks for Chicago, a city that Olmsted considered "unfavorable to parks." But their plans for Jackson and Washington Parks were not realized. Two decades later, Olmsted took on the prestigious job of site designer for the Chicago World's Columbian Exposition of 1893—his last major effort in urban design. He chose a swampy site on the shore of Lake Michigan, the area that had formerly been set aside for Jackson Park. He dredged the marshes, deepened the lagoons, and designed the grounds to provide a pleasing variety of scenery. He deliberately planned the grounds so that after the neoclassical Exposition buildings were removed in 1895 the site could be easily and cheaply converted into what is now Jackson Park.

As a visionary, Olmsted did not limit his horizons to the urban landscape. He felt that superb natural scenery was a national resource that should be held in trust for the people by the government and that such land should be "devoted forever to popular resort and recreation." In 1864 he was appointed to head the commission drawing up a report on the future management of the Yosemite Valley, the first scenic area to be preserved by Congress. The "sublimity of the Yosemite," he wrote, required that prime consideration be "given to the danger that such scenes might become private property and through the false taste, the caprice or the requirements of some industrial speculation of their holders, their value to posterity be injured." He recommended that the area be kept as nearly as possible in its natural state, allowing only a minimum of access roads and other public accommodations. His report established a philosophical rationale for the preservation of national and state parks. Later he became involved in a protracted fight to save Niagara Falls from the encroachments of industry and preserve it as a public pleasure ground.

In 1872 Olmsted and Vaux dissolved their partnership by mutual agreement. Afterward, Olmsted's most notable new works included the design of the grounds and west front of the U.S. Capitol, the grounds of the New York State capitol at Albany, Mount Royal Park in Montreal, and an elaborate ocean resort at Rockaway Point, New York.

In 1883, five years after his connection with Central Park was finally severed, Olmsted permanently moved his home and office to Brookline, Massachusetts. Although he continued to design urban parks, his work became more diversified; his projects included the Smithsonian Institution's National Zoo, many private estates, and several train stations for the Boston and Albany Railroad. While he often collaborated with Henry Hobson Richardson, and other architects of national reputation, he increasingly came to rely on the assistance of men trained in his own prospering firm, including his stepson, J. C. Olmsted, and his own son, Frederick Law Olmsted Jr. In 1895, Olmsted, his mind failing, entered McLean Asylum—the grounds of which he had designed—in Waverley, Massachusetts. He died there in August 1903.

Not all of Olmsted's designs were executed. Some were done only halfheartedly, others have not been well maintained or have fallen prey to bulldozers, roadbuilding or simple encroachment by non-landscape factors. Central Park is under constant threat of "improvements," ranging from new restaurants to new wings of the Metropolitan Museum of Art. And currently Olmsted's work on the Capitol is endangered by a Congressional commission that proposes to demolish the terraces and extend the west front.

Olmsted left an unusually complete record of his life and work. In addition to published records, the Library of Congress holds a collection of 24,000 items of personal papers, and more than 170,000 items comprising the records of Olmsted Associates, Inc. The latter covers the complete scope of the firm's work from 1858 until the present time. In

addition, there remain in Brookline drawings, sketches and photographs documenting the work of this entire period. It is hoped that funds will soon be found so that these may be safeguarded, microfilmed and made available to scholars. The drawings are, after all, the real record of Olmsted's work and it is with them that all serious consideration of his design legacy must begin.

Toward the end of his life, Olmsted, looking back on the 17 large public parks and many smaller ones that he had worked upon, noted with satisfaction that "as they stand, with perhaps a single exception, they are a hundred years ahead of any spontaneous public demand. . . . And they are having an educative effect perfectly manifest to me—a manifestly civilizing effect." The renewed interest in Olmsted surely reflects a healthy concern for environmental design.

[From the Washington Post, Jan. 29, 1972]

FROM THE MAN WHO GAVE YOU CENTRAL PARK

(By Wolf Von Eckardt)

A new national hero is emerging.

Frederick Law Olmsted, whose sesquicentennial will be celebrated this spring, has so far occupied only a relatively minor place in the American pantheon.

People interested in the history of our cities know him as "the father of landscape architecture" and the designer of New York's Central Park, the first park to bring generous open space, sunshine and fresh air into a modern industrial city.

What promises to make Olmsted a hero whom school children will be taught to admire along with Benjamin Franklin and Thomas Alva Edison, is that the nation's new concern for the quality of urban life is finally catching up with his.

We are now beginning to realize that protecting the natural environment, the traditional kind of conservation, is not enough. The principles of conservation, of "sympathetic cooperation with nature," as Olmsted called it, must also be applied to the man-made environment—the city and metropolitan area—if both man and nature are to survive. Man is part of the much-talked about natural ecology.

And this, in essence, is what Olmsted preached and practiced in the course of a long (1822 to 1903), varied and productive lifetime that has left its mark all around us. People still enjoy not only Central and Prospect Parks in New York and the Golden Gate Park in San Francisco, but also the great parks that act as the "lungs" of Chicago, St. Louis and a dozen or so other American cities.

More importantly, perhaps, are Olmsted's theories on city planning. They herald those of the English "garden city movement," Lewis Mumford and Jane Jacobs, and are just now beginning to make their influence felt. Olmsted saw the need to create new communities, and designed one at Riverside, Ill. He recognized the need to make whole urban regions wholesome, showing how this can be done with his proposal for an "emerald necklace" of urban parks and parkways in Boston.

Olmsted, in fact, stands at the beginning of a new urban vision, a new concept of how we must guide rapid urbanization and, in the fact of mechanization and pollution, make our place to live human and livable. He was a pioneer in civilizing American cities.

Truly great men make a new contribution to every new age that succeeds their own. Every generation discovers some new aspect of the great man's wisdom. In his own time, Olmsted was mainly looked upon as a successful landscape architect who rode a fashionable wave of romantic love for nature and the picturesque. The fashion was partly a reaction to "the shame of the cities." It was exemplified by the paintings of Monet and the architecture of H. H. Richardson.

The last generation saw him primarily as an artist, who, in contrast to the rigid formality of baroque park design, created Monet landscapes complete with random rocks, meandering roads and brooks, dreaming meadows and utterly natural-looking artificial lakes, in the center of the city.

Today we see not only the esthetic, but the social implications and intentions of his work. Olmsted foresaw that Central Park, which was out in the sticks when he and his partner, Calvert Vaux, laid it out in 1858, would be hemmed in by a wall of skyscrapers. He foresaw the crush of traffic and was the first to separate people and vehicles by way of under- and overpasses in his park designs.

Today we see that Olmsted's approach to urban planning, had it been more fully accepted, might have saved us much of the misery of slums, ghettos, traffic jams, urban disorders, physical and mental health problems and other urban disasters. Olmstead warned, a hundred years ago, against building cities "little by little and chiefly to suit the views of landowners, acting only individually and thinking only of how what they do is to affect the value in the next week or the next year of the few lots that each may hold at the time."

But that, of course, is exactly what we did and are still doing.

The answer to the resulting chaos is comprehensive community planning that is focused, much as Olmsted prescribed, around parks and open spaces. This prescription is now being returned to us from England where it was developed and refined by the "garden city" movement and its "new towns" which Ebenezer Howard launched at the turn of the century.

But it seems that Howard, who visited America as a young man, was inspired by Olmsted's new community at Riverside. Howard is very likely to have visited this first modern, American "new town," according to Walter L. Creese, an eminent urban historian.

Olmsted, at any rate, was surely concerned with far more than beauty and commodious urban design. He stood, as Lewis Mumford quotes Charles Eliot Norton as saying of him, "first in the production of great works which answer the needs and give expression to the life of our immense and miscellaneous democracy."

He knew that life as an inveterate traveler and early in his career, as a reporter, writer and editor who worked for a number of newspapers and publications, including The New York Daily Times, Putnam's and The Nation. His reports on the state of the South before the Civil War are among the most valuable historic sources we have.

Olmsted's "very temperate picture of the beating of a young Negress," writes Mumford, "calmly, coolly, by a matter-of fact overseer, was far more damning than the violent melodramatics of Mrs. Harriet Beecher Stowe. Olmsted's account of the antebellum South has well been compared with Young's picture of France before the Revolution."

A number of determined environmentalists, historians and other admirers of Frederick Law Olmsted's led by architecture historian Frederick Gutheim, are busy planning an "Olmsted Sesquicentennial" celebration in honor of this remarkable man.

Plans include the issue of a commemorative postage stamp, forums and symposia in various cities where Olmsted works are found and a comprehensive exhibition, designed by William Alex, to be held at New York's Whitney Museum next summer.

The exhibition is to be shown in a number of cities, including Washington. The Architect of the Capitol, George M. White, has expressed interest in showing it on the Capitol's West Front Terrace, which Olmsted designed. An extension of the West Front would inevitably destroy this design.

Gutheim sees the sesquicentennial as one of his committee's most important tasks, however, to raise funds for the preservation of the Olmsted office, house and grounds in Brookline, Mass., and to microfilm its fund of letters and drawings. The Library of Congress has recently acquired 400 boxes of these papers. But far more are still inadequately stored and in danger of deterioration and fire.

Another central idea of the Olmsted celebration is to call public attention to the plight of our troubled urban parks, said Gutheim. "In a way they are the victims of their success. They mirror such national problems as crime, delinquency, overcrowding, drugs, traffic and environmental pollution.

"The result is an extensive invasion of chain-link fences, blacktopped play areas, bright illumination, highways and parking. These piecemeal responses by hard-driven park administrators can eventually destroy the original creations of a century ago."

But the main focus is on the man. The 150th anniversary of Olmstead's birth, says William Alex, "marks nothing less than a rededication to the idea of human surviv l. It is against this American that we must measure the captains who must now guide spaceship Earth."

Mr. KENNEDY. Mr. President, the Congress has the opportunity with this legislation not only to protect and preserve the heritage of Olmsted's work by preserving his home and papers, but we have the opportunity to renew the commitment of Olmsted to a better quality of life for urban residents. Olmsted envisioned a "sense of enlarged freedom" for those who would enjoy the cool, green spaces set among the concrete and pavement of our cities; and it is to renew this same vision that we introduce this bill today.

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

S. 1750

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by gift or by purchase with appropriated or donated funds the lands, including improvements thereon, in Brookline, Massachusetts, comprising the Frederick Law Olmstead Home and Office, together with such additional lands as the Secretary may deem necessary for the purpose of establishing the Frederick Law Olmstead Home and Office as a national historic site. In addition, the Secretary is authorized to acquire by gift or by purchase with appropriated or donated funds those materials as deemed appropriate for historic preservation which may include original drawings and prints and reproductions, photographic negatives and prints, mechanical and technical equipment, written and printed documents and reports, books and publications, libraries, memorabilia and any other such material deemed appropriate by the Secretary.

SEC. 2. The property including any of the aforementioned materials acquired by the Secretary under the first section of this Act shall constitute the Frederick Law Olmstead Home and Office National Historic Site. Such historic site shall be administered by the Secretary, through the National Park Service, subject to the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916, as amended and supplemented, and the Act entitled "An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national sig-

nificance, and for other purposes", approved August 21, 1935.

SEC. 3. In furtherance of the purposes of this Act, the Secretary is authorized to enter into cooperative agreements with public and private agencies, institutions, organizations and other entities to assist in the preservation and interpretation of the aforementioned properties and materials, or portions thereof, and to authorize such agencies, institutions, organizations, and entities to utilize the facilities of, and any aforementioned materials in, the Frederick Law Olmstead Home and Office National Historic Site.

SEC. 4. (a) There is hereby established the Frederick Law Olmstead Home and Office Advisory Commission (referred to in this section as the "Commission"). The Commission shall consist of 13 members who shall have professional knowledge of, and concern for, the work of the Olmstead architecture firm, and who shall be appointed by the Secretary as follows:

(1) one member on the basis of a recommendation by the American Society of Landscape Architects;

(2) one member on the basis of a recommendation by the American Institute of Architects;

(3) one member on the basis of a recommendation by the American Institute of Planners;

(4) one member on the basis of a recommendation by the Frederick Law Olmstead Papers;

(5) one member on the basis of a recommendation by the Olmstead Sesquicentennial Committee;

(6) one member on the basis of a recommendation by the Library of Congress;

(7) one member on the basis of a recommendation by the Archives of American Art;

(8) one member on the basis of a recommendation by the National Gallery of Art;

(9) one member on the basis of a recommendation by the Commission of Fine Arts;

(10) one member on the basis of a recommendation by the National Endowment for the Arts;

(11) one member on the basis of a recommendation by the National Endowment for the Humanities;

(12) one member on the basis of a recommendation by the National Historical Publications Commission; and

(13) one member on the basis of a recommendation by the Smithsonian Institution.

(b) It shall be the function of the Commission to advise and otherwise assist the Secretary in carrying out his duties under this Act, including, among others, the control, protection, and conservation of such drawings, prints, reproductions, photographic negatives and prints, mechanical and technical equipment, written and printed documents, reports, books, publications, libraries, memorabilia and other such materials referred to in the first section of this Act.

(c) Members of the Commission shall serve without compensation as such, but may be reimbursed by the Secretary for actual expenses incurred by them in carrying out their duties under this section.

(d) The Secretary shall designate one of the members of the Commission to serve as Chairman.

(e) Members of the Commission shall serve for terms of one year, but may be reappointed.

SEC. 5. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. JACKSON (for himself, Mr. RANDOLPH, Mr. COTTON, Mr. FANNIN, Mr. JOHNSTON, and Mr. BAKER) (by request):

S. 1751. A bill to amend the Outer Continental Shelf Lands Act and to authorize the Secretary of the Interior to regulate the construction and operation of deepwater port facilities. Referred jointly to the Committees on Interior and Insular Affairs, Public Works, and Commerce by unanimous consent.

Mr. JACKSON. Mr. President, for myself, the senior Senator from West Virginia (Mr. RANDOLPH), the senior Senator from Arizona (Mr. FANNIN), the junior Senator from Louisiana (Mr. JOHNSTON), the senior Senator from Tennessee (Mr. BAKER), and the senior Senator from New Hampshire (Mr. COTTON), I introduce, by request, a bill submitted by the Acting Secretary of the Interior to amend the Outer Continental Shelf Lands Act and to authorize the Secretary of the Interior to regulate the construction and operation of deepwater port facilities. The short title of this measure is the "Deepwater Port Facilities Act of 1973."

The bill was submitted as part of the President's energy message.

Mr. President, I have discussed the bill with my distinguished colleagues, the chairman of the Committees on Public Works and Commerce. Because this bill contains matters which affect the jurisdictions of each of our committees, we are agreed that all three committees should give it early attention. We have agreed to establish a procedure to insure joint hearings and consideration of the proposal.

Mr. President, I ask unanimous consent that the bill be referred jointly to all three committees: Interior and Insular Affairs, Commerce, and Public Works.

I also ask unanimous consent that the text of the letter from the Acting Secretary of the Interior accompanying the proposed legislation be printed in the RECORD at this point in my remarks.

The PRESIDING OFFICER (Mr. JOHNSTON). The bill will be received and referred as requested by the Senator from Washington; and, without objection, the letter will be printed in the RECORD, as requested.

The letter is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., April 18, 1973.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: In accordance with today's Presidential Message on Energy, I am enclosing our proposed bill "To amend the Outer Continental Shelf Lands Act and to authorize the Secretary of the Interior to regulate the construction and operation of deepwater port facilities."

We recommend that it be referred to the appropriate committee and that it be enacted.

Regardless of the policies adopted to increase domestic supplies, imports of crude oil and products into the United States are projected to probably double by 1980 and could continue to increase dramatically in succeeding years.

Most United States ports, already heavily congested, are not equipped to handle this increased trade. With few exceptions the largest ship which can enter United States ports fully loaded is 65,000 deadweight tons (DWT). (Compared to the new deep draft tankers which are now being built in excess of 200,000 DWT.) The use of small vessels is the least desirable method of importing large quantities of crude oil and products into the United States, both because of environmental and economic considerations. As imports of crude oil and products increase, our conventional ports will become more congested and the risks of collision and groundings will increase.

An alternative to this prospect which promises significant benefits both environmentally and economically is the construction of deep-water port facilities. Deep drafttankers could use these facilities, generally connected to shore by a pipeline. These tankers make possible substantial cost savings and can be designed to reduce the risks of pollution through use of multiple tanks, double bottoms, segregated ballast and other design improvements.

If we do not act, it is highly possible that transshipment terminals to the United States will be built in the Caribbean or in Canada. This not only deprives this Nation of an essential transportation asset, but we also lose associated employment and incur balance of payment deficits. More importantly, these foreign terminals service the United States through increasing numbers of small and medium sized tankers, many of them old.

The bill we are proposing would remove any legal impediments to the development of such deepwater terminals off the United States coast by establishing authority in the Department of the Interior for licensing the construction and operation of ports beyond the 3-mile limit. This process would include strict environmental controls and specific provision for navigation and safety. Licenses would be issued to any United States citizen, domestic corporation, State or local government when the Secretary finds that the applicant is financially responsible and has demonstrated an ability and willingness to comply with all applicable laws and conditions. Prior to issuing any license, the Secretary is required to consult with the governors of adjacent coastal States to ensure that the facility and its directly related land based activities would be consistent with the States' land use planning programs.

The construction and operation of proposed deepwater port facilities will not unreasonably interfere with international navigation or other reasonable uses of the high seas. Such construction and operation and the regulation of related activities will constitute a reasonable exercise, fully consonant with the principle of freedom of the high seas and will be consistent with international obligations of the United States.

The license required by this Act would be additional to permits or licenses which may be required under existing legislation from other Federal agencies. However, the proposed bill provides a mechanism whereby all Federal permits necessary for the construction of the deepwater port facility will be handled through a single application filed with the Interior Department. This Department will be responsible for ascertaining that the other Federal agencies with jurisdiction over the construction of the facility have given necessary approvals.

It should be emphasized that the basic planning and design of these deepwater port facilities will be left to non-Federal initiatives—as will the financing thereof. The Federal Government's role will be largely confined to reviewing the plans to assure that the facility will meet the requirements of the Act and comply with other applicable laws.

This legislation is an essential step towards significantly reducing the environmental risks associated with increased marine traffic carrying oil imports. In adidtion, this legislation will result in substantial cost savings to the American consumer. We therefore urge its speedy enactment.

The Office of Management and Budget advises that enactment of this bill would be in accord with the President's program.

Sincerely yours,

JOHN C. WHITAKER,
Acting Secretary of the Initerior.

By Mr. HARTKE:

S. 1753. A bill to amend the Interstate Land Sales Full Disclosure Act to provide for the licensing of developers in order to insure the maintenance of high professional standards, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. HARTKE. Mr. President, in 1968 the Interstate Land Sales Act was enacted to combat certain practices in interstate land sales. The legislative action was the result of the uncovering of widespread abuses—particularly in land sales to the elderly. Abuses included such things as selling swamp land or parcels of land lying under several feet of water, as retirement property by mail or phone. Unfortunately, many of the practices against which the legislation was directed have continued. It is for this reason that I send a bill to the desk for appropriate reference which will strengthen the present law. My bill would amend the Interstate Land Sales Full Disclosure Act to provide for the licensing of developers in order to insure the maintenance of high professional standards. I first introduced this legislation in April 1972. Unfortunately no action was taken in the 92d Congress on this issue.

The reintroduction of my legislation is not intended to imply that the professionals who engage in interstate land sales are not decent and honest entrepreneurs; rather, my concern is that too often the consumer has been subjected to inequitable activity in interstate land sales.

The mobility of the 20th century has made interstate land sales a very attractive market. Most of the purchases are of vacation homes or of land to be used when the buyer retires. The ownership of such property continues to rise sharply. In 1967, 1.7 million households owned second homes. In 1970, this rose to 2.9 million, about 4.9 percent of all households. In order to insure that prospective customers can be reasonably safe in their investments, we must provide for the licensing of those who engage in such land sales. Until 1968, this was an area in which the consumer was afforded very little protection. The legislation that I reintroduced today would strengthen the 1968 law.

Under the provisions of my bill, persons engaged in interstate land sales would be required to possess a license issued by the Secretary of Housing and Urban Development. The Secretary would issue a license after he determines that the applicant has satisfied certain standards. My bill suggests some standards that might be used for evaluation. These standards are not intended to be the exclusive means for evaluating the professionalism of the licensee but will be an important part of the evaluation process.

The step towards licensing requirements is a substantial change of direction from the present law, but serious questions have been raised about the adequacy of the present law which provides only for the disclosure of information. The Department of Housing and Urban Development's Office of Interstate Land Sales recently has been making significant strides under new leadership. Particularly pleasing has been the effort exerted to publicize the work of their office so that citizens can become cognizant of the problems of buying property. The purpose of my legislation is to enhance the ability of the Office of Interstate Land Sales to perform their job.

Under my bill, in addition to granting licenses the Secretary will be required to revoke licenses under certain circumstances. If the licensee has been held liable for damages under the Interstate Land Sales Act, or has engaged in any act or practice which constitutes a conflict of interest or breach of trust, the Secretary shall have the authority to suspend his license for up to 5 years. In addition, the Secretary shall also have the power to suspend a license if a developer has practiced discrimination in the sale of land covered under this act.

In conclusion, I reiterate that I have the highest respect for the professionals who engage in interstate land sales. Nonetheless, I do feel that many of the harsh practices which land buyers have been subjected to should be curbed. I am certain that the real estate industry will welcome this legislation as a means of enhancing their reputation and professional standing.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD immediately following my remarks.

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

S. 1753

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

SECTION 1. The Interstate Land Sales Full Disclosure Act is amended by inserting after section 1410 the following new section:

LICENSING OF DEVELOPERS

SEC. 1410A. (a) No developer or agent shall make use of any means or instruments of transportation or communication to sell or lease any lot in any subdivision or offer to sell or lease any such lot unless such developer or agent has a license issued by the Secretary under this section.

(b) The Secretary shall issue a license to a developer or agent if the Secretary determines, on the basis of an application in such form as the Secretary may prescribe, that the developer or agent—

(1) is of good character or business reputation;

(2) meets such requirements as the Secretary may prescribe with respect to education, training, or experience; and

(3) has not committed within the five years preceding the date on which the application is filed any act which would be grounds for suspension of a license under subsection (c).

Any developer or agent whose application is denied shall promptly be given an opportunity for a hearing to show cause why the license should be issued.

(c) The Secretary shall suspend for not less than one year or more than five years any license issued by him under subsection (b) if he determines that—

(1) the licensee has submitted untrue information or has omitted to state any material fact, in connection with the issuance of the license;

(2) the licensee has been held liable for damages in an action under section 1410 of this title;

(3) the licensee has been convicted of any felony;

(4) the licensee has failed to exercise proper supervision of his agents or employees and such failure has resulted in the imposition of liability referred to in clause (2) on, or in a conviction referred to in clause (3) of any such agent or employee;

(5) the licensee has violated any term, condition, or limitation imposed in connection with the issuance of his license;

(6) the licensee has engaged in any Act which is unlawful under section 804, 805, or 806 of Public Law 90-284; or

(7) the licensee has engaged in any act or practice which—

(a) constitutes a conflict of interest or breach of trust, and

(b) results in the imposition of any criminal or civil action by any Federal, State, or local regulatory authority or professional association.

All actions of the Secretary under this subsection shall be subject to the provisions of section 554 of title 5, United States Code.

SEC. 2. The amendment made by section 1 of this Act shall become effective upon the expiration of one year following the date of enactment, except that the Secretary may take such actions as may be necessary or appropriate prior to such effective date in order to issue licenses referred to in the amendment made by the first section of this Act prior to such date.

By Mr. HATHAWAY:

S.J. Res. 106. Joint resolution proposing an amendment to the Constitution of the United States to require the advice and consent of both Houses of Congress before any treaty or agreement providing for the commitment of U.S. Armed Forces to a foreign nation may be made. Referred to the Committee on the Judiciary.

Mr. HATHAWAY. Mr. President, I am today introducing a joint resolution proposing a constitutional amendment to require the advice and consent of both Houses of Congress before any treaty or agreement involving the commitment of U.S. Armed Forces in a foreign nation may be made.

Under the Constitution, the treaty ratification function is given to the Senate alone. But the same Constitution requires action by both Houses of Congress in declaring war. In contemporary circumstances where there is no declaration of war, decisions of war, peace, and the deployment of our troops are often made on the basis of treaty arrangements. I believe the House of Representatives should play a role in approving these treaties.

Since 1945, the United States has entered into numerous multinational treaties. One of these, the Southeast Asian Treaty Pact, was the justification for our involvement in the Vietnam war, a war that cost us dearly in lives and dollars; 46,000 Americans lost their lives in that war, and nearly $137 billion in tax dollars was spent.

Approval of the SEATO pact by the Senate was interpreted as permitting the dispatch of our Armed Forces to Indochina to implement the security treaty. It eventually was interpreted as authorizing acts of war. I seriously doubt that action by the Senate alone in these cases meets the general intention of the framers respecting congressional involvement in war decisions.

The possibility of giving the Senate

alone the power to declare war was specifically considered and rejected at the constitutional convention. This would indicate a deliberate intent to include the House of Representatives, with its popular representation, in the warmaking decision. Today when wars are waged sans declarations, on the basis of treaty commitments, both Houses of Congress should have a say in approving or disapproving treaties which call for American military involvement.

Both Houses of Congress must be allowed to serve as a strong source of examination and advice on the basic philosophy and direction of U.S. foreign policy, particularly as regards the commitment of our military forces to action in foreign lands.

Mr. President, I ask unanimous consent that the resolution be printed in the RECORD at this point.

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

S.J. RES. 106

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within seven years after the date of final passage of this joint resolution:

"ARTICLE —

"The President may not without the advice and consent of both Houses of Congress make any treaty or agreement of any kind with one or more foreign nations or with any international organization if such treaty or agreement would bind the United States to commit or to provide to such country or organization for any reason any armed force of the United States."

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 156

At the request of Mr. BAKER, the Senator from Kentucky (Mr. COOK), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Delaware (Mr. ROTH), and the Senator from Connecticut (Mr. WEICKER), were added as cosponsors of S. 156, to require the termination of all weapons range activities conducted on or near the Culebra complex of the Atlantic Fleet Weapons Range.

S. 651 AND S. 652

Mr. MCCLURE. Mr. President, I have worked against gun controls ever since I have been in Congress. I was the first Member of the House of Representatives to introduce a bill to repeal the entire Gun Control Act and I was the first Member of the Senate to do so this year. S. 652 would simply repeal the Gun Control Act of 1968, a law passed at a moment of national hysteria and a law that has proved to have no adverse effect on anyone other than the law-abiding citizen.

Recently the distinguished Senator from Utah, Senator BENNETT, and my fellow Senator from the great State of Idaho, Senator CHURCH, have asked to cosponsor my bill. I welcome this support and respectfully ask unanimous consent that their names be added as cosponsors to S. 652.

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

Mr. MCCLURE. Mr. President, additionally, Senator BENNETT and Senator BIBLE of Nevada have asked to cosponsor S. 651. I introduced this bill in an effort to take a more practical approach to crime in which a gun is used. S. 651 would require an automatic additional penalty of from 5 to 10 years for anyone convicted of using a firearm in the commission of a Federal crime. I am grateful to Senator BENNETT and Senator BIBLE for their support of this bill. I ask unanimous consent that their names be added as cosponsors to S. 651.

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

S. 780

At the request of Mr. SPARKMAN, the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of S. 780, to amend the Clayton Act by adding a new section to prohibit sales below costs for the purpose of destroying competition or eliminating a competitor.

S. 868

At the request of Mr. WILLIAMS, the Senator from Idaho (Mr. CHURCH) be added as a cosponsor 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 Idaho (Mr. CHURCH) was added as a cosponsor of S. 869, to provide computation of social security benefits for men at age 62.

S. 919

At the request of Mr. GURNEY, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor to S. 919, to permit spouses and widows of medicare beneficiaries and early retirees, to purchase medicare coverage at cost.

S. 978

At the request of Mr. EASTLAND, the Senator from New Mexico (Mr. DOMENICI), the Senator from Arizona (Mr. GOLDWATER), the Senator from North Carolina (Mr. HELMS), and the Senator from Ohio (Mr. SAXBE) were added as cosponsors of S. 978, to amend the Federal Trade Commission Act (15 U.S.C. 45) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful.

S. 1188

At the request of Mr. BROCK, the Senator from Ohio (Mr. TAFT) was added as a cosponsor of S. 1188, to promote the utilization of improved technology in federally assisted housing.

S. 1197

At the request of Mr. HARTKE, the Senator from Maine (Mr. HATHAWAY) was added as a cosponsor of S. 1197, the Food Consumers' Protection Act of 1973.

S. 1218

At the request of Mr. GRAVEL, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor to 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. 1245

At the request of Mr. MATHIAS, the Senator from Minnesota (Mr. HUMPHREY) was added as cosponsor of S. 1245, the Interstate Taxation Act.

S. 1296

At the request of Mr. GOLDWATER, the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 1296, the Grand Canyon National Park Enlargement Act.

S. 1381

Mr. FULBRIGHT. Mr. President, I wish to comment on the proposal by the Corps of Engineers to charge recreation use fees for Federal lakes administered by the Corps of Engineers.

The proposal to begin charging recreation use fees at federally constructed lakes in Arkansas has been met with an intense negative reaction on the part of Arkansas residents. Of particular concern to the citizens of Arkansas is the Corps of Engineers proposal to charge use fees for day-use recreation areas.

Mr. President, the Corps of Engineers has designated 104 day-use facilities, nationally, where fees are to be charged. However, this figure does not reflect the geographical location of these day-use facilties. In fact, seven of these day-use areas are located in the State of Arkansas. Similarly, 14 of these designated day-use areas are in the neighboring State of Oklahoma. In another neighboring State, Missouri, there are 17 day-use areas—on only four lakes—where use fees are to be levied by the Corps of Engineers. For the thousands of Arkansas residents who rely on these day-use areas as a major source of recreation, the proposed use fees simply limit public access to these areas.

In many instances it is not the amount of the use fee which is unacceptable; rather it is the idea that Arkansas taxpayers must pay a fee for the use of general facilities which have been contracted, initially, at the expense of the taxpayer.

Mr. President, I do not argue with a special collection of recreation use fees for the use of facilities, equipment, sites, or services furnished at Federal expense. However, I am not in favor of recreation use fees to be charged for day-use or recreational use of general facilities which virtually all visitors might reasonably be expected to utilize.

In this respect, I commend and support the Senator from Oklahoma (Mr. BARTLETT) for introducing S. 1381, which would amend the Land and Water Conservation Fund Act of 1965 to prohibit the collection of recreation use fees for day-use or recreational use of facilities or areas which virtually all visitors might reasonably be expected to utilize.

Mr. President, I ask unanimous consent that my name be added as a cosponsor of S. 1381.

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

S. 1423

At the request of Mr. ROBERT C. BYRD, for Mr. WILLIAMS, the Senator from Massachusetts (Mr. KENNEDY), the Senator from Missouri (Mr. EAGLETON), the Senator from Iowa (Mr. HUGHES), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Maryland (Mr. BEALL), and the Senator from Vermont (Mr. STAFFORD) were added as cosponsors of S. 1423, to amend the Labor-Management Relations Act to permit employer contributions to jointly administered trust funds established by labor organizations to defray costs of legal services.

S. 1436

At the request of Mr. HARTKE, the Senator from Nevada (Mr. BIBLE) was added as a cosponsor of S. 1436, to eliminate the social security payroll tax for persons over 65 years of age.

S. 1475

At the request of Mr. PEARSON, the Senator from Maryland (Mr. BEALL) was added as a cosponsor of S. 1475, allowing a double investment credit for property in rural areas providing new employment opportunities.

S. 1611

At the request of Mr. MONDALE, the Senator from Oklahoma (Mr. BELLMON) was added as a cosponsor of S. 1611, to amend the Federal Crop Insurance Act to extend insurance coverage under such act to all areas of the United States and to all agricultural commodities.

S. 1624

At the request of Mr. THURMOND, the Senator from Nebraska (Mr. CURTIS) was added as a cosponsor of S. 1624, to amend title XIX of the Social Security Act to clarify the standards which apply in determining the basis on which Federal matching will be accorded toward State expenditures for skilled and intermediate care facility services provided under State plans approved under such title.

S. 1666

At the request of Mr. GRAVEL, the Senator from Rhode Island (Mr. PASTORE) was added as a cosponsor to S. 1666, to amend title 39, United States Code, to establish improved standards to achieve efficient mail service, to provide an effective method of reimbursing the U.S. Postal Service for public service costs while maintaining a reasonable postal rate structure.

S. 1695

At the request of Mr. KENNEDY, the Senator from Nevada (Mr. BIBLE) and the Senator from Iowa (Mr. CLARK) were added as cosponsors of S. 1695, the Emergency Manpower and Defense Workers Assistance Act of 1973.

S. 1722

At the request of Mr. HARTKE, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 1722, to amend the Education of the Handicapped Act to provide educational assistance for homebound handicapped students.

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 20

At the request of Mr. THURMOND, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of Senate Concurrent Resolution 20, commending the President for terminating the involvement of the United States in hostilities in Vietnam.

SENATE RESOLUTION 109—SUBMISSION OF A RESOLUTION RELATING TO APPOINTMENT OF A SPECIAL PROSECUTOR BY THE ATTORNEY GENERAL-DESIGNATE

(Referred to the Committee on the Judiciary.)

Mr. STEVENSON. Mr. President, I am encouraged by Mr. Richardson's announcement yesterday that if his nomination as Attorney General is confirmed by the Senate, he will appoint a special prosecutor in the Watergate affair. I am also encouraged—but not yet satisfied—by Mr. Richardson's assurance that the special prosecutor will be given "all the independence, authority, and staff support needed" to enable him to carry out his difficult assignment. Without an impartial and thorough investigation, this dismal affair will corrupt our politics for many years, and in the end the public may still not know the truth, nor justice even then be done.

The coverup can continue, or the search for truth can begin in earnest. On May 3, 28 Members of this body joined with me in a letter to the Attorney General-designate. We called for the appointment of an independent prosecutor, as have others, indeed, as has the Senate by resolution. But we went beyond the mere question of his appointment. We set forth our understanding of the term "independent." A prosecutor is not made independent by virtue of an adjective or Senate approval. We laid down the minimal powers and resources of a truly independent prosecutor.

Mr. President, I ask unanimous consent that a copy of the letter sent to Mr. Richardson be printed in the RECORD at this point.

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

U.S. SENATE,
Washington, D.C., May 3, 1973.

Hon. ELLIOT L. RICHARDSON,
Attorney General-Designate,
Department of Justice,
Washington, D.C.

DEAR MR. RICHARDSON: As Attorney General you would immediately be faced with an unprecedented task of restoring public confidence in the integrity of the Federal government. We know you share our concern that justice prevail in all questions of official misconduct and that the public receive speedy assurance that an impartial investigation of the so-called Watergate Affair will be conducted thoroughly and relentlessly.

The Senate has called for appointment of an "independent" prosecutor. The true independence and impartiality of the prosecutor is essential. You have the power to make such an appointment. But a prosecutor is not made independent by virtue of an adjective. Neither his selection from outside the Justice Department, nor his approval by the Senate assures independence and a truly thorough and impartial investigation. That depends upon the character of the prosecutor and his authority, powers and resources.

We trust you to select for this position a man of unquestioned integrity, the highest professional ability and the tenacity with which to get the job done. We also expect you to make the scope of his inquiry broad enough to encompass all illegal conduct arising out of the conduct of the President's recent campaign and the growing evidence that justice has been obstructed in conjunction with that illegal activity. But that is not enough. The minimal powers and resources of a thoroughly independent prosecutor must include:

(1) The power to convene and conduct proceedings before a special grand jury, to subpoena witnesses, and to seek in court grants of immunity from prosecution for witnesses;

2) The power and financial resources with which to select and hire an adequate staff of attorneys, investigators and other personnel, answerable only to himself;

3) Assurance that the funds to pay for the services of staff and prosecutor will be continued for the time necessary to complete the investigation and prosecute any offenders;

4) Assurance that the prosecutor will not be subject to removal from his duties except for the most extraordinary improprieties on his part;

5) Full access to the relevant documents and personnel of the Department of Justice and all other offices and agencies of the Executive Branch; and

6) Assurance that the prosecutor would be able to cooperate with any appropriate congressional committees.

The law appears to give you the authority to confer these powers, resources and assurances upon a special prosecutor. If the need arises for legislation to insure these perquisites of independence and thoroughness, we will cooperate to that end in every way we can.

In closing we reiterate our trust in you, our confidence in your ability and our hope that forthright action now by the Executive will be enough to resolve these trying matters to the satisfaction and benefit of the nation.

Sincerely,

Adlai E. Stevenson III, Harold E. Hughes, Stuart Symington, Gaylord Nelson, Edmund Muskie, Philip A. Hart, Thomas F. Eagleton, James Abourezk, Lloyd Bentsen, Dick Clark, Joe Biden, William Proxmire, Alan Cranston, Lawton Chiles, Hubert Humphrey, John Tunney, Walter F. Mondale, Lee Metcalf, Walter D. Huddleston, William D. Hathaway, Abraham Ribicoff, Harrison Williams, Frank Church, Quentin Burdick, Mike Mansfield, Jennings Randolph, Thomas J. McIntyre, J. Bennett Johnston, Jr., and Claiborne Pell.

Mr. STEVENSON. Mr. President, without the powers and resources set out in this letter, the "independent" investigator would be the employee and agent of the investigated. Mr. Richardson yesterday expressed his conviction that "the Attorney General must retain final responsibility for all matters coming within the jurisdiction of the Department (of Justice)." He then went on to state that the special prosecutor will be an employee of the Department of Justice and

will "report" to the Attorney General who, of course, answers to President Nixon. It is thus apparent that the administration rejects the suggestion I and 28 of my colleagues made in our letter of May 3. The Nixon administration proposes to conduct the investigation of the Nixon administration. Convinced as I am that the letter set forth the minimum standards of independence necessary to the restoration of public confidence in Government and the proper conduct of the investigation.

On behalf of myself and Senators HART, MUSKIE, EAGLETON, PELL, MANSFIELD, RIBICOFF, RANDOLPH, CRANSTON, HATHAWAY, CHILES, ABOUREZK, METCALF, BURDICK, MONDALE, HUGHES, BENTSEN, BIDEN, HASKELL, HUDDLESTON, MCINTYRE, CLARK, NELSON, GRAVEL, MCGEE, MOSS, HUMPHREY, CHURCH, MCGOVERN, and WILLIAMS, I now submit a Senate resolution calling upon Mr. Richardson to implement those minimum standards.

I send the resolution to the desk and ask that it be appropriately referred.

The PRESIDING OFFICER (Mr. HUDDLESTON). Without objection, the resolution will be received and appropriately referred.

Mr. STEVENSON. Mr. President, no matter the character and ability of the man, without the staff and the power to subpena witnesses, to conduct proceedings before a grand jury, initiate prosecutions and grant immunity to witnesses like John Dean, the prosecutor would be independent in name only. Another deception would be practiced upon the public.

The President has himself already stated that immunity will not be granted to executive branch personnel in this case, unlike routine cases handled by the Justice Department. The Justice Department has filed a criminal information against the Committee for the Re-election of the President but not against those responsible for its actions. The Watergate investigation is itself, or should be, an investigation of justice obstructed by the administration. The question is whether that investigation shall be controlled by the administration.

The Percy resolution passed by the Senate said the prosecutor should be selected from outside the Justice Department. The Brooke resolution says he should be appointed from outside but serve as a "special assistant" to the Attorney General. For the sake of appearances the prosecutor should be appointed from outside. What counts most though is the character and ability of the man—not whether his employment happens at the moment to be in or out of government. The appearance of independence is worth maintaining and for that reason an outside selection would be wise. But under these resolutions and Mr. Richardson's statement, the prosecutor, once selected, would become another employee of the Justice Department. The prosecutor ends up working for the prosecuted. At that point neither the appearance, nor the reality, of independence exists.

Senate approval of an "independent" prosecutor confers nothing—except again an appearance without the substance of independence.

The public has had enough of such deception. The appearance without the reality of independence is not enough.

What is needed is a prosecutor backed up by the resources of the Government and armed with the powers we enumerated in the letter to Mr. Richardson. Without those powers, the administration investigates the administration, and from what we have seen to date, it is not likely to do so with any special zeal.

It is time the Government got on with the business of the Nation and left the corruption in the Nixon administration to a truly independent prosecutor and the judiciary. The prompt enactment of the resolution I now introduce will help to achieve that goal.

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

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

S. RES. 109

Whereas, the Attorney General-Designate has announced his intention to appoint a special prosecutor to investigate the Watergate case and related matters; and

Whereas, it is essential to the proper conduct of the investigation and to the restoration of public confidence in the federal government that the special prosecutor be in a position to perform his functions in an independent manner;

Be it resolved by the Senate of the United States, That:

1) The Attorney General-Designate should vest the special prosecutor with all necessary attributes of independence, including but not limited to the following:

a) Final authority over questions of convening and conducting proceedings before grand juries, subpoenaing witnesses, initiating prosecutions, framing indictments and seeking in court grants of immunity from prosecution for witnesses;

b) Final authority over the selection of an adequate staff of attorneys, investigators and other personnel answerable only to himself;

c) Assurance that the investigatory and other resources of the Department of Justice and funds to defray all expenses incurred in connection with the activities of the special prosecutor will remain available for the time necessary to complete the investigation and prosecute any offenders;

d) Assurance that he will not be subject to removal from his position except for malfeasance in office;

e) Assurance that he will enjoy full access to the relevant documents and personnel of the Department of Justice and all other officials and agencies of the Executive Branch; and

f) Assurance that the special prosecutor can freely, and upon their request, appear before, consult with and cooperate in other respects with all Congressional committees having jurisdiction over any aspect of the special prosecutor's activities.

DEPARTMENT OF DEFENSE APPROPRIATION AUTHORIZATION ACT, 1974—AMENDMENT

AMENDMENT NO. 114

(Ordered to be printed, and referred to the Committee on Armed Services.)

Mr. HUGHES submitted an amendment, intended to be proposed by him, to the bill (S. 1263) the Department of Defense Appropriation Authorization Act, 1974.

DISASTER ASSISTANCE IN COUNTIES OF ALAMEDA AND CONTRA COSTA IN CALIFORNIA—AMENDMENTS

AMENDMENT NO. 115

(Ordered to be printed, and referred to the Committee on Banking, Housing and Urban Affairs.)

Mr. CRANSTON submitted amendments, intended to be proposed by him, to the bill (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.

ESTABLISHMENT OF A COUNCIL ON ENERGY POLICY—AMENDMENT

AMENDMENT NO. 116

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

THE GASOLINE SHORTAGE

Mr. HUMPHREY. Mr. President, today I wish to present some conclusions I have drawn from 2 days of hearings last week on the gasoline shortage. I had the privilege of chairing the hearings before the Subcommittee on Consumer Economics of the Joint Economic Committee.

First, how extensive will the gasoline shortage be this year and in the future?

The testimony and other items in the hearings record indicate that supply this summer will fall short of demand by between 2 and 5 percent. This does not sound like much of a shortage. Coming on the heels of subnormal gasoline production last winter, however, it will require us to draw down our already depleted gasoline inventories to a level equal to less than 30 days' consumption. At this level, the distribution system can no longer avert the occurrence of some dry pumps.

As things are taking shape now, however, the hardships from the shortage will not be shared equally. People in most metropolitan areas, especially those near the oil distribution hubs, will be able to get gas this summer at one station or another. The empty pumps will be concentrated in certain parts of the country.

If the integrated companies curtail distribution on a profit-maximizing basis, for instance, areas beyond perhaps 200 miles from major distribution centers may fare worse than those closer in. Sparsely settled rural areas may fare worse than more densely populated ones. Unless something is done, regions served disproportionately by refiners and marketers not owned or franchised by the large, integrated oil companies will fare badly. The independent dealers themselves face commercial extinction. Witnesses testified that supplies to the independent dealers already have been cut back by about 25 percent nationwide with more cutbacks coming. Thousands of them already have shut down. Moreover, the outlying areas that are less well served by the majors tend for this reason to be the very same ones that rely heavily on the independent dealers that now are being forced to close down.

The State of Minnesota, for example, is not unlike some others in the Midwest. The State director of civil defense ex-

pects our gasoline supplies to be short 10 percent or more this summer. As I have mentioned before, our difficulties arise partly because we have been served historically to a larger extent than many regions by independent refiners and distributors, which now are being left without supplies. You may think that big companies are moving in where independents have been driven out, but this is not the case in Minnesota. Our State also is being deserted by the distributors of two major companies themselves, namely Sun and Gulf, because they can make better profits selling their available gasoline closer to their refineries without trucking it all the way to Minnesota.

These problems come on top of our winter and spring shortages of heating oil, tractor fuel, and propane and natural gas. I do not see why we and other areas in our position should take the brunt of a situation not of our making.

Up to now I have dealt only with the picture as it looks for this summer. Barring extraordinary measures, the relatively mild gasoline shortage expected this summer will become markedly worse each summer for at least 4 or 5 years. This is because output from domestic refineries is limited to about its present level for that period. Several new refineries are now in the planning stage, but they cannot be completed before late 1976 or early 1977. And gasoline imports are severely limited by very tight supply conditions overseas.

The shortfall, therefore, can be expected to grow by about the growth in demand. Although several unknowns will affect demand, it probably will increase by at least 5 percent per year, unless much more effective gasoline conservation is undertaken. Thus a 5-percent shortage this summer could turn into a 10-percent shortage next summer and a 15-percent shortage by 1975. Before this happens, remedial action clearly must be taken.

GASOLINE ALLOCATION

First, the available supplies of gasoline and other scarce fuels must be allocated fairly among localities, among distributors and between cities and outlying areas. While this will not reduce the overall shortage, it can prevent it from causing drastic harm. It can prevent oil companies from conserving supplies by simply lopping whole regions off their distribution networks, as has happened to Minnesota. After all, if fuel shortages hamper the economy of the upper Midwest, the consumers of meat and grain all over the Nation and even abroad will be badly hurt by a renewal of the food price spiral. Allocation can prevent the majors from retrenching by simply terminating their supply relationships with independent marketers and putting them out of business. It could prevent the closing of installations that are vital to a sparsely served region, although some filling stations can be closed in most places without hardship to customers.

Several pieces of legislation have been introduced to achieve fairer allocation of fuels. Under the amended Stabilization Act, the President already has standby authority to direct the allocation of petroleum products, but apparently he does not intend to use it at present. I have introduced Senate Joint Resolution 98, a joint resolution that would require the President to establish appropriate priorities and a system of allocation of petroleum products to meet the vital needs of all parts of the country and to forestall the tendency of the shortage to reduce competition in the petroleum industry. It also requires the establishment of an Emergency Fuels Allocation Board in the executive officers to expedite the directives of the President to these ends.

Among the objectives of the Board specified in my resolution are:

First, importation of enough crude oil to meet requirements of coastal refineries with simultaneous allocation of adequate domestic crude supplies to inland refineries; this arrangement is to be guaranteed on a long-term basis to encourage refinery expansion;

Second, importation of gasoline to coastal areas with reallocation of domestic gasoline from those markets to inland shortage areas;

Third, importation to rebuild No. 2 fuel oil stocks;

Fourth, allocation of sufficient fuel to essential public and infrastructure services;

Fifth, uniform percentage reductions in supplies of refined products to all distributors, regardless of whether such distributors market under the refiner's brand name or their private brand names;

Sixth, expansion of domestic refinery capacity consistent with reasonable environmental protection.

I am pleased to note that some major companies have adopted their own allocation systems along the same lines, and that a vice president of Atlantic-Richfield is said by the press to agree with me that Federal allocation will be needed. I say that it is needed now.

I am considering offering Senate Joint Resolution 98 as an amendment to bill S. 70, the Energy Policy Act of 1973, which will come before the Senate this week.

In closing on the subject of allocation, let me say that I am well aware of the problems encountered in trying to regulate supplies in a complex industry like petroleum. I have instructed members of my staff and the Joint Economic Committee staff to consult with the oil people about these difficulties. Congress should provide the mandate for an allocation system, and the method of allocation should be worked out between business and Government without delay.

ANTITRUST ENFORCEMENT

In addition to providing for fair allocation of supplies in the future, I believe that we should demand a vigorous investigation by the antitrust authorities of the major oil companies' recent and present behavior toward the independent gasoline and fuel oil marketers.

It is obvious that concerted action is being taken by the major companies that is substantially reducing competition in gasoline distribution, whether or not this is being achieved through conspiracy. When the majors force thousands of independent storage terminals, jobbers and filling stations out of business, they are eliminating price competition from the industry, for only the independents engage in regular price competition.

Moreover, one of our hearings witnesses, Prof. Fred Allvine of Georgia Tech, provided some very striking circumstantial evidence of joint action by the majors to halt price competition and jack up prices in four Western cities for which he has data. In mid-August 1972, the vigorous price competition that had prevailed in these markets suddenly stopped, and prices became bafflingly stable overnight. There are indications from the trade press and Professor Allvine's private conversations that false rumors of an impending price freeze were spread by some firms to impel dealers to raise their prices. There also are indications that supplies to the independent dealers were tightened at this time, and that the 20 major oil companies with retail outlets in these markets ceased simultaneously to pay support to their own stations for waging price wars.

Professor Allvine stated:

For the past 37 weeks (through April 22) in comparison to the prior 37 weeks, the average price of major-brand gasoline increased by 3.5 cents per gallon in Los Angeles, 2.4 cents in Portland, 3.9 cents in Seattle, and 2.4 cents in Phoenix. Price increases of this magnitude have been fairly general throughout the country. For example, the price of gasoline to major-brand dealers for 100 cities has increased by about 2.1 cents per gallon for 1973 in comparison to the same period for 1972. This means pump price increases of around three cents per gallon. The general stabilization of wholesale prices to dealers also occurred around mid-August 1972 . . . The additional cost to the public for gasoline runs close to $2 billion per year.

Contacts by the JEC staff with appropriate officials of the Justice Department indicate no apparent intention of initiating any action either against specific actions of the major firms or against the elimination of competition in general. The Federal Trade Commission is now considering whether to investigate the recent anticompetitive actions in the petroleum industry. This does not offer much hope. I think it is time that we demand an intensive investigation of the circumstances of the widespread change in pricing behavior and the broad cut-off of supplies to the independents.

OIL PRICES AND PRICE CONTROLS

Twenty-three major oil companies are under mandatory price controls limiting their price increases on all products to an annual average of 1 percent over the course of 1973. There are some indications that these controls are not very effective.

First, the wholesale price indices released last Friday by the Bureau of Labor Statistics reported a 1-month increase in prices of refined petroleum products of no less than 7 percent from March to April. Crude oil rose by 2 percent. I am informed that the BLS index is based on inadequate and unrepresentative information. Thus, in fact, the public has no

idea what oil prices are doing. The question arises: Why do we not have a good price index for this vital sector? Does the Cost of Living Council have a much better idea than the BLS about what oil prices are doing?

We know also that most retail outlets for gasoline and heating oil are franchised but not actually owned by the major companies. Therefore, their prices to consumers are not even under control. If our ultimate purpose in controlling prices is to protect the consumer, this loophole will become more and more serious as the shortage spreads. We should give serious consideration to extending the controls to cover these outlets.

How should price controls be managed in the future. It seems clear that we must import some of our gasoline, but foreign gas prices have been driven to a level higher than can be recouped by the majors under U.S. price controls. We had testimony by a senior vice president of Texaco that cost of imported gas would be 5 to 10 cents per gallon higher than current U.S. prices. How then can we get the necessary supplies?

The first part of the answer to this question is that domestic gasoline production should be turned up as high as possible at U.S. refineries even at the expense of heating oil and other products. Another few percent can be squeezed out of our facilities. The middle distillates can be imported both in more timely fashion and at more reasonable cost than gasoline, because the foreign supply is more elastic. The second part of the answer is that the price controls must allow the averaging in of higher cost gasoline so that there will be no disincentive to import.

However, proposals by the companies and others that the price controls be abolished to encourage imports are a disservice to the public. This would mean paying the 5 to 10 cents extra on all gasoline—that produced at home as well as the small amount that is imported. Moreover, the price of gasoline in a shortage market might be expected to jump even higher because the inflexibility of demand for this crucial commodity means that sellers still could sell all they have available.

Oil company profits already have taken a phenomenal leap in the past year. They have gone up by from 12 to 70 percent with the largest—Exxon—boosting profits by 43 percent. Now I have nothing against profits. But it would be intolerable if these large firms were permitted to profit without limit from price increases, exploiting a crisis of this nature.

GASOLINE CONSERVATION

In closing, let me say something about gasoline conservation. This subject is perhaps the most important in the whole picture, for conservation is the only way to curb the gasoline shortage significantly over the next 4 or 5 years.

Government and company witnesses at the hearing offered mainly suggestions relying on constraint by individual citizens, such as tuning engines, driving slower, and using car pools and public transport. While these approaches are important, they have been discussed a long time and cannot be expected to avert our problem. I do not consider this sort of response to be adequate at all.

Somewhat more hopeful testimony was given by an automotive specialist, Mr. Wayne Anderson of a Department of Transportation Fuel Economy Panel. Mr. Anderson stated that it is realistic to alter the conventional type of automobile within the next 5 years in ways that would save 30 percent on gas consumption. For instance, the introduction of steel-belted radial tires will yield 10 percent more gas mileage by reducing rolling resistance. But conversion to this type of tire will take place slowly over several years. At the moment, U.S. tire firms cannot produce enough of them to refit a sizable number of cars. Mr. Anderson also had a number of other suggestions for large gas savings. Smaller cars and engines head the list. But it is estimated also that a change so simple as the installation as standard equipment of a now optional "economy rear axle ration" would permit gas savings of another 10 percent without marked loss of performance. Why are there no apparent plans to do this?

It is my view that we must now get serious about gas economy. Transportation is the biggest waster of fuel among our many uses, and Americans can move in reasonable comfort with far less fuel than is burned today. If we move now, we may at least succeed in forestalling the loss of fuel economy expected from our present emission control program. If the only way to propel Detroit to produce and the U.S. consumer to convert to autos with reasonable gas economy is through Government standards, then we may have to go this route. The problem is exactly parallel to that of air pollution controls on which we already have acted.

GASOLINE SHORTAGES

Mr. President, last week the Subcommittee on Consumer Economics of the Joint Economic Committee held 2 days of hearings on gasoline and fuel oil shortages. I will be reporting in greater depth on those hearings. But, at this time I want to call particular attention to the testimony of one of the witnesses, the Honorable William E. Simon, Deputy Secretary of the Treasury, and Chairman of the Government's Oil Policy Committee.

During the hearings I specifically asked Mr. Simon to look into the gasoline and fuel oil problem in Minnesota. I am pleased to report that Mr. Simon sent me a letter the next day informing me that he had been in touch with Minnesota Governor Wendell Anderson about this situation. He asked Governor Anderson to supply him with specific information as to which contracts to supply fuel for vital services in Minnesota are not being fulfilled. Mr. Simon said he will act on this information immediately.

During the hearings, I also expressed concern with the way the Oil Import Appeals Board has been operating. Mr. Simon assured me that the Board will continue to respond fully to the needs of the petroleum industry, particularly the independent sector. He enclosed a press statement in his letter, and I ask unanimous consent that it be printed in the RECORD at this point.

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

TREASURY NEWS—NEW IMPORT AID TO INDEPENDENT FUEL FIRMS

Gasoline grants totaling more than 128 million gallons to 17 independent petroleum firms in 10 states as well as new guidelines to implement expanded functions of the Oil Import Appeals Board, were announced today by William E. Simon, Deputy Secretary of the Treasury and Chairman of the President's Oil Policy Committee. The Board, chaired by James M. Day, is composed of representatives of the Departments of the Interior, Justice and Commerce.

The gasoline awards were granted under the Board's new authority provided as a result of changes in the Mandatory Oil Import Program announced by the President on April 18 when he released his Energy Message.

"Today's action opens an important new opportunity for independent petroleum firms to bring in foreign oil free of license fees if they can show that they are experiencing hardship", Deputy Secretary Simon said.

In approving applications based on hardship, the Board considers the petroleum needs of each firm's customers, the needs of the community, and the protection of the public interest in preserving the independent segment of the petroleum industry.

Simon and Day estimate that speedy action by the Board and the liberal use of the grant authority will help significantly to alleviate shortages of crude oil and finished products in the United States.

Action by the President on April 18 gave the Board authority to make allocations of fuel for which no import fees will be charged. These awards are designed to help independent refiners and established independent marketers who face hardships in obtaining supplies and who petition the Board for help.

Firms authorized the gasoline grants, which are worth 1¼ cents per gallon, and the amount that each independent refiner or independent marketer can import free of license fees in 1973 are listed at the end of this press release.

Simon and Day reported that the new guidelines are being mailed to more than 300 firms who have petitioned the Board for authority to import petroleum. The guidelines provide the Board a standard to use in exercising its major responsibility to alleviate the supply problem of established independent elements of the petroleum industry, including refiners, marketers, and jobbers.

To speed relief to hard hit areas, Deputy Secretary Simon also announced that independent refiners and independent marketers facing extreme hardships may wish to obtain immediately import licenses from the Department of Interior by payment of import fees and later petition for rebate from the Board.

Several petitions before the Board were not acted on because they were incomplete, Simon reported. Each of these petitioners is being urged again to file in conformance with the new guidelines being mailed today. And he assured that vigorous action will be taken on these filings as soon as the information is received by the Board.

The new jurisdiction was provided to the Board so that it could open its doors and fully respond to the needs of the petroleum industry, particularly the independent sector. Major oil companies may obtain Board awards also. However, they must first demonstrate their inability to obtain, by exchange, import licenses already distributed and their willingness to supply independent refiners and marketers.

Simon and Day emphasized that the Board now has unlimited authority to grant import licenses which are license fee exempt and, furthermore, that the Board will be liberal in fulfilling the requirements of the petitioners in order to respond to the Nation's fuel needs. Importers not holding fee exempt licenses must pay 10½ cents a barrel for crude oil, 52 cents a barrel for gasoline and 15 cents for all other petroleum products. Because the independents will be receiving a major share of the grants from the Board, this will help them to import oil at less cost than the large major companies. We are hopeful, Simon said, that as a result of this additional market advantage given to independents, the majors will have greater incentive to provide them crude and products. However, our overall goal is to assure the consumer adequate supplies of petroleum products at lowest possible cost.

OIL IMPORT APPEALS BOARD AWARDS

Name	Location	Total amount of award	
		In barrels	In gallons
Mo-Park Industries Inc	Cedarhurst, N.Y	73,000	3,066,000
Blue Ridge Oil Co., Inc	Hickory, N.C	273,750	11,497,500
Dean Oil Corp	Fanwood, N.J	109,500	4,599,000
Johnson Products, Inc	Boston, Mass	292,000	12,264,000
Self Service Systems, Inc	San Diego, Calif	182,500	7,665,000
Tetco Oil Co., Inc	South Royalton, Vt	73,000	3,066,000
Qual-eco, Inc	Greenville, S.C	127,750	5,365,500
Tryon Fuel Supply, Inc	Greer, S.C	18,250	766,500
Associated Oil Co., Inc	Greenville, S.C	36,500	1,533,000
Associated Oil Co., Inc	Greenville, S.C	73,000	3,066,000
Palmetto State Oil Co., Inc	Greer, S.C	54,750	2,299,500
Palmetto State Oil Co., Inc	Greer, S.C	36,500	1,533,000
MFC Services (AAL)	Jackson, Miss	109,500	4,599,000
Gladieux Service Stations, Inc	Ft. Wayne, Ind	36,500	1,533,000
J. D. Streett & Co	St. Louis, Mo	912,500	38,325,000
Vantage Petroleum Corp	Melville, N.Y	109,500	4,599,000
Star Service and Petroleum Co	St. Louis, Mo	547,500	22,995,000
Total		3,066,000	128,772,000

Mr. HUMPHREY. Mr. Simon also informed me in his letter of May 3 that he plans to meet this week with representatives of the regular subcommittees of the Oil Policy Committee to discuss State environmental standards which he said "are related to the difficulties we are facing." He informed me he is contacting the Governor's Office of each State and will invite their senior representatives to attend these subcommittee meetings.

Mr. President, I want every Member of the Senate to know that Mr. Simon was a responsive witness before our committee and that he gave assurances that he will do all in his power to help solve this vital problem of gasoline shortages.

EMERGENCY GASOLINE AND FUELS ALLOCATION BOARD

Mr. President, I wish to announce that I will seek Senate adoption Wednesday of my bill requiring the President to create an Emergency Gasoline and Fuels Allocation Board. Unless the administration states firm plans to deal with the gasoline shortage, I will propose my bill as an amendment to S. 70, the energy policy council bill scheduled for Senate consideration tomorrow.

Administration action shows this is not a matter that can be left any longer to the discretion of the President, as was done under previously enacted legislation. Unless the administration acts this week we must make it mandatory that he act at once on this most urgent energy problem.

My bill gives an Emergency Gasoline and Fuels Board full enforcement powers to ensure that dwindling petroleum products are equitably allocated to all areas of the Nation.

My amendment also directs the Justice Department to prevent anticompetitive practices in the petroleum industry, particularly the cutting off of gasoline supplies to independent gasoline marketers.

I originally introduced this legislation on April 18. Seven Senators (Mr. BIBLE, Mr. RIBICOFF, Mr. ABOUREZK, Mr. CLARK, Mr. HUGHES, Mr. MONDALE, and Mr. STEVENSON) have joined in cosponsoring it.

In introducing the amendment today, I believe it is urgent to keep pushing this legislation in whatever way will give it the best chance of being enacted into law.

We simply must take immediate action to require the major oil companies to think of the good of the country.

It is absolutely essential that they be stopped from unfairly cutting off supplies to the independent gasoline marketers, thereby driving up the price of gasoline and causing thousands of persons across the country to be ruined financially.

Rather than curtailing their own operations because of the gasoline shortage, the big oil companies are opening new stations of their own and expanding as fiercely as ever.

The major oil companies now control about 95 percent of the oil used in this country. And they control 68 percent of the retail gas outlets.

If the majors are allowed by this administration to use the present fuel shortage for their own purposes and to allocate petroleum products according to their own formulas and priorities, they could end up monopolizing every phase of the oil production and distribution system.

The estimate of the shortfall of gasoline nationwide is between 2 and 5 percent, but do not be deluded by this figure. The States like Minnesota, that rely extensively on independent gasoline marketers and as a result are at the mercy of the big oil companies, the percentage of shortage right now is much higher—somewhere around 10 percent.

I am aware that an amendment to the Economic Stabilization Act, signed into law May 1, authorizes the President to establish an equitable allocation system for petroleum products during periods of shortage and to prevent anticompetitive practices.

But the newly granted authority to the President clearly does not go far enough.

To insure Presidential action on this urgent matter, the language must be made mandatory instead of being left to his discretion. And this is what my amendment attempts to do.

Mr. President, I ask unanimous consent that an editorial from the Minneapolis Star be printed in the RECORD, together with the amendment.

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

[From the Minneapolis Star, May 7, 1973]

ALLOCATING SCARCE FUELS

Sen. Hubert Humphrey and a number of other sponsors have introduced a proposal aimed at seeing that all sections of the country share fairly in the scarce supplies of petroleum products.

The senator wants a five-man Emergency Fuels Allocation Board created with several duties, including allocation of scarce fuels to provide essential services and allocation to assure all sections of the country a fair share of crude oil, fuel oil, gasoline and other petroleum products in short supply.

Shortages now threaten the Midwest and other sections of the country, he said. Because the Midwest states are at the end of the pipeline, he added, they are first to feel the effects of shortage. At the moment, there aren't any handy measures to establish the relative fuel poverty of the Midwest, but it stands to reason that some sections of the country are going to feel the pinch sooner and more severely than others.

In times of shortage, and that's right now and for some distance into the future, apparently, it makes sense to approach the fuels problem on a national basis. If rationing should be required, it should be nationwide. If conservation measures are required, and we think they are, we should all be under the same obligation to undertake them. And if fuels are scarce, it's hard to justify starving one section of the country while others manage nicely. Humphrey's idea deserves approval.

AMENDMENT NO. 116

At the end of the bill insert the following:

EMERGENCY GASOLINE AND FUELS ALLOCATIONS BOARD

SEC. 9. (a) the President shall, after public hearing, conducted with such notice, under such regulations and subject to such review as the exigencies of the case may, in his judgment, make appropriate, provide for the establishment of priorities of use and for systematic allocation of supplies of petroleum products including crude oil in order to meet the essential needs of various sections of the Nation and to prevent anti-competitive effects resulting from shortages of such products.

(b) To expedite the implementation of directives by the President, as authorized by this second there shall be created in the Executive Office of the President an Emergency Gasoline and Fuels Allocation Board (hereinafter referred to as the "Board"). The Board shall be composed of five members who shall be appointed by the President by and with the advice and consent of the Senate. The members of the Board shall serve through the duration of authorities provided for under this resolution. The President shall

designate one of the members of the Board to serve as Chairman. The members shall be representative of the production, transportation, protection, and use and consumption of all fuel resources, and of executive departments and agencies having a significant responsibility in these respective areas.

(1) Regular meetings of the Board shall be held at least twice each month, with emergency meetings scheduled on the call of the Chairman.

(2) Three members shall constitute a quorum, and decisions of the Board shall be made by majority vote.

(c) In order to carry out the provisions of this resolution, the Board is authorized to—

(1) appoint and fix the compensation of personnel of the Board in accordance with the provisions of title 5, United States Code;

(2) make, promulgate, issue, rescind, and amend rules and regulations as may be necessary to carry out the functions vested in the Board and delegate authority to any officer or employee;

(3) employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(4) appoint one or more advisory committees composed of such private citizens and officials of Federal, State, and local governments as it deems desirable, to advise it with respect to its functions under this resolution;

(5) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, and local public agencies with or without reimbursement therefor;

(6) accept voluntary and uncompensated services, notwithstanding the provisions of section 3676 of the Revised Statutes;

(7) accept unconditional gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible;

(8) take such actions as may be required for the accomplishment of the objectives of the Board; and

(9) make contracts with public or private nonprofit entities to conduct studies related to the purposes of this resolution.

(d) Upon request made by the Board, each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent consistent with other laws to the Board in the performance of its functions with or without reimbursement.

(e) Each member of a committee appointed pursuant to clause (4) of subsection (a) of this section who is not an officer or employee of the Federal Government shall be compensated at the rate prescribed for GS–18 under section 5332 of title 5, United States Code, for each day he is engaged in the actual performance of his duties (including traveltime) as a member of a committee. All members shall be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties.

(f) (1) The Board or any duly authorized subcommittee or member thereof may, for the purposes of carrying out the provisions of this section, hold such hearings, sit and act at such times and places, administer such oaths, and require by subpena or otherwise the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Board or such subcommittee or member may deem advisable. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board or before such subcommittee or member. Subpenas may be issued under the signature of the Chairman or any duly designated member of the Board, and may be served by any person designated by the Chairman or such member.

(2) In the case of contumacy or refusal to obey a subpena issued under paragraph (1) by any person who resides, is found, or transacts business within the jurisdiction of any district court of the United States, such court, upon application made by the Attorney General of the United States at the request of the Chairman of the Board, shall have jurisdiction to issue to such person an order requiring such person to appear before the Board or a subcommittee or member thereof, there to produce evidence as so ordered, or there to give testimony touching the matter under inquiry. Any failure of such person to obey any such order of the court may be punished by the court as a contempt thereof.

(g) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(59) Chairman, Emergency Gasoline and Fuels Allocation Board."

(h) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(96) Members, Emergency Gasoline and Fuels Allocation Board (4)."

(i) Specific policy objectives to be carried out by Presidential directive and Board actions shall include, but not be limited to, the following:

(1) The importation of crude oil in sufficient amounts to meet the input requirements of coastal refineries, simultaneous with the allocation of adequate domestic crude supplies to inland refineries and guaranteed on a long-term basis in order to encourage the expansion of refining capacity;

(2) The importation of number 2 fuel oil in amounts sufficient to build up stocks for the next heating season;

(3) The importation of finished gasoline to east and gulf coasts under conditions that insure that domestic product which would otherwise be distributed in those markets is channeled for delivery to inland shortage areas;

(4) The allocation of sufficient supplies of diesel and other fuels to railroads, electric utilities, and motor transport to provide essential services;

(5) Under any policy or practice of allocations by refiners to marketers, any reduction of supplies by a refiner to any customer whom he has supplied regularly over a reasonable past period shall be in line with quotas established by the Board utilizing this base period in which regional supplies and demands were in approximate balance, and the same percentage reduction shall be applied to all customers of such refiner, regardless of whether such customers market under the refiner's brand name or their private brand names;

(6) As an alternative to price controls on fuels and to meet emergency fuel shortages in the absence of refinery expansion, it shall be a general policy to permit expanded importation of crude oil and gas and to encourage maximum gasoline yields by domestic refiners.

(j) The Board shall implement specific programs to promote—

(1) the expansion of domestic refinery capacity consistent with reasonable requirements of environmental protection; and

(2) public awareness of the dimensions of the fuel shortage crisis in the United States, and voluntary action to curtail nonessential use of private transportation and of living conveniences requiring electric power.

(k) The Attorney General is directed to take such steps as may be necessary to assure that during the existing fuel storage emergency, marketing practices by major refiners and fuel allocation policies by the Government of the United States are not detrimental to the maintenance of a viable competitive domestic petroleum industry and do not result in a foreclosure to independent marketers of supplies from major oil companies.

(l) The authorities provided for in this resolution shall be effective through the fiscal year ending June 30, 1975.

(m) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

REMARKS OF MINNESOTA'S DIRECTOR OF CIVIL DEFENSE ON THE GASOLINE AND FUEL SHORTAGE

Mr. HUMPHREY. Mr. President, Mr. James Erchul, the director of Minnesota's Civil Defense, testified last week before my Subcommittee on Consumer Economics. His testimony supplied an up-to-date analysis of the gasoline supply problem in my State, hence, I ask unanimous consent that his opening statement be printed at this point in the RECORD.

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

REMARKS BY F. JAMES ERCHUL

The supply of transportation fuels in Minnesota continues to dwindle. As we approach the time of year when gasoline and diesel fuel consumption will reach its peak, we find that the supply of these products to the independent dealers is a mere trickle compared to what it was.

Minnesota's plight in the fuel shortage is somewhat unique in that we are experiencing all of the factors contributing to the nationwide petroleum supply problems such as inadequate refining capacity, need for further offshore drilling, and a cumbersome system of import quotas. In addition, however, two major suppliers, Gulf and Sun, have stated that they intend to discontinue marketing in Minnesota. Bell Oil and Triangle Refineries have already discontinued their independent operations. The Koch Refinery of Pine Bend has been operated by supervisory personnel for several months while their usual work force is out on strike. The Koch Refinery produces about 100,000 barrels per day under normal circumstances and is down to about 60% of that at this time.

Petroleum supplies ordinarily provided by the cooperatives have been drastically reduced because they have not been able to get the crude oil necessary to operate their refineries at anywhere near capacity. Midland Cooperatives, for instance, only recently reopened their refinery at Cushing, Oklahoma. They had closed it just after the first of the year due to the lack of crude oil. At present they are able to operate at only 60 percent of capacity. In Minnesota the cooperatives account for about 60% of the fuel supplies sold to farmers. Unfortunately the landlocked refineries such as Midland's have no access to foreign crude. Prior to the lifting of import quotas they were able to get domestic crude by trading their import tickets. Now with no quotas involved, their tickets are not tradeable. In the instance of most inland refineries they would not be able to use the kind of crude oil that is available on the foreign market today. Most available foreign crude is apparently of the "sour" variety and not compatible with the refining capability of the refineries.

Some people insist there is no shortage and that it is only a figment of imagination. But it can happen, and it is happening here, right now. In recent weeks we have received the following reports, as examples:

1. Metro 500 has been forced to close all of its gasoline stations and to lay off over 200 workers. No gasoline.

2. Planned expansion at Duluth International Airport is threatened because the major charter airlines planning stops there are unable to secure contracts for 12–14 million gallons of jet fuel.

3. It is reported that Advance United, Werner Continental, Briggs and Glendenning, all major freight transport truckers, are unable to renew contracts for gasoline and diesel fuel.

4. In Glencoe, the municipal electric plant is unable to secure a diesel fuel contract to operate its generators.

5. The State of Minnesota is able to get contracts for fuel only on a short term basis (30 days).

The fuel shortage is more than just the requirements of one state. It is a part of the world wide energy crisis now facing us. The short term explanation for why the shortage is occurring is this: Our shortage is due to a combination of factors that have suddenly converged—ecology, technology, and economics each playing an important role. Industry spokesmen cite the need for the Alaskan pipeline, further offshore drilling, and the lack of refining capacity, as major reasons for the shortage. In addition to these reasons, the fact remains that we, first as a nation and ultimately as a planet, are just plain running out of oil. Where the petroleum industry used to be able to easily tap gushers of crude, they now get only a trickle. There is enough crude oil underground to supply the world for perhaps another hundred years. Unfortunately, it is located in the wrong place as far as the United States is concerned.

National demand for oil at this time is for about 15 million barrels per day. The best our domestic oil fields can produce is about 11.5 million. Thus we must turn to imports for the balance. It has been estimated that imported oil will account for some 30 percent of our total supply by 1975. The world oil market is somewhat unstable and there is very little happening that would indicate improvement in the near future. The over all foreign trade picture demands that we limit the purchase of foreign oil. Overbuying of oil could very well increase our trade deficit to endanger the dollar in the world monetary market. For security reasons we must avoid too great a dependence on foreign oil. We cannot place ourselves in a position where the oil rich nations can maneuver us to suit their desires or ambitions. Already a group of the oil rich nations have gotten together to sucessfully maniplate prices. What is to stop them from next demanding arms or political concessions?

We have monitored the situation carefully here in Minnesota. In recent weeks it has been deteriorating rapidly. For the most part the problem is out of our hands. Minnesota is not in a position to take unilateral action. All of our fuel must come from outside the State.

If the nationwide shortage is going to be as harsh as what is indicated for Minnesota one of the immediate needs is for a plan that will apportion an appropriate share of the supply available to each state. If a state could be assured of, say 90 percent of the amount used the previous year, there would at least be a basis from which to plan allocations and establish priorities. If industry is allowed to establish their own allocations it will be profit oriented rather than based on a balanced share.

In some instances industry has begun programs of conservation. I believe very strongly that government and industry together should get together in a unified appeal to the public asking everyone to take suggested steps in conserving fuel. Such things as lower driving speeds, using public transportation and organizing car pools could actually have a market effect on fuel usage if the general public were approached properly. The best possible effect could be achieved by having the President take a leadership role with a public appeal for appropriate conservation.

Alaskan Oil, offshore drilling, and new refineries, are 5 to 7 years away. In order to avert a disaster we must take these short term steps now.

RELIEF OF RAYMOND ELDON DAVIS—AMENDMENTS

AMENDMENT NO. 117

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

Mr. McINTYRE submitted amendments, intended to be proposed by him, to the bill (S. 1047) for the relief of Raymond Eldon Davis.

RELIEF OF LEONARD DAVIS—AMENDMENTS

AMENDMENT NO. 118

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

Mr. McINTYRE submitted amendments, intended to be proposed by him, to the bill (S. 1048) for the relief of Leonard Davis.

ESTABLISHMENT OF A QUALITY HEALTH CARE COMMISSION—AMENDMENTS

AMENDMENT NO. 119

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

Mr. TAFT. Mr. President, I submit amendments, intended to be proposed by me, to the bill (S. 14) to amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, health care resources, and the establishment of a Quality Health Care Commission, and for other purposes. I ask unanimous consent that the amendment be printed in the RECORD.

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

AMENDMENT NO. 119

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Health Maintenance Organization Assistance Act of 1973".

AMENDMENTS TO PUBLIC HEALTH SERVICE ACT

SEC. 2. (a) Section 1 of the Public Health Service Act is amended by striking out "Titles I to XI" and inserting in lieu thereof "Titles I to XII".

(b) The Act of July 1, 1944 (58 Stat. 682), as amended, is further amended by renumbering title XII (as in effect prior to the enactment of this Act) as title XIII and by renumbering sections 1201 through 1214 (as in effect prior to the enactment of this Act), and references thereto, as sections 1301 through 1314, respectively.

(c) The Public Health Service Act is further amended by adding after title XI the following new title:

"TITLE XII—ASSISTANCE TO HEALTH MAINTENANCE ORGANIZATIONS

"CONGRESSIONAL FINDINGS

"SEC. 1200. (a) The Congress finds that—

"(1) the medical care system is not organized in a manner which encourages the provision of medical care at reasonable costs;

"(2) the medical care system is oriented toward providing care once a health need has occurred rather than toward providing health maintenance and preventative health services; and

"(3) there is a serious maldistribution of medical care resources which has resulted in inadequate access to medical care in both inner city and rural areas.

"(b) The purpose of this title to assist in remedying these deficiencies through encouraging the establishment and utilization of health maintenance organizations, particularly in medically underserved areas. This purpose is to be accomplished through grants and contracts to encourage the establishment and expansion of health maintenance organizations.

"DEFINITIONS

"SEC. 1201. For the purposes of this title—

"(1) the term 'health maintenance organization' means a public or private organization which—

"(A) provides to enrolled participants, either directly or through arrangements with others, at least those physician, hospital, and health maintenance services determined by the Secretary to be necessary for the provision of comprehensive health care and generally available on an insured or prepaid basis in the locality served by the organization;

"(B) is compensated for the provision of such services to enrolled participants solely on a predetermined periodic rate basis except for such co-payments by participants as the Secretary may, by regulation, authorize; and

"(C) meets such requirements concerning its organizational structure and financial arrangements as the Secretary may, by regulation, prescribe for the purpose of assuring that—

"(i) the organization bears the responsibility for the efficient and effective utilization of health care resources to meet the health care needs of participants,

"(ii) the individuals, groups, and institutions within the organization or cooperating with it in the provision of health care services to participants share in that responsibility, and

"(iii) the organization provides clearly identifiable focal points of responsibility for the performance of all managerial, administrative, and service functions;

"(2) the term 'medically underserved area' means an area designated by the Secretary, after consideration of the recommendations (if any) of the appropriate State comprehensive health planning agency (designated by the State as required by section 314(a)(2)(A)) and the local area health planning agency (if any), as an area with a shortage of health services;

"(3) the term 'local area health planning agency' means the agency or organization responsible for the comprehensive regional,

metropolitan area, or other local area plan or plans referred to in section 314(b) and covering the area in which the health maintenance organization operates or proposes to operate, or, if there is no such agency, such other public or nonprofit private agency or organization (if any) as performs, as determined in accordance with criteria included in regulations, similar functions.

"GRANTS TO AND CONTRACTS WITH HEALTH MAINTENANCE ORGANIZATIONS

"SEC. 1202. (a). The Secretary is authorized, during the period beginning July 1, 1973, and ending with close of June 30, 1978, to make grants to any public or nonprofit private health maintenance organization, and to any public or nonprofit private entity intending to become a health maintenance organization, and to enter into contracts with any health maintenance organization or any entity intending to become a health maintenance organization, to—

"(1) assist it in planning for the development or expansion of a health maintenance organization, and

"(2) pay all or part of its initial operating costs incurred as a result of its operation in or expansion into a medically underserved area.

"(b) No grant or contract may be made or entered into under subsection (a) unless the applicant for such grant or contract has provided assurances satisfactory to the Secretary that—

"(1) it intends to form, create, or expand a health maintenance organization, if the application is for a grant or contract under clause (1) of subsection (a); and

"(2) it intends to operate in a medically underserved area, if the application is for a grant or contract under clause (2) of subsection (a).

"(c) A grant or contract pursuant to clause (1) or (2) of subsection (a) may not provide the assistance described therein for more than two years in the case of clause (1) or three years in the case of clause (2).

"(d) In making grants and entering into contracts under clause (1) of subsection (a) the Secretary shall give priority to those applicants which will provide new or expanded health services to medically underserved areas.

"GENERAL CONDITIONS

"SEC. 1203. No grant or contract may be made or entered into under this title unless—

"(1) the applicant provides assurances satisfactory to the Secretary that, at the time of its application or at such time thereafter as the Secretary may specify, it (A) meets or will meet such standards of financial responsibility as the Secretary may by regulation provide; (B) has or will have the capability to provide prompt, efficient, and economical comprehensive health care services, including institutional services, which meet quality standards established by it in accordance with regulations of the Secretary; and (C) has or will have a governing board which includes members who (i) have no financial interest in the organization other than as enrolled participants, (ii) are not receiving compensation for the provision of goods or services to the organization other than reasonable compensation for services as members of the governing board, and (iii) are neither employed by, nor members of the immediate family of, persons who have such an interest or are receiving such prohibited compensation;

"(2) the State comprehensive health planning agency (referred to in section 1201(2)) and the local area health planning agency (if any) have had an opportunity to comment upon the application in a manner prescribed by the Secretary; and

"(3) the applicant agrees to keep such records, and afford such access thereto, and make such reports, in such form and containing such information, as the Secretary may find necessary for purposes of this title.

"JOINT FUNDING

"SEC. 1204. Pursuant to regulations prescribed by the President, where funds are advanced for a single project or program by more than one Federal agency to an organization assisted under this title, any one Federal agency may be designated to act for all in administering the funds advanced. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each agency, and any such agency may waive any technical grant or contract requirement (as defined by such regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose.

"WAIVER OF CONTRACT LIMITATIONS

"SEC. 1205. Whenever the Secretary determines it to be in furtherance of the purposes of this title, contracts authorized under this title may be made, performed, amended or modified without regard to such provisions of law or other regulations relating to contracts of the United States as the Secretary may specify.

"AVAILABILITY OF APPROPRIATIONS

"SEC. 1206. Sums appropriated for any fiscal year ending prior to July 1, 1977, for grants or contracts under this title shall remain available for obligation until the the end of the fiscal year following such fiscal year."

SERVICES FOR INDIANS

SEC. 3. Section 1 of the Act of August 5, 1954 (42 U.S.C. 2001) is amended by inserting "(a)" before "All functions" and by adding at the end thereof the following new subsection:

"(b) In carrying out his functions, responsibilities, authorities, and duties under this Act, the Secretary is authorized, with the consent of the Indian people served, to contract with private or other non-Federal health agencies or organizations for the provision of health services to such people on a fee-for-service, prepayment, or other basis."

Amend the title so as to read:

To amend the Public Health Service Act to provide assistance and encouragement for the establishment and expansion of health maintenance organizations, and for other purposes.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 86 TO S. 2246

Mr. McCLURE. Mr. President, I ask unanimous consent that the Senator from Utah (Mr. BENNETT) be added as a cosponsor of amendment No. 86 to S. 2246, the McClure-Baker substitute to the Public Works and Economic Development Act Amendments of 1973.

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

AMENDMENT NO. 5 TO S. 706

At the request of Mr. MONDALE, the Senator from Connecticut (Mr. RIBICOFF) was added as a cosponsor of amendment No. 5 to S. 706, to extend certain authorizations of the Office of Economic Opportunity.

NOTICE OF CONTINUATION OF HEARINGS ON DISASTER RELIEF ACT OF 1970

Mr. BURDICK. Mr. President, as chairman of the Public Works Subcommittee on Disaster Relief, I wish to announce the continuation of field hearings to investigate the adequacy of the Disaster Relief Act of 1970.

On May 11 and 12, 1973, the subcommittee will meet in Wilkes-Barre, Pa., and on June 1 and 2, 1973, hearings will take place in Corning-Elmira, N.Y.

Those who wish to submit a statement for inclusion in the hearing record should communicate as soon as possible with the Subcommittee on Disaster Relief, room 4202, Dirksen Office Building, extension 56176.

NOTICE OF HEARINGS ON S. 1463 AND S. 1678

Mr. BURDICK. Mr. President, as chairman of the Judiciary Committee's Subcommittee on National Penitentiaries, I wish to announce hearings for the consideration of S. 1678, legislation to amend section 4082, title 18, United States Code, relating to the extension of limits of confinement for prisoners in Federal correctional institutions, at 10 a.m., in room 4232, New Senate Office Building.

At 11 a.m. the same morning, the subcommittee will take up S. 1463, legislation to establish a U.S. Parole Commission.

Witnesses invited to testify at these hearings include representatives of the U.S. Department of Justice, including the Bureau of Prisons and Board of Parole and other interested parties. Anyone who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on National Penitentiaries, room 6306, extension 225–8994.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. ROBERT C. BYRD, for Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Allen L. Donielson, of Iowa, to be U.S. attorney for the southern district of Iowa for the term of 4 years (reappointment).

At Senator EASTLAND's request and on behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Tuesday, May 15, 1973, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ADDITIONAL STATEMENTS

WATERGATE

Mr. BROCK. Mr. President, there have been a great many comments on President Nixon's address to the Nation Monday night.

One of the most statesmanlike is the statement issued by the distinguished Senator from South Dakota (Mr. McGOVERN).

I would like to request unanimous consent that his remarks be printed in the RECORD.

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

WATERGATE

(Statement by Senator GEORGE MCGOVERN, before American Society of Newspaper Editors, May 2, 1973)

No one is more aware than I am that the second Nixon Administration began with a record landslide. But the end of the beginning has come, perhaps sooner than any of us expected, with the Watergate scandal.

For weeks every other issue—from impoundment to Cambodia—has been swept aside by a tide of revelation that has mounted higher every day. Suddenly the whole future of this Administration seems to depend upon the results of the Watergate case.

Many of the answers must come from the President himself. And he has taken the first steps to cleanse the Presidency of the stain and the taint of suspicion.

There is no direct evidence to implicate Mr. Nixon in the planning of political espionage or the subsequent obstruction of justice. Like all of you, I hope he was not involved. He denies that he was—and I, for one, must believe him.

It is not an easy thing for a President to admit a mistake—but it is perhaps essential to the nation that he can. On Monday, President Nixon did. Now the essential thing for him and for us is to restore fully the credibility and capacity of the government he leads.

He must insure that the Administration is rid of all officials who have broken the law, hidden the truth, or betrayed the ethics of public service. In his speech Monday night, he seemed to recognize that it will not be enough for him to say that there are no convicted criminals in the White House; he must be able to say with certainty that there are only honorable men.

The President has also given his nominee for Attorney General the authority to remove the Watergate investigation from the antechambers of a compromised Administration to the office of an independent special prosecutor. Mr. Richardson should do so immediately. The investigation can no longer even appear to be controlled by the Administration which is under investigation.

These are difficult days for President Nixon. He is the elected leader of the nation, and he is struggling to restore his leadership. We must help him, for the sake of the office he holds.

Above all else, that means that we must not make the Watergate crimes and cover-up a cause for partisan exultation or exploitation.

It has been written in recent weeks that the Democratic Party has been strengthened for the 1974 election by the Watergate scandal. But just as Watergate has reminded us that even in politics some things simply are not done, so Democrats must now remind themselves that even political victory is not worth the damage that has been done to the American system. No one in the profession of politics really stands to gain from this subversion of the political process.

Nor do Republican candidates in 1974 deserve to lose because of Watergate. No shred of evidence has been raised against them, and no breath of rumor has been heard about them. Indeed, Republicans have been among the most effective voices calling for full disclosure of all the facts. Obviously, I would like to see Democrats win next year—but on the issues for which they stand, not on a scandal we all deplore.

So once more we need to ask, not what we can do for ourselves, but what we can do for our country in a critical time. And it is our common task. The President must be open; his opponents must be fair; and together, we must find the guilty, confirm the innocent, and turn away from the betrayal of democratic values back to the true business of democracy—to debate the great issues honestly, and to seek what is best for America, not what is worst in ourselves. We must become one country again.

In this effort, we should be sustained by the bravery and tenacity of those who have given our system a few shining moments of vindication during the Watergate scandal—men like Judge Sirica, Senator Ervin and Senator Weicker, newspapers like The Washington Post, and networks like CBS. And from this travail, let us take a new resolve that no matter how much we may disagree about policy, we will be united by the deepest commitment to a politics of civility and decency.

Now more than ever, whether we are partisans of the Administration or partisans of the Democratic cause, let us also be partisans of principle—so that our country and all who serve it may be equal to the proud traditions of our history.

For the Watergate scandal is not, as the President implied, typical of the political process. Our politics is better than that. And Watergate is worse than the tactics of any national campaign in my memory or modern times. What was wrong with Watergate was not just that the President's associates got caught, but what they did. The standard of conduct set by the Committee to Re-Elect the President was simply unprecedented. I have no doubt that the ethical standards of American politics can be improved. But we must wonder about Mr. Nixon's reference to "campaign excesses that have occurred on all sides." I emphatically reject the notion that I or my colleagues or my party in the Presidential election condoned or would have countenanced activities of a criminal nature. Any such insinuation is unworthy of Mr. Nixon's pledged determination to avoid ". . . actions which would appear to reflect on innocent people."

Let me close on a personal note. I take no satisfaction from this sad affair. Indeed, since the election last November, I have repeatedly refused to respond to press inquiries about Watergate. And I take no joy today from the President's difficulties. With him, I hope they will be resolved soon so that he and we can fight out the future on other, better issues.

NEWSPAPER TRIBUTE TO SENATOR SAM ERVIN

Mr. ROBERT C. BYRD. Mr. President, the people of North Carolina, and we in the U.S. Senate, who have had the privilege of close association with Senator SAM ERVIN, have long known of his dedication, industriousness, and foresight. For the past 19 years, Senator ERVIN has been preparing himself for the role of leadership that is now his.

On April 29, 1973, an article about the current undertakings of the distinguished senior Senator from North Carolina appeared in the Charlotte Observer.

Mr. President, I ask unanimous consent that this article, entitled "Sam Ervin: Integrity and a Touch of Outrage," be printed at this point in the RECORD.

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

SAM ERVIN: INTEGRITY AND A TOUCH OF OUTRAGE

Arrests were made at the Watergate on June 17, 1972. Seven men subsequently were convicted of direct involvement in the break-in. Richard Nixon, who had described the low points of his life in a book called "My Six Crises," soon was faced with his seventh crisis.

Seven men were drawn from the Senate to conduct an investigation; and in his 77th year, Sam J. Ervin, as chairman, undertook the task.

When a band of table-thumping liberals met in Washington a few days ago to talk about threats to civil liberties, there was not an unkind word about Sam Ervin. It might as well have been a gathering of his down-home conservative friends at Red Thompson's barber shop in Morganton, who were saying at about that same time that they had known all along he was a great man. His admirers these days seem to span most of the ideological territory between Abbie Hoffman and the John Birch Society, and it would not be surprising to hear nice words about him from even those quarters.

Suddenly he is Gideon rallying the Israelites against the Midianites and Leonidas marching to meet the Persians at Thermopylae.

A MAN OF MODESTY

He loves it. But he will not be killed by adulation, as was a Greek orator whose admirers applauded by throwing their cloaks upon him in such numbers that he was smothered. His tenacious modesty will save him. He is blessed with a talent for looking away from the paths of glory and toward, instead, the abstractions of history and the ambiguities of life.

Evidence of that was to be found during the past week in his quiet brick house on Lenoir Street in Morganton, where he was relaxing before returning to Washington to conduct the Watergate hearings. Each day's news had brought fresh revelations of scandal, corruption and intrigue, chasing the palace guard from the palace. In the midst of these cataclysmic political events, Sen. Ervin was secluded in his home library, an unpretentious room with book shelves from floor to ceiling.

WHAT THOUGHTS?

Arranging his thoughts about the separation of powers? Contemplating the role of Congress in a perilous showdown with the President? Making notes about the evidence?

No, finishing a speech about John Paul Jones for the dedication of a bust in Raleigh and writing another about the Huguenots for delivery in Charleston.

The White House was awash in questions about how Richard Nixon could survive the crisis without being rendered powerless. Sam Ervin was emerging as the chief protagonist. And Sam Ervin was at home reflecting upon the 17th century, with occasional forays into the 18th.

He also was looking forward to a little driving in his dusty, black Chrysler, a 1965 model that now registers 90,000 miles. He had driven himself and "Miss Margaret," his wife, from Washington to Morganton. Shortly he would drive to Charleston, then back to Raleigh, and then on Sunday to Washington "Driving is something of a relief," he said. "None of my aides can get to me."

A SOLITARY FIGURE

In some ways, in fact, nobody can get to him. He is a solitary, self-directed man, of another era perhaps. Time magazine probably was right in calling him "the most formidable senator that this proud body could choose to lead its cause."

It is not that Sen. Ervin is so powerful. In fact, for a decade and a half after he went to the Senate in 1954 he was, although a member of that inner group known as the "Senate club," far below the ranks of the most powerful.

Among the Southerners, Richard Russell, Harry Byrd Sr., John Stennis, Allen Ellender, John McClellan, Lister Hill and others—men of his generation but with greater seniority—were the obviously powerful ones. Ervin was plodding along in the ranks below, somehow suspended between those mighty patriarchs and a group of younger and increasingly influential Southerners such as Russell Long and Herman Talmadge, who would arrive at great power before he would. He had no weighty committee chairmanship or senior seat on Finance or Foreign Relations.

At times he ran the risk of being dismissed as a charming story-teller but perhaps a bit of a joke. That was unfair. Essentially shy rather than flamboyant, he consistently did his homework and took his legislation seriously.

HIS HONESTY SHINES

And in that city of seductive influences and easy balm for politicians in the make, no one has found a serious flaw in his reputation for straightforward honesty and integrity: a reputation that now shines like deep-cut crystal against the cynicism and casual corruption of the Nixon Administration.

The trouble was, he didn't seem to fit. He not only lacked committee power until recently; he also lacked influence because he did not deliver other people's votes. No trader or maneuverer, he might be taking a stroll in the zoo while other senators were hobnobbing in the halls, exchanging schemes and promises.

Like his father, a lawyer who wore a cutaway coat and wingtip collars around the dusty streets of Morganton, he loves books, and they often have been his retreat. He likes to spend time in the Capitol library, doing his own research and forming his own conclusions. Off-handedly, sometimes, he mentions that he has read 1,600 pages of background on some question, or appears with a legal decision pertinent to the issue but long forgotten.

His staff members, who include bright young men quite different from some assistants he benignly kept in the past, know they may pile up proposal after proposal before moving him—and then it is because they have intersected his own thoughts. He does not "administer" their work. He soars above it, scooping something up when it seems to meet a need his mind has identified.

MOVING TO HOT ISSUES

Lately he has had the advantage of bossing the staffs of interrelated committees, and he seems to make the most of it. As chairman of the Government Operations Committee and chairman of Judiciary's subcommittees on constitutional rights and separation of powers, he can bring formidable forces into play. Now he also has the staff of the select committee on Watergate.

These committees put him in the vortex of some of the hottest issues of the day, so much so that recently he had a lively press conference that was only the third of his Senate career.

Exactly when the country began to take note of Sam Ervin is not altogether clear, but probably it was about three years ago. That was when the Senate was pressing ahead with the Nixon Administration's "D.C. Crime Bill," which had "preventive detention" and "no-knock" entry provisions that Ervin called "the trappings of a police state." It was, he said, a "garbage pail of some of the most repressive, nearsighted, intolerant, unfair and vindictive legislation that the Senate has ever been presented."

Whose was this stout voice so eloquently fighting this "liberal" cause? It was the same one that had similarly deplored civil rights bills, a fact that seemed to bemuse the senator's liberal former foes. But with less notice, this voice also had been speaking against other encroachments on individual liberties: military justice procedures that denied GIs due process; the jailing of indigent defendants unable to raise bail or hire lawyers; harassment of civil servants because of their political views.

His sights more recently have been trained upon efforts by the Administration (the "most oppressive" one he has known, he said) to extend executive power. "Executive privilege" as used by these people, he said, is "executive poppycock." Impoundment of funds, as practiced by President Nixon, is a usurpation of Congress' authority, he has contended.

The Ervin pattern of late, then, is clear. His is the strongest voice for individual freedoms being heard in Washington.

THE GREAT CONTRADICTION

And yet there is the great contradiction: his opposition to civil rights bills, even a voting rights bill, and his current anti-busing labors to change the Constitution in a way that would compromise the Fourteenth Amendment's "equal protection" clause. A powerful influence for individual freedom, he remains nevertheless a captive of the Old South's racial bugaboos. It is an old story. The South is always shackling its better men.

Sen. Ervin, of course, does not see it that way. He sees his record as one of always working to limit federal power, to preserve the separation of powers and to protect the states' prerogatives.

But the real common thread seems to be his devotion to abstract principles, apart from flesh-and-blood realities. The bare bones of the law sometimes have loomed larger than the evidence that the law was being subverted.

And right now the law's bare bones themselves are under assault. That has made Sen. Ervin the man of the hour; an ideal choice to lead a fight against the erosion of Congress' authority and the growing power of the presidency.

THE SHOW IS ON

So the show is on. Sen. Ervin's select committee to investigate Watergate and other scandals of the 1972 campaign is to begin hearings on May 15. By then much of the Watergate story will be known and more indictments may have come. He thinks the committee may spend less time on Watergate than on other campaign scandals.

"I think the more important question has arisen out of the misuse of campaign funds and the alleged use of sabotage against presidential candidates," he said as he relaxed in Morganton. "That's more important than burglary. That is a more direct attack on the integrity of the process by which we elect the President."

Sen. Ervin's personal honesty and his preoccupation with the law are not the only bases of his concern about abusive executive power. He approaches the venal and the tawdry with quiet outrage and disbelief that may arise in part from the relative innocence of the state he represents. It has yet to produce a tyrannical governor or a state machine built upon election fraud, greed, and patronage. Nor is it a state that easily tolerates oily political chicanery grounded in calculated sellouts to special interests.

GOING TOO FAR

In North Carolina a politician can still go too far. But until recently it appeared that Washington had become so jaded, and perhaps the voters' cynicism about politics had become so great, that nothing was going too far. Sen. Ervin seemed to remain in perpetual astonishment at that.

Now, armed with evidences of criminality in high places and riding a new tide of public concern, he may chasten that city like some biblical scourge.

That would be fitting for a solitary and dedicated man who sees himself as a Jeffersonian, who incessantly ponders the structures and relationships of federal power and who summons the farewell words of George Washington to warn of power's corruption. It is not without some reason that Sam Ervin is being called "the last of the Founding Fathers."

THE PROPOSED FEDERAL CRIMINAL CODE: NATIONAL DEFENSE AND CLASSIFIED INFORMATION

Mr. SCOTT of Pennsylvania. Mr. President, on March 27, the distinguished ranking minority member of the Committee on the Judiciary (Mr. HRUSKA) introduced on behalf of the administration S. 1400, the proposed Criminal Code Reform Act of 1973. Since that time, some critics have characterized the proposed code's treatment of national defense and classified information offenses as unduly repressive. Unfortunately, however, most of these statements have provided us with far more heat than light.

On May 2, the Subcommittee on Criminal Laws and Procedures held hearings on this subject as part of its continuing efforts to revitalize title 18 of the United States Code, Crimes and Criminal Procedure. I ask unanimous consent that the opening statement of my friend from Nebraska (Mr. HRUSKA) and supporting memorandum be printed in the RECORD, along with the Statement of Kevin T. Maroney, Deputy Assistant Attorney General, Criminal Division, Department of Justice. Hopefully, my colleagues will find this material to be informative and reassuring.

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

OPENING STATEMENT OF SENATOR ROMAN L. HRUSKA

Today the Subcommittee on Criminal Laws and Procedures resumes its hearings on S. 1 and S. 1400, two bills to revise, reform and codify the federal criminal laws.

The focus of our inquiry this morning will be on certain of the provisions concerning Offenses Involving National Security contained in Chapter 11 of S. 1400, the Admin-

istration's proposed "Criminal Code Reform Act of 1973," and in Chapter 5 of S. 1, the "Criminal Justice Codification, Revision, and Reform Act of 1973." More specifically, we will want to concentrate on proposed sections 1121 through 1126 of S. 1400 and sections 2–5B7 and 2–5B8 of S. 1, dealing with espionage and protection against unauthorized disclosure of national defense and classified information.

I think it is no exaggeration to say that this is an area of the law of utmost concern to all of us, within and without government. It is also an area in which difficult questions abound, questions to which there are no easy solutions. The difficulties arise, it seems to me, because we are dealing here with two fundamentally competing interests: protection of our national security on the one hand, and preservation of an informed public opinion on the other. To quote from the thoughtful opinion of Mr. Justice Stewart in the *New York Times* case:

"[I]t is elementary that the successful conduct of international diplomacy and the maintenance of an effective national defense require both confidentiality and secrecy. Other nations can hardly deal with this Nation in an atmosphere of mutual trust unless they can be assured that their confidences will be kept. And within our own executive departments, the development of considered and intelligent international policies would be impossible if those charged with their formulation could not communicate with each other freely, frankly, and in confidence. In the area of basic national defense the frequent need for absolute secrecy is, of course, self-evident." (*New York Times Co. v. United States*, 403 U.S. 713, 728 (1971)).

On the other hand, as Justice Stewart pointed out, secrecy is by no means the only consideration. Quoting again from his *New York Times* opinion:

"[W]hen everything is classified, then nothing is classified, and the system becomes one to be disregarded by the cynical or the careless, and to be manipulated by those intent on self-protection of self-promotion. I should suppose, in short, that the hallmark of a truly effective internal security system would be the maximum possible disclosure, recognizing that secrecy can best be preserved only when credibility is truly maintained." (*Ibid*, at 729.)

Thus, we are faced with the difficult task of balancing the need for an effective internal security system against the desirability of maintaining an informed electorate. The provisions of S. 1400 which we will be discussing this morning represent one considered approach to this problem. In the few weeks since Senator McClellan and I introduced S. 1400, these proposals have already received considerable attention and comment. Much of the comment reflects the understandable concern of those who fear that the Administration's proposals will stifle the public's legitimate right to be kept informed of what its government is doing. Some have gone so far as to suggest that the bill would drastically alter present law and would, in effect, impose on this nation a "national secrecy act".

To these critics of S. 1400 let me say that I have examined the proposed national security provisions very carefully. To me, they do not appear to represent a radical departure from what I understand to be present law. More important, I believe that these proposals represent a conscientious attempt to arrive at a reasonable solution in the area, a balanced solution which eschews the notion of secrecy for its own sake. Obviously, reasonable minds may differ as to the wisdom of these proposed statutes. Indeed, I am not prepared to endorse them fully without further study and consideration of available alternatives. But before we arrive at any firm judgments, let us be certain that we understand these proposals, how they relate to existing law, and how they would operate in practice.

To help us find the answers to these questions, we have invited to testify before us today. Mr. Henry E. Petersen, Assistant Attorney General, Criminal Division, Department of Justice, who will be represented by Mr. Kevin T. Maroney, a Deputy Assistant Attorney General under Mr. Petersen. Mr. Maroney has a long background in the internal security area.

Before we proceed with our witness, I submit for the record a Memorandum which answers criticisms that have been made by members of Congress and representatives of the press concerning certain sections of the proposed Criminal Code Revision contained in S. 1400.

MEMORANDUM: THE ESPIONAGE SECTIONS OF THE PROPOSED FEDERAL CRIMINAL CODE, S. 1400

This memorandum is prepared in answer to criticisms that have been made by members of Congress and by representatives of the press concerning certain espionage sections of the proposed Criminal Code Revision contained in S. 1400. The memorandum will describe the proposed sections, compare the proposed statutes to the provisions of present law, and will discuss the criticisms which have been made.

I. THE RELEVANT PROPOSED ESPIONAGE SECTIONS

The espionage provisions of the proposed Code are §§ 1121–1126, with the latter section being a general definition section applicable to the espionage statutes. Most relevant to this memorandum are Sections 1124 and 1122.

A. Section 1124

This proposed section makes it an offense for a person who is or has been in authorized possession of classified information or has obtained such information as a result of status as a Federal public servant to knowingly communicate such information to a person not authorized to receive it, that it is not a defense that the information was improperly classified at the time of its classification or at the time of the offense, and that the recipient of the classified information is not subject to prosecution either as an accomplice or as a conspirator. The section also provides that the communication of the information to a regularly constituted committee of the Congress pursuant to lawful demand is not prohibited. The punishment is seven years imprisonment if the person to whom the information is communicated is an agent of a foreign power and is three years imprisonment in any other case.[1]

As noted, the statute proscribes a *knowing* communication of such information. The general culpability section, § 302 of the proposed Code, provides that:

"A person acts knowingly, or with knowledge, with respect to his conduct when he is aware of the nature of his conduct. A person acts knowingly, or with his knowledge, with respect to circumstances surrounding his conduct when he is aware or believes that the circumstances exist, or is aware of a high probability of their existence, or intentionally avoids knowledge as to their existence. A person acts knowingly, or with knowledge, with respect to a result of his conduct when he is aware or believes that his conduct is substantially certain to cause the result."

B. Section 1122

Proposed § 1122 relates, not to classified information, but to national defense information. Section 1122 provides that a person is guilty of an offense if he knowingly communicates information "relating to the national defense" to a person not authorized to receive it. The basic difference between the two proposed sections is, of course, that under the latter, § 1122, the Government would have the burden of proving that the information in fact related to the national defense while under the former, § 1124, it would have the burden of proving that the information was classified. In view of the definition of classified information in proposed § 1126, such proof would include the fact that the document or information at issue had been marked or designated pursuant to authority.[2]

C. General comments

As will be discussed in more detail in the next section of this memorandum, the only departure from present law in these proposed sections is found in § 1124 and, more specifically, in that section's applicability to all individuals having received classified information pursuant to authority being liable for communication of that information to anyone not authorized to receive it. Present law prohibits either (1) the communication of a *specific and limited type of classified information* to anyone not authorized to receive it, or (2) the communication of any classified information *only* by Government employees and *only* to agents of a foreign power or members of specified Communist organizations.

The need for a statute prohibiting the communication of classified information arises from the fact that in prosecutions under the general espionage laws, it is the Government's burden to demonstrate that the information at issue in fact relates to the national defense. Therefore, in order to criminally prosecute under other statutes, it is necessary to disclose the very information which the law seeks to protect. While it is true that in many cases there will have already been a communication of the information to someone not authorized to receive it or, more specifically, to someone acting for a foreign government, it is also true that in these circumstances the initiation of prosecution and the disclosure of the information in court with proof that "it relates to the national defense" constitutes a validation of the information transmitted in addition to *providing* for broader communication of the information to, for example, other foreign government. In brief, any such prosecution requires the Government to endanger national security in order to protect national security.

The proposed statute relating to disclosing classified information has been very carefully limited. Only those individuals who have received the information in a position of trust, individuals well aware of their obligation toward classified information, may be liable for the offense. The statute by its terms specifically excludes the unauthorized recipient of classified information from possible prosecutions.[3]

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[1] Proposed Section 1125 makes it an offense for an agent of a foreign power to obtain classified information he is not authorized to receive. This section has not been criticized.

[2] The section could not, then, apply to documents which had been stamped classified by someone without authority to classify or who was not purporting to act in accordance with such authority.

[3] Of course, a recipient may be prosecuted under the general espionage statutes, if the Government is willing to disclose the information in order to establish that it related to the national defense.

II. THE RELEVANT PROVISIONS OF PRESENT LAW

A. *statutes related to proposed section 1124 prohibiting the disclosure of classified information*

As just discussed, Section 1124 does constitute some departure from the present statutes. The statutes relating to the proposed section are 18 U.S.C. 798, 50 U.S.C. 783(b), and 42 U.S.C. 2277.

1. *50 U.S.C. 783(b)*. This statute makes it a crime for any Government employee or officer, or an officer or employee of any corporation the stock of which is owned in major part by the United States, to communicate classified information to any person whom the individual has reason to believe to be an agent of any foreign government or an officer or member of specified Communist organizations. The Communist organizations include the Communist Party itself, Communist front organizations or Communist infiltrated organizations as defined in the Internal Security Act of 1950, 50 U.S.C. 782. All three of these organizations can and do include within their memberships citizens of the United States. The statute, 50 U.S.C. 783(b), is not limited by its terms to those Government employees or officers having received classified information pursuant to authority. This statute, then, insofar as the individuals to whom it can be applicable casts a broader net than the proposed Section 1124 which is intentionally limited to individuals who have received the information lawfully and under a condition of trust. Of course, it is more limited than the proposed Section in that the communication must be to agents of a foreign government or to members of specified Communist organizations.

2. *18 U.S.C. 798*. This Section makes it a crime for anyone to knowingly and willfully communicate to an unauthorized person classified information relating to communications of intelligence. This Section then is broader than the proposed Section 1124 insofar as it is applicable to *anyone* who communicates such information rather than being liimted to those who received the information in an authorized manner and it is consistent with the proposed Section 1124 in that the proscribed communication may be to any unauthorized person. It is narrower than the proposed Section, however, in the type of classified information which it concerns. This narrowing is not as significant as it may appear upon a first reading of the statute. This is so because the classified information protected also includes information obtained by the process of communications intelligence from any foreign government.

3. *42 U.S.C. 2277*. A third statute relevant to the proposed Section 1124 is 42 U.S.C. 2277 which makes it a crime for anyone who is or has been a Government employee or a member of the Atomic Energy Commission or of the Armed Forces or who is or has been a contractor or an employee of a contractor of the AEC or the United States or is or has been an employee of a licensee of the AEC to communicate any Restricted Data to any person not authorized to receive such Restricted Data. Under this Section the burden of proof should only be showing that the information was classified as Restricted Data and satisfied the definition of Restricted Data in general terms, rather than having to disclose the content of the information.[4]

This brief review of the three statutes indicates that the proposed Section 1124, while an extension of present statutes, is not a radical departure from present law. Moreover, since Section 1124 is the only Section in the proposed Code prosecuting the disclosure of classified information and it specifically excludes recipients from its application the Section also narrows these Sections of current law since, under each of those Sections, prosecution as an aid or abettor and/or as a conspirator is possible either under 18 U.S.C. 2, permitting punishment as a principle all who aids, abets, counsels, commands, induces or procures a commission of an offense against the United States, or the Federal conspiracy Section, 18 U.S.C. 371, or, in the case of 42 U.S.C. 2277, by the inclusion of a specific conspiracy prohibition in the statute itself.

These statutes are important as demonstrating Congressional authority for and Congressional concern about the protection of classified information.

B. *Statutes related to proposed § 1122 prohibiting the disclosure of national defense information.*

Unlike § 1122 relating to classified information, § 1122 does not constitute an extension of the present law. It is a recodification and redrafting of the provisions now found in 18 U.S.C. 793(d) and 793(e), and 18 U.S.C. 793(c).

1. *18 U.S.C. 793(d)*. This present statute provides that anyone having lawful possession of any document, writing, code book, signal book, or other specified item "relating to the national defense," or having lawful possession of "information relating to the national defense which information and the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation" willfully communicates or attempts to communicate such items or such information to any person not entitled to receive it or willfully retains such items or such information and fails to deliver it on demand is guilty of a crime. It must be carefully pointed out that the phrase "which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation" only modifies the last item specified "information" so that as to the enumerated items, including documents, photographs, notes, etc., it is only necessary to prove that those items related to the national defense and that the individual willfully communicated them to a person not entitled to receive them.[5]

2. *Section 793(e)*. This Section is identical to 793(d) except that it applies to anyone having *unauthorized* possession of the items specified relating to the national defense or unauthorized possession of information relating to the national defense which information the individual has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation.

3. *18 U.S.C. 793(c)*. This Section applies to the same specified types of tangible form such as documents, writings, code books, etc. of "anything connected with national defense" and makes it a crime to receive or obtain or attempt or agree to receive or obtain national defense information for the purpose of obtaining such information and with knowledge or reason to believe it has been or will be obtained, taken, made, or disposed of by any person contrary to the provisions of this chapter. This Section is carried forward in the proposed code because, unlike § 1124 relating to classified information, proposed § 1122 does not exclude prosecution of aiders and abettors or conspirators and the activity proscribed in 18 U.S.C. 793(c) would in most cases be sufficient to establish aiding and abetting or to establish a conspiracy.

4. *Information relating to the National Defense*. At this point it is necessary to examine what is meant by the phrase "relating to the national defense." Since that phrase has been used in the proposed draft the past legislative gloss and court interpretations of the phrase are intended to be carried forward in the proposed statute. The explanation of the phrase in the proposed general definitions section § 1126, does not attempt to define the phrase but merely indicates the types of information which the phrase is to include. The appropriate subsection of § 1126 also imposes a requirement that the information must involve the security of the United States, see § 1126(g)(10).

The two leading cases which have interpreted the phrase are *Gorin* v. *United States*, 312 U.S. 19 and *United States* v. *Heine*, 151 F. 2d 813 (C.A. 2). The retention of the phrase "relating to the national defense" incorporates the concepts of those cases. This means that the question of the connection of the information with the national defense is a question of fact to be determined by the jury and the jury decides the sensitivity of the information in question regardless of whether the government has classified the information. The prosecution must attempt to convince the jury that the information disclosed was information connected with or related to our military, naval, and air establishments and related activities of national preparedness and the jury can examine documents and/or must hear witnesses' testimony as to the contents of documents or other information and the significance of same to the national defense.

The courts have held that the term "national defense" is a generic concept of broad connotations referring to the military and naval establishments and the related activities of national preparedness, *Gorin* v. *United States, supra*, 312 U.S. at 28. The connection with the national defense must not be strained or arbitrary, but must be reasonable and direct, *id.* at 30–31.

Another result of the continued use of the phrase is that the defenses that were available under prior law are similarly available in the proposed code. The courts have held that no one can be convicted of violating § 18 U.S.C. 793 (and 18 U.S.C. 794, the other general espionage statute) if the information was made available to the public; or if the government did not attempt to restrict its dissemination; or if the information was available to everyone from lawfully accessible sources, see *United States* v. *Heine, supra*.

5. *General Comments*. In view of the provision of 18 U.S.C. 793 (d) and (e) and of 18 U.S.C. 793(c), just discussed, the only manner in which the proposed § 1122 differs from current law is in its blanket prohibition on the communication of "information relating to the national defense." This is in contrast to the requirements of 793 (d) and (e) that when the information is something other than tangible objects such as code books, documents, photographs and notes, etc. it must be further be shown that the possessor of the information had reason to believe it could be used to the injury of the United States or to the advantage of any foreign power. However, the concept of "national defense information" and the defenses that

[4] This concept would also apply to other statutes, with much more severe penalties, which makes it a crime to communicate Restricted Data with specific harmful intent, 42 U.S.C. Section 2274, 2275.

[5] The district court in the *New York Times* case refused to accept this interpretation. In the Supreme Court decision in that case, however, Justices White and Steward specifically confirmed our view of the statute, see *New York Times Company* v. *United States*, 403 U.S. 713 at 737–738. The plain language of the statute and its punctuation clearly support our interpretation. See Senate Report 427, 80th Cong., 1st Session (1949) p. 7; House Report 3112, 81st Congress, 2nd Session (1950) p. 52. *Cf., United States* v. *Coplon*, 88 F. Supp. 910 (S.D. N.Y., 1949).

have been judicially drafted to that concept result in making this an insubstantial difference. Establishing that the information related to the national defense and did not fall within the enumerated defenses would appear to be tantamount to showing that the information was of a type that the individual would have reason to believe could be used to the injury of the United States or to the advantage of any foreign nation. And, under the proposed section, the communication must be done "knowingly" which culpability element is described above, p. 2, *supra*.

III. CRITICISM OF THE PROPOSED SECTIONS

(1). Critics claim that the proposed legislation would punish Government officials who disclosed almost any kind of defense and foreign policy information whether or not its disclosure would endanger national security.

As noted, the section related to the communication of classified information would require that that information be classified pursuant to the authority of statute or executive order. Executive Order 11652 issued by the President in March of 1972 significantly tightened the classification procedures by limiting the number of individuals who had the authority to classify and by providing for stricter standards for the classification of information. Most important here, moreover, that Executive Order provided for a specific and effective review procedure to insure that the standards of the Executive Order were not violated. The Executive Order in Section 7 establishes an Interagency Classification Review Committee and charges it to take action to insure compliance with the Executive Order and that same section of the Executive Order, Section 7, directs each department handling classified information to designate appropriate officials to insure strict compliance with the Order and mandates the creation of Departmental Committees to oversee each Department's administration of the Executive Order. In setting up the Government-wide review committee and the departmental committees, the Executive Order specifically states that those committees should have the authority to act on all suggestions and complaints with respect to the actions of each and every department in administering the Executive Order.

This Executive Order for the first time provides for administrative penalties for any officer or employee of the United States who unnecessarily classifies or overclassifies information and directs the review committees just discussed to make a report to the head of the department concerned in any case where they find that unnecessary classification or overclassification has occurred. These provisions are set forth in Section 13 of the Executive Order.

In short, the Executive Order is an attempt to insure that the only information classified is information which satisfies the strict standards of the Order, standards contained in the Order's definitions of the classification categories "Top Secret," "Secret," and "Confidential." These standards are set forth in Section 1 of the Executive Order.

In view of the strict prohibitions of the Executive Order the proposed Code does not seek to punish the disclosure of "any kind of defense and foreign policy information whether or not its disclosure would endanger national security." Insofar as comments are made that the Government could punish a Government employee who disclosed information concerning fraud or deceit or matters such as cost overruns under the proposed Section 1124, there are two answers. First, as just discussed, Executive Order 11652 sets up procedures by which a Government employee who felt that information was classified for improper purposes could bring it to the attention not only of his superior but of the departmental Review Committee and indeed to the Interagency Review Committee. Secondly, even if it were assumed that these procedures would not work concerning information relating to fraud, deceit or inefficiency and a Government employee communicated such information so that remedial steps could be taken, any "retaliatory prosecution" would, as a practical matter, be highly unlikely in view of the impact of public opinion and in view of the aggressive steps the press and the Congress itself could and would take to highlight such retaliation.

In view of these considerations and in view of the determined attempt of the President to provide a well-managed, workable and tightly controlled classification system, and in view of the considerations just discussed, there is little merit to the criticism that the proposed statutes would permit staggering penalties for the disclosure of information even when the information is totally misclassified or classified only to prevent public knowledge of waste, error, dishonesty or corruption. The courts have pointed out that the responsibility for the protection of classified information rests with the Executive branch. They have similarly pointed out that the judiciary should be reluctant to interfere with the Executive determinations in this area stating that "in a mature democracy, [such choices] must be made by the Executive branch and not by the Judicial. If too many mistakes are made, the electorate will in due time reflect its dissatisfaction with the results achieved," *Greene v. McElroy*, 254 F. 2d 944, at 954, reversed on other grounds, 360 U.S. 974. In addition to the protection which would be afforded by the check by the electorate upon attempts to punish individuals for seeking to disclose waste, error, dishonesty or corruption would be the check that Congress itself would have. First, the proposed section 1124 specifically provides that it is not a violation of the statute to communicate the information to a duly authorized committee of Congress pursuant to a lawful demand. Second, if the statute is used in any case to protect information other than that related to the security of our Country, Congress may repeal the criminal sanctions contained in 1124.

(2). It has been claimed that the proposed Code would punish newsmen who received information unless they promptly reported the disclosure and returned the material to Government officials whether or not the disclosure of the information would endanger national security.

The proposed Code would only permit a prosecution where the Government was willing to and able to prove that the information related to the national defense. Such prosecutions would be possible under proposed sections 1122 and 1123. As pointed out above, these sections carefully and intentionally carry forward the concepts of "information relating to the national defense" with all the limitations and safeguards provided by the legislative and litigative gloss on that phrase. Moreover, the proposed sections 1122 and 1123 are but reenactments and recodifications of current law and absolutely no extension or expansion of current law is intended. See the present sections 18 U.S.C. 793 (c), (d) and (e).

(3). It is stated that the proposed Code would punish not only reporters but all responsible officials of the publication or broadcasting company who participated in making the unauthorized information public.

Again, such prosecutions could only be undertaken if the Government was able to establish that the information in fact related to the national defense. Again, as is pointed out by Justice White and Justice Stewart's opinions in the *New York Times* case, *supra*, that is exactly the situation in current law.

(4). It is also stated that the proposed Code would punish Government employees who knew of colleagues unauthorized disclosure aid failed to report their colleagues action.

Here again this could only be accomplished under proposed section 1123 which intentionally and carefully requires the Government to establish that the information related to the national defense. Again, this is but a recodification of current law. See 18 U.S.C. 793(f).

(5). It is next stated that most penalties would be imposed on actions which are not now considered crimes but are, instead, the "applauded work of investigative journalists."

The section relating to the communication of classified information, 1124, is specifically limited so as to exclude any possible application to the recipient of that information. The only prosecutions that could be brought against "investigative journalists" under the proposed Code are exactly those that could be brought under the current statutes. Since those statutes have been on the books for either 60 or 20 years depending on which sections of the espionage statutes are involved and have not been used to subject the "applauded work of investigative journalists" to prosecution, it is difficult to understand what change will be brought about by the mere recodification of current law.

(6). It has also been commented that no law now gives the Government the power to prosecute newsmen not only for revealing what they determined the public should know but just for possessing information the Government says they should not have.

This, of course, has been answered in reply to some of the previous criticisms but, since it is a repetitive charge, it should be noted that the proposed Code could only permit punishment of newsmen for revealing information or for possessing information when the Government is able to carry the burden of proving that the information in fact relates to the national defense. The statement that no such law now gives the Government the power to prosecute in these circumstances can just not be supported in light of the provisions of 18 U.S.C. 793 and specifically subsections (c), (d) and (e) of that section, and in light of the clear and well-reasoned *opinion of* Mr. Justice White concurred in by Mr. Justice Stewart, Mr. Justice Blackmun, and Mr. Chief Justice Burger in the *New York Times* case, *supra*.

(7). It has been stated that all of the sections of current law which are not restricted to the communication of classified information but relate to the compromise of national defense information are limited in two ways: they deal with strictly military related matters and/or they require an intent to injure the United States or to aid a foreign nation.

The observation is incorrect on both limitations. As set forth in the discussion concerning the phrase "information related to the national defense," *supra*, that phrase has a legislative and litigative gloss which gives the phrase a broader meaning than strictly military related matters, though it is limited to matters reasonably related to national defense and national preparedness. In any event, however, the proposed Code intentionally and carefully contains the same limitations by the use of the same phraseology. Next, as the discussion of 18 U.S.C. 793 (c), (d), and (e) demonstrates, the current law is not limited in application only to those communications of national defense infor-

mation done with an intent to injure the United States or to aid a foreign nation.

(8) It is also stated that the proposed legislation is an attempt to jail reporters for publishing classified information even if that information was improperly classified, related to abuse, dishonesty and waste in the Federal Government, and it served the national interest to make it public.

Again, proposed section 1124, relating to classified information, is strictly limited so as not to apply to the newspaper reporters who may publish classified information which they receive. The only prosecution against the press permitted by the proposed Code is, as has been already discussed numerous times, in those instances where the Government establishes that the information relates to the national defense and this is strictly in accordance with current law.

(9). It is claimed that the proposed section 1124, insofar as it does exclude reporters from its application, would deny to reporters their Fifth Amendment right to refuse to respond to questions concerning the sources of classified information in their possession.

There are two answers to this criticism. First, as discussed, a reporter may under both present law and the proposed code be prosecuted for the disclosure of information related to the national defense. Information classified in accordance with the Executive Order would, in almost every conceivable instance, be information related to the national defense, or at the very least, there would be a reasonable presumption that it was, so that a reporter would retain his Fifth Amendment privilege because of the possible applicability of other criminal statutes. Secondly, insofar as the concern is that the reporter may be forced to identify other individuals engaged in crime, the Fifth Amendment has never been held to permit one to protect a third party.

STATEMENT OF KEVIN T. MARONEY ON ESPIONAGE AND RELATED PROVISIONS OF S. 1400

Mr. Chairman and Members of the Subcommittee, I would like to convey at the outset the apologies of Assistant Attorney General Henry E. Petersen for his inability to testify before this Subcommittee this morning. Mr. Petersen has been in overall charge of the development of the Department's proposal for a new Federal Criminal Code, and has looked forward to the opportunity to explain to this Subcommittee the rationale underlying the various provisions in the Department's proposal. Due to his unavoidable absence, however, he has asked me to discuss with you today this first series of particular offenses being reviewed by the Subcommittee.

I am a Deputy Assistant Attorney General, Criminal Division of the Department of Justice. Prior to my recent appointment I served as Deputy Assistant Attorney General of the Internal Security Division. I am accompanied by Robert L. Keuch, Deputy Chief of the Appellate Section and Ronald L. Gainer, Deputy Chief of the Legislation and Special Projects Section, both of the Criminal Division. I am pleased to have the opportunity to present the position of the Department of Justice with respect to the provisions concerning Offenses Involving National Security contained in Chapter 11 of S. 1400, the Administration's proposed "Criminal Cede Reform Act of 1973." I have with me a memorandum setting forth those provisions, and relating them to existing law and to similar provisions proposed by the National Commission on Reform of the Federal Criminal Laws and by the sponsors of S. 1. We would appreciate having this memorandum inserted in the record of today's proceedings.

I wish to assure the Subcommittee that the Department of Justice fully appreciates the problems and concerns that impel debate on portions of the legislation we are discussing today. Concern about this general area is legitimate. It causes us all concern. It causes us concern because it involves the necessity of striking a sensitive yet realistic balance between two matters of fundamental importance to our nation. On the one hand we have the need to maintain a free and open society with as much information as is possible concerning the operations of its government. On the other hand we have the need of that society to protect itself from foreign attack and external disasters that can befall it. It is a problem that differs from the usual sort of criminal statute which involves a necessity of balancing the rights of the individual against the needs of society; here we have involved two rights of society itself, to some extent intertwined, to some extent conflicting. It is a difficult balance to strike.

We have made a studied effort, and we think a reasonable and responsible one, to strike this balance giving recognition both to destirability of the fullest possible disclosure of the public business and to the recognized need to protect information the disclosure of which could adversely affect the national defense. For the most part, we have attempted to parallel the existing law—Section 1124 being the exception in this area. Questions have been raised, however, as to whether these sections do, in fact, parallel the existing provisions. To examine this question, however, requires first, a clear understanding of the exact reach of the current law, and second, a recognition that any attempt at recodification—in seeking simplicity and clarity—will of necessity vary in language from the existing provisions of law.

At this time, I would like, if I may, to direct my remarks to a few specific provisions of chapter 11 which appear to have generated considerable interest. I refer, of course, to sections 1121 through 1126 of S. 1400, which deal with espionage and related offenses, and particularly sections 1122 (Disclosing National Defense Information), section 1123 (Mishandling National Defense Information) and section 1124 (Disclosing Classified Information).

Prior to discussing each of these sections, however, I would like to take a few moments to review the state of existing law in the area. Espionage and related offenses are presently covered by a number of provisions in Titles 18, 42 and 50 of the United States Code. The relevant provisions for purposes of this discussion are Title 18, section 793 and 798; Title 42, section 2277; and Title 50, section 783(b).

18 U.S.C., section 793(d) deals with various materials "relating to the national defense" and with persons in lawful possession of such materials. It prohibits the wilful communication, delivery, or transmission of such materials to persons not entitled to receive them and the wilful failure to deliver such materials on demand to government employees entitled to receive them. In enumerating the materials sought to be protected, the statute distinguishes between such tangible things as documents, writings, code books, signal books and other specified items on the one hand, and "information" on the other. To be protected, the tangible items need only relate to the national defense; "information", however, is afforded protection only if it relates to the national defense *and* the possessor has reason to believe that it could be used to the injury of the United States or to the advantage of any foreign nation. This distinction, clearly set forth in the legislative history of the statute,[1] was made, we believe, since the sources of information otherwise specifically enumerated in 793 (d) and (e), are tangible objects which will, in all likelihood, contain on their face a classification or which, by their very nature, will indicate to the individual handling them that they constitute the type of matter protected by the statute. With respect to information not derived from tangible sources, however, the possessor may or may not be put on notice that this is so.

18 U.S.C., section 793(e) is identical to section 793(d) except that it applies to anyone in *unauthorized* possession and prohibits the retention of national defense materials and requires delivery to an authorized person without a demand being made.

These Sections, 18 U.S.C. 793(d) and (e), are the primary basis for proposed Section 1122 and are in part recodified by the proposed Section. As the Subcommittee will note, Section 1122 provides that a person is guilty of an offense if he knowingly communicates information relating to the national defense to a person not authorized to receive it. The phrase "relating to the national defense" has been intentionally and carefully used in a deliberate attempt to preserve the judicial interpretations of existing law, including defense, and the recitation in Section 1126 of the categories of information included within the phrase has also been drafted to reflect current law.

At this point it becomes necessary to consider what is meant by the statutory phrase "relating to the national defense". The Supreme Court has approved jury instructions defining the term as a "generic concept of broad connotation referring not only to military, naval and air establishments, but to all related activities of national defense"[2] and has held that the phrase includes all matters directly and reasonably related to the national security in the context of protection of the United States against our enemies, holding also that the relation to national preparedness must be reasonable and direct, not strained or arbitrary.[3] Also as construed by the courts, the phrase is not limited to matters, and I quote, "vitally important or actually injurious. The document or information must be, however, connected with or related to the national defense."[4]

I would particularly note that the question whether information relates to the national defense is a jury question and that in reaching its decision a jury must examine the documents or information, consider the testimony of witnesses as to the significance of the information and as to the purpose and use to which the information contained therein could be put.[5] Finally, most important, there can be no violation of statutes protecting "information relating to the national defense" if the information has been made available to the public by the Government, if the Government did not attempt to restrict its dissemination, or if the information was available to the public generally from lawfully accessible sources.[6]

As already noted, the proposed statute has been intentionally drafted to embrace all these concepts of the phrase "information relating to the national defense."

The proposed Section 1122 therefore, is not a departure from current law. The only manner in which it could be considered a departure from current law at all is that where written or other tangible material is not involved, and where the residual category "information" is the subject of the offense, there is not a specific inclusion of the present language that the possessor of the information has reason to believe that it could be used to the injury of the United States or to the advantage of a foreign power. However, analysis demonstrates that this distinction is one of form rather than sub-

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Footnotes at end of article.

stance; the essence of the requirement still remains, and it was intended to remain. As noted, 18 U.S.C. 793(d) and (e) reflect the specific notice element, not in a case of an individual possessing the tangible items specified, but only in a case involving the residual category "information". The proposed statute requires that the communication of any information—from tangible or intangible sources—be a knowing communication. Under the terms of Section 303(b) of the proposed Code, that culpability standard must apply to the conduct of the individual, any result and any surrounding circumstances. Thus, 1122 would require a knowing communication of information which the person knew to be "information relating to the national defense" to a person or persons the individual knew were unauthorized recipients.[7] Thus, as to any type of information—whether in tangible or intangible form, the proposed Section requires a showing of the individual's knowledge as to the nature of such information before subjecting the individual to criminal penalties for its disclosure. Again, the nature of the information must be "information relating to the national defense" which includes all the concepts discussed earlier.

The proposed Section 1123 covers intentionally or knowingly failing to deliver information relating to the national defense to federal public officials or employees authorized to receive it (now covered by 18 U.S.C. 793(d) and (e)), recklessly permitting its loss, destruction, theft or communication to a person not authorized to receive it (now covered by 18 U.S.C. 793(f)(1)), and knowingly failing to report such loss, destruction, theft or communication (now covered by 18 U.S.C. 793(f)(2)). As is true of Section 1122, Section 1123 is intended to do no more than carry forward existing concepts of what constitutes information relating to the national defense and what activities are prohibited with respect to such information.

The final proposed Section which I will discuss in detail is Section 1124 which seeks to protect information which has been classified in order to restrict its dissemination for reasons of national security. In this section, as opposed to Sections 1122 and 1123, clear changes in current law are proposed. Some would expand current law; some would contract it. I would like briefly to examine that existing law. As mentioned earlier, the statutes most relevant are 18 U.S.C. 798, 50 U.S.C. 783(b), and 42 U.S.C. 2277.

18 U.S.C. 798 makes it a crime for anyone to communicate a specific type of classified information—classified information relating to communications intelligence—to anyone not authorized to received it. While the classified information covered would appear to be very limited, it should be noted that by definition the phrase "communications intelligence" includes information obtained through communications intelligence methods which constitutes a very significant portion of the intelligence information we have concerning other countries. I would note that the statute applies to anyone, and is not limited to those who have received the classified information pursuant to lawful authority.

50 U.S.C. 783(b) makes it a crime for any Government employee or any employee of any corporation the stock of which is held in whole or in major part by the United States to communicate any classified information to an agent of a foreign power or to officers or members of certain communist organizations, including the Communist Party, communist fronts and communist infiltrated organizations. I would note that this statute, while specifying the type of recipient, is applicable to any classified information and applies to any government employee or employee of certain corporations and is not limited to those employees who have received the classified information pursuant to lawful authority.

Finally, to complete this brief review of the most pertinent present legislation, there is section 2277 of Title 42. This statute makes it a crime for anyone who is or has been a Government employee or a member of the Atomic Energy Commission or of the Armed Forces, or who is or has been connected with the Atomic Energy Commission under a contract with the AEC to communicate any restricted data to any person not authorized to receive it. This statute is apparently limited to those who are most likely to receive the classified information pursuant to lawful authority, applies to a special type of classified information and prohibits the communication to anyone not authorized to receive the information.

The concept inherent in these present statutory provisions that it is not a defense that the information was improperly classified has been judicially sustained.[8] Thus, in prosecutions brought pursuant to these statutes, it is not necessary to establish that the information related to the national defense but only that the information was marked or designated pursuant to lawful authority as affecting the security of the United States.[9] The Congressional purpose in establishing these procedures was, of course, to permit prosecution for the compromise of national security information without the necessity at trial of disclosing the very information the statutes seek to protect.

Proposed Section 1124, like 18 U.S.C. 798, 50 U.S.C. 783(b) and 40 U.S.C. 2277 deals with the disclosure of classified information. This section is limited in its application to persons who have or have had authorized possession of classified information or who have obtained such information as a result of being a federal public servant. Such persons are prohibited from communicating the classified information which they have received in trust to persons who they know are not authorized to receive it. While it is a defense to prosecution under this section that the information was communicated to a regularly constituted committee of Congress pursuant to lawful demand, it is not a defense that the information was improperly classified as to substance, either at the time of its classification or at the time of the offense. The section is aimed only at disclosure by persons *entrusted* with classified information; it specifically precludes prosecution, either as an accomplice or co-conspirator, of a person to whom the information is communicated.

"Classified information" is defined in Section 1126 as any information which has been marked or designated pursuant to the provisions of a statute or executive order, or a regulation or rule thereunder, as information requiring a specific degree of protection against unauthorized disclosure for reasons of national security.

As I mentioned earlier, unlike the proposed provisions relating to national defense information, this section does propose certain changes in current law. As just discussed, present law prohibits either (1) the communication by *anyone* of *specific* types of classified information to *anyone* not authorized to receive it (18 U.S.C. 798, 42 U.S.C. 2277) or (2) the communication of *any* classified information by *specific* categories of persons (Government or certain corporate employees) to *specific* categories of persons (agents of a foreign power or members of specified Communist organizations (50 U.S.C. 783(b)). The proposed statute departs from current law in combining the concept of the protection of *all* classified information of 50 U.S.C. 783(b) with the prohibition of communication to *any* unauthorized person or persons of 18 U.S.C. 798 and 42 U.S.C. 2277.

While this approach thus broadens present law to some extent, the proposed section also departs from current law by narrowing it. Unlike 18 U.S.C. 798 which applies to *any* person and unlike 50 U.S.C. 783(b) which applies to *any* government employee or any employee of certain corporations, proposed Section 1124 applies to a limited class—those individuals who have or have obtained classified information pursuant to authority or as a result of being a federal public servant. In short, 1124 applies only to those who obtain classified information in a position of trust—*not* to *any* person or to *any* government employee. A much more significant departure from current law, moreover, is the treatment of recipients of improperly divulged classified information under proposed Section 1124. As I have mentioned, *no* recipients are subject to prosecution under this section. Under the law presently in effect, unauthorized recipients of classified information could be prosecuted either as accomplices or as conspirators consistent, of course, with the terms of the statutes discussed.

Perhaps at this point it might be useful to say a few words about the legal basis upon which classification authority and responsibility have been vested in the Executive Branch and what the Executive has done in the exercise of that authority and the discharge of that responsibility. Numerous statutes, including some of those discussed today and including the Freedom of Information Act, and numerous court decisions have recognized the President's authority and responsibility to protect information vital to the national security. The President, in turn, in the discharge of his responsibility, has issued Executive Orders. The most recent such Executive Order is Number 11652, issued in March of 1972 to replace Number 10501, issued in November of 1953. This new Executive Order, significantly tightens procedures for classification of national defense information, both by limiting the number of individuals with authority to classify and by imposing stricter standards for the classification of information. Equally important, the Executive Order for the first time establishes the principle of individual accountability for classification, provides specific review procedures to ensure that the standards imposed are not violated, and establishes an Interagency Classification Review Committee to monitor the implementation of the Order. This Committee is expressly directed to receive and take action on suggestions and complaints from persons within or without the government concerning the administration of the Order, including complaints about unnecessary classification or overclassification of information so that individuals who feel that information is improperly classified for improper purposes are given ample opportunities under the Executive Order for thorough review of such matters. In short, the Executive Order represents a vigorous attempt to ensure that the only information classified is information which meets stringent standards of potential for damage to national security if disclosed to unauthorized persons. That this attempt has already met with success is attested by last week's interim report by the Committee to the President. Among other accomplishments already reported by the Committee was a 63% reduction in the number of all authorized top secret, secret and confidential classifiers (exclusive of CIA) from almost 49,000 to fewer than 18,000. This achievement and others detailed in the report and the continuing efforts along these lines should go a long way to ensure the success of the reform of classification procedures initiated by Executive Order 11652.

The statutes and cases to which I referred as recognizing the Executive power and duty to protect classified information flow from a recognition that there must be restrictions on the dissemination of certain information

Footnotes at end of article.

to protect the national security or as put more succinctly by Justice Stewart, "[i]n the area of basic self-defense the frequent need for absolute secrecy is, of course, self-evident." [10] If information, vital to our national security is to be protected, the need for the provisions of Section 1124 is readily demonstrated.

Simply consider the situation that would exist in the absence of such a provision. Absent a prohibition of disclosure of classified information to persons not authorized to receive it, an individual who violated his trust by wrongfully disclosing such information could be prosecuted only under laws relating to disclosure of information relating to the national defense. In such a prosecution, we would be required to prove to a jury beyond a reasonable doubt that the information in fact related to the national defense. I would hasten to note that the point here is not the difficulty of sustaining this burden of proof; the point is the consequence of doing so. In attempting to prove this element of the crime we would have to reveal the very information which the law seeks to protect. As we have pointed out above, it was the result which Congress sought to avoid in the present 18 U.S.C. 798 and 50 U S.C. 783(b). We believe it is unreasonable to be able to protect national security only at the expense of endangering it in this manner. This is a concern generated by very real problems. In recent years the Department of Justice has had to forego a significant number of prosecutions for misuse of information vital to the national security because the information could not be made public for security reasons. Proposed Section 1125, as does present 50 U.S.C. 783(c), makes criminal the obtaining of classified information by an agent of a foreign power. If an individual who received the classified information under conditions of trust were apprehended in the act of passing such information to such a person, it would be unthinkable that we could prosecute the agent for doing his job, but not prosecute the transmitter for violating his trust without disclosing vital national security secrets in order to do so

By the same token, the individual should be similarly subject to prosecution when he discloses classified information to any unauthorized person in violation of his trust. Again, individuals who feel that information is improperly classified or classified for improper purposes are not without a remedy. They are given ample opportunities under the Executive Order for thorough review of such matters.

These considerations are underscored by the consideration that it is, of course, the most sensitive information that generally cannot be disclosed for prosecution purposes under the more serious espionage statutes so we can well have the ironic result of being able to protect less serious information under the more severe statutes, while not being able effectively to protect extremely important information from betrayal of trust.

Mr. Chairman, I hope my remarks today have been helpful to the Subcommittee in facing the issues raised by the national defense information and classified information provisions proposed in S. 1400. These provisions have been carefully drafted in a studied and earnest attempt to permit maximum disclosure consistent with safeguarding the national defense. We believe we have succeeded in this attempt, and we urge favorable consideration of our proposals by this Subcommittee.

FOOTNOTES

[1] Senate Rept. 427, 80th Cong., 1st Session (1949), p. 7; House Rept. 3112, 81st Congress, 2nd Session, (1950), p. 52.

[2] See *Gorin* v. *United States*, 312 U.S. 19, 28 (1941).

[3] *Gorin* v. *United States*, *supra*, 312 U.S. at 30–31.

[4] *Gorin* v. *United States*, 111 F.2d 712, 717; see also *New York Times Co.* v. *United States*, 403 U.S. 713 at 740 (Justice White concurring).

[5] *United States* v. *Drummond*, 354 F.2d 132 (C.A. 2), *cert. denied*, 384 U.S. 1013.

[6] *United States* v. *Heine*, 151 F.2d 813 (C.A. 2, 1945).

[7] "Knowingly" is defined by Section 302.

[8] *Scarbeck* v. *United States*, 317 F.2d 546 (C.A. D.C.), *cert. denied*, 374 U.S. 856, involving 50 U.S.C. 783(b).

[9] *Id.* 317 F.2d at 557–560.

[10] *New York Times Co.* v. *United States*, 403 U.S. 713, 728.

WHO NEEDS THE SPACE SHUTTLE?

Mr. PROXMIRE. Mr. President, in April the Appropriations Subcommittee on HUD-Space-Science-Veterans, which I chair, completed its hearings on the fiscal year 1974 budget for the National Aeronautics and Space Administration. Our hearings have been most revealing.

Our hearings opened with testimony from NASA Administrator James C. Fletcher. Much of his testimony concerned the space shuttle, the No. 1 priority program for NASA for the coming decade. Dr. Fletcher testified that nonrecurring expenses for the space shuttle would amount to $8.1 billion by the end of this decade. This would include research and development costs of $5.15 billion, $1 billion for an additional three orbiters, $363 million to develop the space tug, $500 million to procure the tugs, $300 million to modify facilities at the Kennedy Space Center, and $500 million for new and modified facilities at the Air Force's western test range.

Even these gigantic costs are only the tip of the iceberg. Over the period 1979 to 1990, when the shuttle will be operational, $34.7 billion will be spent on payloads and shuttle operating costs.

The total: a staggering $42 billion.

To my knowledge, this is the most costly single technological adventure the United States has ever undertaken. This is more than the Apollo moon landing program. And it is certainly more than the cost of any single weapons system.

NASA offers two main justifications for requesting such a massive expenditure of funds. First, that the shuttle will save money in the long run. And second, that it will satisfy certain critical transportation needs in space—particularly military needs.

I will have more to say about the military question a little later. But since cost-saving seems to be the principal argument, let me address myself to that in some detail.

LAUNCH COSTS MAY BE HIGHER WITH THE SHUTTLE

NASA's original claim for the space shuttle was that it would reduce the cost of putting a payload into orbit from the current $800 to $900 per pound to $160 per pound. NASA arrived at the $160 figure by taking the shuttle's launch vehicle costs of $10.5 million—a figure, incidentally, which does not include the dividing $10.5 million by the shuttle's maximum capacity of 65,000 pounds. Result: $160 per pound.

But the fact is that NASA would not launch 65,000 pounds of payload every time it sends the shuttle into space. To find out how much it would launch, I asked NASA to supply me with the most recent mission model for the shuttle. The model is dated March 1973, and it lists all the planned missions for the shuttle, and the anticipated payload weights of each launch. The total number of new launches is 216; the total payload on these launches is 1,109,133 pounds. The average payload weight per launch is thus 5,100 pounds. If we use this figure instead of the shuttle's total 65,000 pounds capacity, the launch cost per pound is not $160, but $2,059—more than double the launch cost we now have on existing boosters.

During our recent hearings I asked Dr. Klaus Heiss, a NASA consultant, about this. He agreed that NASA's use of the $160 per pound figure was misleading, and should never have been used. But he argued that because of varying types of launches, the possibility of multiple payloads, and the fact that cargo weight differs from payload weight, it would also be misleading to use my figure of $2059 per pound for the shuttle. However, Dr. Heiss could supply no figure that actually could be used, and left the whole matter extremely unclear.

What is clear, however, is that NASA has no idea whether the shuttle will actually reduce launch costs. In fact, it is a good bet that it may actually increase launch costs. This is hardly reassuring when we are asked to commit such massive resources for the express purpose of saving money over the long run.

NASA also argues that the shuttle will permit constraints on payload size and weight to be relaxed, thereby enabling payloads to be assembled at lower cost. But we have already made great strides in perfecting miniaturization techniques as a result of the Apollo program. Hence, most of the research costs in this area have already been expended, and any savings in this area are questionable at best. The same holds true for NASA's claim that with the shuttle we can refurbish and repair satellites already in orbit; it remains to be seen that this will be cheaper than simply discarding the old satellites and using expendable boosters to launch new ones.

SHUTTLE DEVELOPMENT INVOLVES TRADEOFFS

One of the major drawbacks of the shuttle is the extent to which tradeoffs are involved in developing it. Dr. Brian O'Leary, former scientist-astronaut and now a professor of astronomy at Hampshire College, presented data to the subcommittee on the long-term run-out costs of various aspects of the NASA program. He pointed out that between fiscal year 1973 and fiscal year 1978, there will be a more than five-fold increase in spending on the shuttle, from $200 million in fiscal year 1973 to $1.09 billion in fiscal year 1978.

During the same period, the budget for space science is being reduced from $679 million to $256 million, a reduction of more than 60 percent. Similar reductions will take place in the space applications budget, from $189 million to $74 million over the 6-year period.

In other words, in order for NASA to keep its pledge of maintaining the space program at its current level—which is now approximately 1.2 percent of the Federal budget—and still pay for development of the shuttle, other programs will have to be sacrificed. And unfortunately, the programs being sacrificed are those that have the greatest scientific yield.

Dr. James Van Allen testified to the subcommittee that more than 80 percent of the new scientific results in space and virtually all the utilitarian applications of space technology have come from the nonmanned areas of the space program. Among other things, Dr. Van Allen cited the high energy astronomy observatory—HEAO, the orbiting solar observatory, the Pioneer-Venus mission, and the ATS–G satellite. These are all programs of high promise that have already had to be cut or delayed to make room for the shuttle.

In light of this, it seems extremely difficult to justify deep cuts in all these programs in order to pay for the space shuttle—a shuttle whose economic justification, or any other justification, is marginal at best.

DOES THE MILITARY NEED THE SHUTTLE?

Mr. President, let me return briefly to the other principal stated reason for going ahead with the shuttle: that it will provide a new space transportation capability, particularly for military missions. Shuttle opponents have argued that if the military wants and needs the shuttle, the military should pay for it: that the shuttle's development costs, or at least a portion of them, should be borne by the Defense Department. Our argument has been that if we put it in the military budget, the shuttle will have to compete for funds with military programs—the B–1 bomber, the AWACS system, Trident, et cetera—and that only by forcing it to compete in this fashion can we determine how much the military really needs this program.

There is no question that if the Pentagon gets a "free ride" with the shuttle, and gains the shuttle's capacity without having to kick in a cent, it is going to be for it. But the real question is, will the Pentagon be for the shuttle if it has to be stacked up against other military needs? If it cannot stand up on this basis, then the shuttle cannot be justified as a military-civilian program. And without the military, there is not enough space business to justify the shuttle.

Some insight on how the shuttle would stack up in the military was provided by one of the witnesses before our Appropriation Subcommittee. Dr. Courtland Perkins is chairman of the Department of Aerospace and Mechanical Sciences at the Engineering School at Princeton University. He served as Assistant Secretary of the Air Force for Research and Development during the Eisenhower administration.

I asked Dr. Perkins why the shuttle—or at least part of it—should not be funded as part of the Defense Department budget. Dr. Perkins said that if that was done, the shuttle could not survive—that it could not make it if forced to stack up against other military priorities.

Here is the way our dialog went:

Dr. PERKINS. The second question was, on the priorities in the Air Force there is no question, and I would be leading you astray if I testified to the fact that if we put the shuttle program into the Department of Defense, that it would survive. It would not survive in the Department of Defense, I do not believe.

Senator PROXMIRE. It wouldn't survive in the Department? That is an interesting observation. You say it wouldn't survive?

Dr. PERKINS. As you said, it would be in competition with all the other things that the Department of Defense would like to do and doesn't have the money to do today; and to inject another program there, I don't think it would survive very long.

Dr. Perkins' testimony is extremely telling. If the shuttle cannot survive in the Pentagon, and if it is not going to save money in the civilian sector, what do we need it for?

I think the answer is becoming increasingly obvious. The shuttle seems to be simply a massive bootstrapping program for NASA and the entire aerospace industry.

Mr. President, this would be indefensible enough at any time. But it is doubly indefensible when the President is cutting back on vital social programs—housing, water and sewer grants, health care, vocational rehabilitation, anti-poverty legislation—on the grounds that the money is not available. Perhaps it is not available. But then how can $475 million this year—$850 million next year—$1.1 billion the year after that—and so on and so on—be justified to build the space shuttle? The shuttle will not cure one sick child. It will not provide housing for one indigent family. It will not educate one illiterate youngster. It will not provide food for one hungry household.

Mr. President, the shuttle is totally out of keeping with out current national priorities. We simply cannot afford the folly of a space extravaganza at the present time. Our other needs are simply too compelling.

I strongly urge my colleagues to take a renewed look at this program, in light of the recent testimony before our subcommittee. I am confident that anyone who does will conclude that the space shuttle should be relegated to the back burner and denied further funding.

NATIONAL RADIO MONTH

Mr. THURMOND. Mr. President, the month of May has been designated National Radio Month. I would like to take this opportunity to commend broadcasters across the country for the outstanding service they are rendering to the public.

In a dynamic and progressive society such as ours, it is a trait among the American public to accept the miraculous as commonplace. The gestation period of the American psyche to be astounded is short. For example, we were all amazed and awed when Neil Armstrong first set foot on the surface of the moon. But the profundity of this technical achievement was readily accepted and we hardly blinked an eye today as we talk about future space explorations.

The same point can be made about radio. In the first decade of the 20th century, a young man named Lee De Forest had one ambition. "My present task," he wrote, "is to distribute sweet melody over the city and the sea so that even the mariner far out across the silent waves may hear the music of his homeland." The dream of broadcasting was also shared with other men whose names are synonymous with the industry: Sarnoff, Marconi, and Bell.

These dreams were realized when radio station KDKA in Pittsburgh broadcast live reports on the Harding-Cox Presidential elections on what was then termed the "music box." The advent of radio led one historian in 1926 to call radio "the miracle of the ages."

This miracle was soon displaced for a time by another miracle—television. The advent of a medium with both visual and audio capability led many to predict the demise of radio. The miracle of the ages of 1926 was considered to be a relic of the past in 1943.

The radio not only survived but flourished in subsequent years and it ultimately became the giant it is today. Ninety-seven percent of all Americans own at least one radio. Every day, 100 million persons listen to radio. Researchers tell us that 9 out of 10 radio families listen an average of 19 to 20 hours each week. There are now more than 6,000 radio stations in operation and more than 300-million radio sets in use. Radio is as much a part of our daily lives as automobiles and telephones.

But radio is no better or worse than the broadcasters who own and operate broadcasting facilities. At its worst, it can be used as a powerful and effective force of propaganda to hide the truth from the people and enslave them. One needs only to look behind the Iron Curtain for results of this misuse. At its best, radio can be a forum for expressing divergent viewpoints unencumbered by ideological censorship. It can be a free and open medium for a free and open society. We are indeed fortunate to have access to the latter in the United States.

The broadcasters in this country deserve credit for exercising responsibility and good judgment as their medium enters our homes. They are men of impeccable ability and integrity who have not only followed—but enhanced—the precepts of a democratic society.

Mr. President, I salute the Nation's broadcasters during National Radio Month. On behalf of the American people, I want to thank them for a job well done.

FEDERAL FUNDING FOR BEHAVIOR MODIFICATION

Mr. ERVIN. Mr. President, recently, the Senate Subcommittee on Health, chaired by Senator KENNEDY, conducted hearings on the broad topic of participation of human beings in scientific experiments. These hearings, which covered such diverse subjects as unapproved uses of certain drugs and the philosophical aspects of human experimentation, were

of particular interest to me. As chairman of the Subcommittee on Constitutional Rights. I have been concerned for a long time with the protection of individual rights, especially when the private citizen comes face to face with the Federal Government. In light of the growing number of data banks in America, which daily collect more and more information on our citizens, and the proliferation of psychological testing programs, we in the Congress should be aware of the threat these mechanisms pose to individual privacy.

I have submitted a statement for the record of the Subcommittee on Health's hearings. This statement deals with the problem of behavior modification programs funded by the Federal Government. I believe that the protection of individual rights in all scientific programs utilizing Federal appropriations must be paramount to considerations of scientific advancement. The right to privacy and freedom of individual thought must be protected. It is essential that the Congress maintain oversight in regard to programs in which human life is at stake. I ask unanimous consent that the statement be printed in the RECORD at this point so that the material it contains may be brought to the attention of all the Members of this body and may be available for their consideration.

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

STATEMENT OF SENATOR SAM J. ERVIN, JR.

I wish to thank the Subcommittee and the chairman, Senator Kennedy, for this opportunity to submit a statement for the record of the Subcommittee on Health's hearings on biomedical research and human experimentation.

The Subcommittee deserves a good deal of praise for the work it is doing in this area and for the large number of important public issues raised in these hearings. The questions surrounding control of the uses of scientific knowledge constitute a most complex and serious problem. We must always make a conscientious effort to avoid curtailing the freedom of scientific inquiry necessary to expand the boundaries of human knowledge. The freedom of science to work and explore by orderly research has long been a boon to our American way of life and we have benefited enormously by that research in technological and medical achievements which have outpaced the rest of the world.

These hearings have come at an opportune time, for after fifty years of scientific research and experimentation in laboratory settings, we have reached a breakthrough in the biological sciences that may promise a more disease-free and healthy life for all citizens. Experimentation and treatment now have turned their focus from the laboratory to human subjects. In the face of this application of scientific methods, we cannot allow individual rights to be endangered or lost because of a blinding faith in science and medicine. Constitutional safeguards must be assured at the same time that government funding nurtures scientific research and medical treatment.

Many research projects involve experimental therapies which, even in a clinical setting, pose threats to constitutional rights. These therapies may be dangerous when either by their mode of application or by the very nature of the therapy itself, they impinge on individual liberties. If a therapeutic method is to be imposed on a patient without his consent or as a punishment, then the therapy is not necessarily at fault but the method is. On the other hand, if a party consents to the application of a therapeutic method which either he or his physician does not fully understand or which will unalterably affect his life, then the therapy itself may pose a threat to individual rights.

In light of these problems and the threats to cherished freedoms which may be created by certain scientific experiments or medical treatment, I wish to commend the Health Subcommittee for its foresight in this matter by calling for hearings which allow an airing of the matters involved prior to the funding of further research. We must strengthen the means by which Congress is informed of scientific programs affecting individual rights before federal money is used to support such research. Whatever legislation is recommended by the Subcommittee, I hope it will include a requirement of disclosure and review by Congress before federal financing can be granted.

My experience in this area has taken me through several years of hearings on the various threats to individual liberties posed by governmental invasions of privacy. The Subcommittee on Constitutional Rights has seen psychological tests and other methods used to attempt to develop classification systems for our citizens. We have seen sensitivity training, polygraphs and the growth of federal and private data banks threaten the security of the individual and impose on his dignity. We have seen government monitoring of the activities of Congress and military surveillance of our citizens.

So far there is no national identification system. A citizen may still enter a store, present a credit card, and know that his entire past is not available to a store clerk by the flick of a switch. But the time may soon come when this is no longer true. Already state, federal and private data banks are being created which collect large amounts of data on individuals, data of often dubious accuracy and relevancy, but data which is instantaneously available across the country. Already work is being done on a universal identifier so that every person can be numbered, and then catalogued by that number. Already work is in progress on a single universal identification card to replace the dozens of credit cards, memberships, licenses, and IDs in a citizen's pocket.

As the chairman knows, the problems being studied by the Constitutional Rights Subcommittee are fundamentally the same as those before this subcommittee. That is why I wish to present some of the information we have gathered for your consideration.

I would like first to discuss a problem which I believe has reached the critical stage today in the area of scientific experimentation and treatment—federal funding for behavior modification. The chaos which exists in this field is partly due to a lack of control, a lack of review and a lack of interest on the part of the Congress. I believe there are serious constitutional problems when federal funding is doled out unchecked for behavior modification projects.

Behavior modification involves psychological techniques applied as treatment for behavioral problems.

Behavior modification attempts to alter or change the attitudes and actions of a person; it does not seek to cure the behavioral illness but rather to change the behavior. Behavior modification may involve relatively mild methods such as individual or group therapy as well as more persuasive and more permanent methods as, for example, operant conditioning (reward/punishment concepts). Whatever questions exist with respect to these methods, behavior modification today has an even larger arsenal of methods to draw upon than ever before, and these other techniques present critical issues for individual rights. Drugs can be used to punish and thereby secure a desired behavior (aversive therapy). They can also blunt certain emotions (tranquilizers and psychoactive drugs). Shock therapies can jolt the memory. Finally, the physical brain itself is subject to alteration by surgical or drug means. Behavior modification ranges from rewarding school children with gold stars to punishing prisoners with drugs that simulate Parkinson's Disease or cause convulsions. Naturally, it is not easy to decide which type of behavior modification programs are dangerous to constitutional liberties and which are not. I would like, however, to deal with three separate cases where abuse has occurred or possibly is occurring and where the federal government has a responsibility for the preservation of individual rights and the prevention of injury to our citizens.

One of the most flagrant examples of a lack of congressional control and oversight in the area of behavior modification came during the past fiscal year. In 1971 a program was begun at Boston City Hospital by Dr. William Sweet, one of the world's leading neurosurgeons, to explore violent behavior. The project was funded by a $500,000 grant from NIMH. The project employed various means of studying and treating violent behavior; among these methods were the implantation of electronic devices in the brain, the use of massive drug doses which can permanently affect behavior, and psychosurgery. The goal of the program was to develop psychological tests to identify violent behavior and develop treatment methods. The project was so controversial that the first hospital approached, Massachusetts General Hospital, refused the grant.

At the same time as this NIMH project was going on, some of the doctors from the project were working on a similar behavior research project funded by the Law Enforcement Assistance Administration. This project was intended to develop a classification system to identify a tendency for violence among prisoners. This project, conducted at a federal male prison and a female multistate prison, was terminated early due to funding abuses arising within the project. Neither project has submitted a completed report, and neither project has submitted a summary of its activities that show any conclusive evidence of success or rationale for further funding. Yet, in hearings before the Senate Appropriations Committee, Dr. Sweet testified that the work had been successful in Boston and at the prisons. Dr. Sweet also stated that one million dollars was desired, under the auspices of NIH, for further work and expansion of the project at Boston City General.

It was only at the last minute that Senator Magnuson addressed a letter to Director Marston of NIH urging caution and care in further funding of violent behavior research. Dr. Marston replied stating that NIH would make the greatest efforts to safeguard individual rights. In response to letters from the Subcommittee on Constitutional Rights, former Secretary of Health, Education and Welfare Elliot Richardson and Secretary Caspar Weinberger have promised that reporting would be made to the Subcommittee on any funding by HEW for behavioral research involving violent behavior studies. Copies of the correspondence dealing with the NIH funding and from HEW are attached to my statement.

Now it should be obvious that programs which aim at typing certain citizens as "violence prone" raise serious problems of individual rights. The issue is no less and no different from a government program of labelling individuals as "radicals," "subversives," or "Communists." Certainly before any such project is funded by Congress, those problems should be exhaustively considered. They never were when these first grants were approved.

The absence of congressional inquiry and of congressional oversight allowed an NIMH project to submit individuals to what many regard as inhuman and degrading abuse by physicians. Projects which involve experimental techniques or techniques which sharply curtail an individual's independence and freedom of thought deserve the utmost concern on the part of the Congress. Reporting of projects such as those funded by LEAA and NIMH would have allowed debate and review by the Congress. No such programs should be funded by NIMH or any government agency unless and until the closest scrutiny is given to them.

Prisons exist as a closed society, eluding the public eye behind high walls and restricted contact. Only recently has there been any interest in assuring prisoners the benefits of those constitutional rights which follow them into the prison or jail. Only in the last decade have court decisions sought to insure the rights to counsel, legal materials, correspondence and of freedom from cruel punishment. Testimony before the Health Subcommittee has revealed that in the coercive atmosphere of a prison, inmates are more than willing to submit to drug experiments and other experimental programs in order to secure money or a change of location and conditions or to please the parole board by a record showing cooperation with the prison authority. The use of behavior modification in such a setting poses serious threats to constitutional liberties. Behavior modification is not simply an experimental concept. It is a treatment to which a prisoner is asked or ordered to submit.

There has been no definitive court case involving behavior modification in the prisons; however, cases are now pending before the courts. One case in California is challenging aversive conditioning therapy which employs a drug known as anectine to produce respiratory convulsions. Cases dealing with medical treatment in prisons have dealt primarily with allegations of malpractice and negligence in treatment or with the administration of drugs-which-produce-injury civil suits. Most courts have rejected complaints alleging unauthorized uses of drugs as punishments.

To understand the Bureau's attitude toward treatment of its mentally disturbed offenders, the following statements by Director Norman Carlson are of note as a preface to the discussion that will follow. Speaking before the Subcommittee on National Penitentiaries [*Future Role of the U.S. Bureau of Prisons* (92d Cong., 2d Sess.)], Director Carlson noted the Bureau's attitude toward mentally ill offenders and the need for treatment by the government . . . nearly 20 percent of all offenders committed to our custody suffer from some type of mental disorder, not necessarily psychotic, but certainly present mental illness. It is a fact which we have long been aware of and I think Butner is going to be a facility which will certainly enhance our capabilities to work with this type of population.

In later testimony before the same subcommittee, in June of 1972, the Director indicated what might be the major factors behind this mental disorder in inmates. . . . correctional institutions throughout the country have been plagued with serious problems. These have included work strikes, violent incidents and racial tensions. In the Federal System, we have experienced a number of difficulties, but fortunately none have involved violence. These recent incidents have highlighted the root causes of the problems in our present correctional systems: overcrowded, archaic institutions, inadequate treatment programs, and, in some instances, policies and procedures which serve to dehumanize individuals in confinement.

The Bureau of Prisons cites overcrowding as the major contributing cause of the dehumanization and violence of federal inmates. The Bureau, therefore, creates behavior modification programs to institutionalize the inmate and make him amenable to the best problem of overcrowding.

The Federal Bureau of Prisons has an active program of behavior therapy. In the Springfield, Missouri Medical Facility, Project START attempts "to develop behavioral and attitudinal changes in offenders who have not adjusted satisfactorily to institutional settings." One criterion for transfer to this project is that the inmate should be "from the sending institution's segregation unit." There are no volunteers, only involuntary transfers. (*Operations Memorandum*, 7300.128, Bureau of Prisons, October 25, 1972.) Group therapy and other psychological techniques have been employed in Marion, Illinois, and in Terre Haute, Indiana, as well as elsewhere in the federal system.

An example, which raises the constitutional questions surrounding behavioral modification in the prison setting, comes from my own state. As part of the Bureau of Prisons' ten-year construction plan, a Behavioral Research Center is nearing completion at Butner, North Carolina. The facility, for which plans have been in the making for several years, will house a treatment center for mentally disturbed inmates and a research facility to develop correctional programs for export to federal and state institutions. To gain more information about the Butner facility, the Subcommittee on Constitutional Rights contacted Director Norman Carlson of the Bureau of Prisons. In response, the Director stated that safeguards will exist at Butner to protect inmates and that all programs will conform to established guidelines for programs involving human subjects. The guidelines employed, the Director explained, were the Nuremburg standards and a directive by the Public Health Service on experiments involving human subjects. Both documents, it should be noted, require that an individual be free from coercion in making his decision to participate in a project and so situated that he is free to refuse. The Bureau hopes that prisoners will volunteer to go to Butner. However, in order to secure certain types of inmates for the research section, involuntary transfers may be required. Director Carlson also assured the Subcommittee that no psychosurgery or massive drug doses will be employed.

The Director's reply leaves a number of problems unresolved.

Behavior modification creates problems for privacy and individual dignity when administered in a custodial setting where coercion is a practical fact. True voluntary participation is difficult if not impossible in a prison. The Supreme Court in *Stanley v. Georgia*, 394 U.S. 557 (1968) stated the problems that governmental invasions of privacy pose for the First Amendment.

Our whole constitutional heritage rebels at the thought of giving government the power to control men's minds. . . . Whatever the power of the state to control public dissemination of ideas inimical to the public morality, it cannot constitutionally premise legislation on the desirability of controlling a person's private thoughts.

This same right of privacy of the individual from governmental invasion was strongly stated in *Griswold v. Connecticut*, 381 U.S. 479 (1965), which was based as well on the Fourth, Fifth and Ninth Amendments.

A prisoner's rights are not infringed by his involuntary transfer to a higher security grade or to a medical facility because he is overtly psychotic. But when he is forced to participate in a treatment or experiment which is not to treat a present illness, but rather to fit a goal set by the Bureau for rehabilitation, and which involves drugs or coercive measures to change his very personality, due process and equal protection requirements come into play. One must ask, should a prisoner who is not judged mentally ill by the court after psychiatric tests be judged so by the Bureau of Prisons after incarceration and then forced to accept treatment? Indeed, in any place where consent is coerced or not given freely, there seems to be a violation of a basic human right, be it in a prison or conceivably even in a private doctor's office. If treatment is forced without a hearing or inquiry and without true consent, is not the due process assured every citizen—inmate or free—denied?

The programs exemplified by Butner raise some very serious issues:

1. How does a rehabilitation program which involves behavior therapy, be it transactional analysis (game theory) or operant conditioning (reward/punishment theory), fit the Bureau's statutory authorization under Title 18 of the United States Code?

2. The *Constitution* secures privacy and due process for all Americans. Are these rights violated when an inmate is forced to undergo a psychological therapy because his consent occurred in a coercive setting? Can an inmate freely volunteer for a program to alter his mind when he is in a prison setting? Testimony before the Health Subcommittee indicates that prisoners took part in programs in a prison that they would never consent to in a free world setting.

3. The records of a stay at Butner and any treatment will be integrated with an inmate's files. Is his privacy assured where such records can be disseminated to the parole board or beyond the confines of the Bureau of Prisons? The problem here is similar to that uncovered by the Subcommittee on Constitutional Rights in its continuing investigation of data banks and the dissemination of arrest records and other highly personal information.

4. The Eighth Amendment protection against cruel and unusual punishment may be violated where an inmate is involuntarily sent to a therapy program. Does this not constitute a sentencing beyond that of a judge? Does it not amount to an extra punishment? Therapy programs which employ aversive therapy—inflicting pain to dissuade certain behavior by the use of drugs or prolonged isolation—as part of their treatment could well be violations of the Eighth Amendment.

My concern with Butner is not that it's program development concept will develop new programs for managing prisons, but rather that the development will be costly to the rights of inmates and that the developed programs may not resolve the prison system's dehumanizing effect. My concern with the psychiatric treatment center at Butner is not that psychotic patients will be removed from the general prison population, but that there are problems of identification of inmates for treatment; that inmates will undergo treatment in a coercive atmosphere, signing a consent form they may never understand or because they want to appear cooperative to the parole board; and that there are possibilities of abuse in transfers to the unit. Congress has a duty to maintain some form of oversight over prison research and treatment to assure that constitutional liberties are not lost under the rationale of prison experimentation and prison management.

Equally voiceless in our society, because of segregation from the general population, are patients in mental institutions and Veterans' Administration hospitals. Here the problems are somewhat different than in a prison setting. Often the problem for a mental patient is to secure treatment and not just be maintained in a custodial setting. Behavior modification is a part of treatment. In hearings before the Subcommittee on Constitutional Rights in 1970 on the rights of the mentally ill, it was pointed out that 90

percent of all mental hospital inmates were there by judicial commitment. Certainly when the court places a person in a confined hospital setting, as in a prison, there must be maintenance of constitutionally guaranteed liberties. The problems of behavior modification in a mental hospital are not the correctness or appropriateness of treatment but rather problems related to the protection of the rights of an individual undergoing treatment. The recent abuses exposed in the Willowbrook hospital and in mental hospitals in Alabama point to the need for improved oversight of federally funded private and public mental hospitals to insure that patients are given the basic courtesies and dignities afforded other citizens.

The extent to which mental patients or veterans are used for experimentation and development of new methods of therapies has not been investigated. It is appropriate that such an investigation occur and that the Congress consider some form of permanent review of a problem which affects the lives of nearly a million Americans daily and a larger number of our citizens indirectly. The constitutional problems for the veteran or mentally disturbed person are similar to those of the prisoner—coercion for treatment and experiment, lack of informed consent, where possible, and lack of control over custodial care and medical practices. The involuntary nature of judicial commitment and the subjection to imposed treatments demands the congressional concern for the patient who cannot speak for himself. I will not go into detail about the rights of the mentally ill; the hearings speak for themselves. I want only to express my concern at this point for the possible abuses in hospitals and the need to ensure that basic constitutional guarantees are not denied without due process of law.

I would like to reiterate that I fully understand the difficulties inherent in intervention into the realm of scientific experiment. I commend you on your willingness to venture into this area. Some of the shocking abuses you have exposed as in the Alabama syphilis study and the unapproved uses of approved drugs need to be brought to the attention of the Congress. The constitutional problems are of great consequence. Any citizen may seek mental care assistance at some point in his life and suddenly find himself to be a subject for a doctor conducting an experiment. To assure that all constitutional protections are afforded in medical experimentation and treatment programs is a goal of the utmost importance. Whether that assurance is in the form of congressional control, professional self-restraint or state intervention is secondary to the basic humanitarian and social considerations.

MILITARY SUPPORT OF THE CAMBODIAN GOVERNMENT

Mr. GOLDWATER. Mr. President, much of the discussion now taking place in regard to our military support of the Cambodian Government—discussion critical of that support—ignores recent developments in that beleaguered country which suggest that its situation is far less hopeless than some might have thought several weeks ago.

Foremost among these is the restructuring of General Lon Nol's regime to include a broader range of leadership. The effective purging of the general's brother has now permitted creation of a four-man political council which promises to be much more responsive to the present crisis than the cabinet which it has replaced, particularly in shaking the Cambodian army out of its recent state of paralysis. Already, we may have witnessed some benefits of this shakeup: There were reports at the beginning of the week that Cambodian forces had demonstrated new vigor in repulsing insurgent attacks and had taken the offensive in recapturing portions of the east bank of the Mekong River. In addition, supplies are now moving more freely by both road and river into Phnom Penh, easing a situation which had appeared to be desperate only a few weeks ago.

Certainly, our support of the Cambodian Government has been vital to its survival thus far, and our support will continue to be vital in the weeks ahead. If we end that support and permit Communist seizure of the country we will simply encourage North Vietnamese forces to remain there in violation of the January cease-fire agreements. We will simply encourage them to plot and prepare for further aggression against South Vietnam.

On a broader scale, as others have noted this afternoon, we will be demonstrating to the world—not only to Russia and China, but also to Arab terrorists and other disruptive forces—that we do not have the resolve to see our commitments through. And along that road lies disaster.

I think we should be encouraged by the recent favorable reports from Cambodia and renew our resolve to seek full compliance by all parties to the terms of the cease-fire.

GENOCIDE: DOES SILENCE MEAN APPROVAL?

Mr. PROXMIRE. Mr. President, one can argue that under our law silence means approval. For example, the Constitution says that if the President does not explicitly veto a bill, Congress being in session, then that bill becomes law. His silence is taken to mean approval.

Could the same thing happen regarding the failure of the Senate to ratify the Genocide Convention? Could our silence be taken to mean that we approve of the crime of genocide? I certainly hope not. But some argue that that is so, because the Genocide Convention has been before the Senate for 22 years without being ratified. How can we explain away our silence?

Fortunately we have a chance to correct this misconception. On March 6 the Committee on Foreign Relations issued a favorable report on the convention, and it is now on the Executive Calendar of the Senate. By ratifying the convention we can show the world that we do indeed abhor the crime of genocide.

Mr. President, our silence condemns us. We must act before it is too late. I urge the Senate to ratify the Genocide Convention as soon as possible.

TWENTY-FIFTH ANNIVERSARY OF ISRAEL

Mr. HATFIELD. Mr. President, I take the floor this afternoon in a spirit of celebration to commemorate the 25th anniversary of the founding of the State of Israel.

A quarter-century ago, it was by no means clear that this great anniversary would ever come to pass. But the courage, zeal, and vision of those who settled and built upon those barren lands have caused the desert to bloom and made a Jewish homeland a reality.

Within the past several years, I have traveled to Israel and met with her principal leaders. I have returned from that experience enormously impressed with the vitality and devotion which they bring to their leadership. In Israel, their people have finally found a place where Judaism may be freely practiced without the centuries-old fear of castigation, purges, and banishment.

America has been and must remain a true friend of Israel. Firmly committed to her survival, we must promote a political climate in which Israel and her neighbors may achieve the mitzvah of a genuine and lasting peace.

INTERVIEW WITH LOUIS FISHER

Mr. ERVIN. Mr. President, the Congressional Research Service of the Library of Congress is fortunate to have on its staff Dr. Louis Fisher, a political scientist who has become an expert on the relationship between the Congress and the executive branch of Government.

During the past 2 years Dr. Fisher has rendered invaluable service to the Committee on Government Operations and the Judiciary Subcommittee on Separation of Powers, both of which I am honored to serve as chairman.

His expert advice and scholarship aided first the subcommittee and late the committee to thoroughly study the practice of Executive impoundment of appropriated funds and to perfect the Impoundment Control Procedures Act, S. 373, which has been reported by the committee and already has passed the Senate in the form of an amendment to another bill.

Dr. Fisher is the author of an excellent book entitled "President and Congress: Power and Policy," which was published last year by the Free Press and recently reissued in paperback. I have found his book to be a valuable tool in understanding all the ramifications of the doctrine of separation of powers as it is practiced in this day and time.

Dr. Fisher's knowledge and expertise was recognized by U.S. News & World Report, which published an extensive interview with him in its editions of April 23, 1973, under the title, "Power Struggle in Washington."

In this interview, Dr. Fisher analyzes the present conflict between Congress and the President, and he concluded that what we need is a "good-faith relationship" between the administration and the Congress.

Mr. President, I ask unanimous consent that the interview with Dr. Louis Fisher which was printed in the April 23 issue of U.S. News & World Report be printed in the RECORD.

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

POWER STRUGGLE IN WASHINGTON

(Interview With Dr. Louis Fisher)

How serious, in history's perspective, is the widening rift between the White House and Congress? Can it be closed—and, if so, how?

For one view of this problem, "U.S. News & World Report" invited to its conference room a political scientist who has first-hand knowledge of congressional operations.

Q. Dr. Fisher, is the power struggle that is now going on between Congress and the White House really any different from conflicts in the past between the two branches of the Government?

A. This one certainly is different from those of the past. It is becoming a crisis, and I don't know of anyone who can see how it's going to be resolved.

I should make it clear at this point that the views I express here are entirely my own, based on my long interest in this general subject, and in no way do I speak for the Library of Congress.

Q. What kind of crisis do you foresee?

A. We are moving toward a stalemate in Government—we're far too close to one right now—and it could have very serious consequences for the country.

Part of the crisis comes from the fact that some of the programs authorized and funded by Congress are not being carried out by President Nixon and his Administration.

But the more serious part of the crisis, which can have long-term results on the country, is a growing sense in Congress that this is part of a grand design by the Administration to enlarge presidential powers beyond anything yet assumed by Chief Executives of the past.

Q. Why would this produce a crisis in the Government?

A. Because it is destroying the good faith that is essential if the two branches are going to carry out their related functions effectively. You see, there's nothing in the Constitution itself which defines exactly how the two branches are to work together. Always this has been done by self-restraint on both sides in defining the limits of their respective powers.

This factor, throughout most of our history, has made Government more effective. Congress could then give the Administration some discretionary authority in carrying out terms of the legislation to make allowance for administrative or other difficulties that could not be foreseen.

Now we are seeing the Administration, through the Office of Management and Budget, impounding money voted by Congress for specific programs—that is, refusing to release it to the agencies designated by Congress and doing so for political rather than administrative or technical reasons. They do this by abusing the customary discretion given them in the legislation itself.

As a result, Congressmen have to wonder if all legislation is going to be treated this way. There is the ultimate danger that perhaps they will conclude that the only defense is to write the bill in such a rigid and inflexible way as to eliminate discretionary phrasing.

This might curb the practice of impoundment, but it would also reduce efficiency in the spending of that money. And you might go from that to absolute stalemate, to ineffectiveness in Government.

Q. In effect, does impoundment give the President another type of veto over legislation he doesn't like?

A. Yes, that is the effect. It is even more powerful than a veto because Congress lacks a means of overriding an impoundment action.

We have a case in the water-pollution bill that was passed last year over a presidential veto. Here was a clear declaration of congressional insistence on a program on which there had been much deliberation as to what was in the national interest. Yet the President has ordered an impoundment of contract authority that has cut the program by 55 per cent. This was not a mere deferral of spending for technical reasons; it was a political decision by the President that the legislation involved too much "budget busting."

Congress had made a national commitment to clean up the waters. That commitment, unlike earlier ones to build highways or put a man on the moon, has been subordinated to other presidential goals. It isn't a case, as Mr. Ehrlichman [presidential assistant John D. Ehrlichman] has said, that we lack the contractor capability to spend all of the water-pollution money. If you make the commitment, the contractor capability will come—as it did with highways and the space program.

Q. On the other hand, doesn't President Nixon feel that Congress is paying very little attention to his budget?

A. No doubt he does, but his budget is merely a recommendation. There is nothing sacrosanct about it. Congress can alter it and modify it any way that Congress wants.

I suppose the President feels that at a time of inflation and tremendous deficits, the economic stakes justify his action. A lot of this reasoning borders on the philosophy that the end justifies the means.

It could be argued that congressional inability to match revenue with appropriations has, in a sense, created a situation where the President felt he had to make these impoundments in order to attain his fiscal goals. On the other hand, the Administration has contributed to deficits through its own spending programs and tax-relief measures, so I don't think the argument is very strong. It was President Nixon who first adopted the "full-employment budget" concept, justifying deficits in the 25-billion-dollar-a-year range.

In short, I think both Congress and the President have been party to the fiscal situation, and if I had to allocate responsibility, I would place more of it on the Administration than on Congress.

Q Don't people generally tend to blame Congress more than the President when something like this happens?

A Yes, because Congressmen individually often criticize the performance of Congress as a whole. You don't often see anything like that in the Administration when errors occur in the economic or military realm.

It does no good to repeat the refrain: "Congress has been bad; Congress has been irresponsible." It merely reinforces the view—a distorted one—that Congress is the culprit and the President is the benefactor.

Q Have any Presidents in the past gotten into trouble over the impoundment issue?

A Not nearly as much as at present. I recall that during President Truman's Administration, Congress authorized and funded the building of a flush-deck supercarrier. The Administration stopped that program after the keel was laid and went ahead with what it considered to be better-designed carriers. And President Johnson got into some trouble for impounding.

What we are dealing with now, however, is impounding entirely different in nature. It isn't altogether a matter of dollars involved. You could have Administration "A" impounding 10 billion dollars for administrative or technical reasons, and it would be less serious than Administration "B" impounding 5 billion dollars, half of the time for political reasons—it doesn't like the programs and has no intention of going forward later with the same program or choosing an alternative—and the danger to effective government would be worse.

Q Do you see any signs that the Administration might back down on the matter of impounding money for approved programs?

A To the contrary, there is every evidence that it is becoming more aggressive.

Take the program authorized last year by Congress to give financial assistance to returning veterans wanting to go to college or university. This became public law, and 25 million dollars was appropriated, with the Department of Health, Education, and Welfare designated to run the program. The interesting thing is that this 25 million dollars has not been "impounded." The Office of Management and Budget has apportioned the money to HEW, but Secretary Caspar W. Weinberger has no immediate intention of implementing the program. Why? Because the Administration has made a request to Congress to rescind the appropriation and will not put the program into effect until Congress acts on that request.

Furthermore, Secretary Weinberger communicated to Senator Jacob K. Javits [Republican, of New York] the news that even if Congress rejected the request to rescind the appropriation for this program, there could be no assurance that the program would go into effect because of the Administration's target for a spending limit of 250 billion dollars for the present fiscal year.

This, to me, seems astonishing, and it's an approach that is being used not only for the program of financial aid to veterans going to college but to other programs. Altogether, I think the total appropriations involved come to 383 million dollars. Here is a very novel kind of "veto power."

For the President to fall back on precedents and say that "Thomas Jefferson did it" does not change the fact that, right or wrong, what he is doing is something much different in nature from past impoundments.

Q How useful are precedents, generally, in this conflict between the White House and Congress—not only in the use of impoundments but in other exercise of presidential authority such as "executive privilege" to deny information to Congress and use of "executive orders" to achieve legislative results?

A There are really two difficulties in using precedents:

First, some are very limited in scope and not really applicable outside of very narrow issues.

Second, precedents sometimes lose their acceptability as conditions change. Take, for instance, the many precedents to support malapportionment in the legislatures. After years of accepting these precedents, the Supreme Court in 1962 decided they were no longer acceptable and subsequently ordered reapportionment of voting districts for Congress and State legislatures.

Q If precedents don't help much, does it then boil down to a matter of what either side thinks it can get away with in extending its powers?

A That's right. As I said before, it is self-restraint in exercise of separate powers that makes the system workable.

Q Have there ever been so-called "strong" Presidents who did not engage Congress in heated battles over the exercise of presidential authority?

A By definition, an assertive President is going to have conflicts with Congress. But these struggles can take place within the system without challenging the system itself. Many Presidents have tried to assert their authority, and many have met with and accepted rebuffs.

Franklin D. Roosevelt tried to change the Supreme Court, and Congress didn't let him get away with it, as one example. He tried to undermine his congressional opposition in the primaries, and didn't get away with that either.

For the tenacles of power to reach out now and then, probing, is in the nature of our system, but the situation today is not just one of "feeling around." It's a frontal challenge to congressional prerogatives.

Q Many political scientists applauded the "strong" Presidency of John F. Kennedy in the early 1960s. Now they're critical of the "strong" Presidency of Richard M. Nixon. Why?

A It probably has something to do with the fact that so many academicians are on the liberal, Democratic side, and Democrats were in control of the White House for so many years they got used to the idea of "strong" Presidents as inherently better for the nation.

I think there's a lesson to be learned here: that a clear definition of institutional responsibilities is a better way of judging a man's performance than his personality or party. The Senate Foreign Relations Committee noted a few years ago, during action on the National Commitments Resolution, that Congress had committed the error of making a personal judgment as to how President Johnson would implement the Tonkin Gulf Resolution when it actually had a responsibility to make an *institutional* judgment.

Q Is a "strong" President likely to become more aggressive when the opposing party is dominant in Congress?

A I don't think we know about that because it is so recently that the power struggles have intensified. Suppose that a Democrat is elected President in 1976 while the Democrats retain control of Congress. If he keeps all of the national-security machinery that has accumulated in recent Administrations, a lot of the power struggle is going to be built into the system, even if he is dealing with a "friendly" Congress.

Q. What about landslide victories such as those won by Franklin D. Roosevelt, Lyndon Johnson and Richard Nixon? Do they tend to make a President more assertive?

A There does seem to be considerably more boldness in the second Nixon term than in the first. But I don't know whether that is the result of the landslide or of his lame-duck status, where he feels he has nothing to lose because he is constitutionally unable to run for a third term, anyway.

Supposedly his interest in the future of his party would cause him to be careful, but the 1972 election strongly suggests that he places his own personal success far above that of his party. There was great disappointment by Republicans in the lack of White House support for congressional elections.

Q Isn't the President—not Congress—supposed to make policy?

A He contributes, but with the advice and consent of Congress. That's the qualification that is often forgotten, and certainly is not in evidence at the present time. I don't know that the present Administration has sought counsel, for instance, with the chairmen of the Agriculture Committees or of the Agriculture Subcommittees or the Appropriations Committees on impoundments of money for farm programs authorized by Congress.

Q The President recently said that he spoke for "the national interest," while Congress spoke for "special interests." Would you agree with that statement?

A Well, there's another aspect to the "special interests"—namely this: In a democratic system, private interests are entitled to access to the political process. Often they bring useful information and insights to that process for both the executive and legislative branches. So I think it is an exceptionally crude generalization to suggest that the President operates for the "general" interest and Congress for "special interests."

AN ISSUE RIGHT AT THE BEGINNING

Q In addition to impoundments, what other weapons does a President have in a power struggle with Congress?

A One type of action is the use of "executive privilege," which became an issue right at the beginning, in the Administration of George Washington.

The House wanted to investigate the American military defeat of General St. Clair [Arthur St. Clair, whose Ohio forces were decimated by Indians in 1791], and President Washington discussed the matter with members of his Cabinet. There was some question whether the papers relating to this defeat should be given to Congress, but in the end they were handed over.

Q Was that the instance of which President Nixon spoke recently when he said that George Washington set the precedent for exercise of "executive privilege" in withholding information from Congress?

A Perhaps, or he could have been referring to another instance when the House asked for papers relating to the Jay Treaty [with Great Britain, signed in 1794]. In that case, the President decided not to give the papers to the House. But I don't think this instance is a good precedent either, because the real question was whether the House had a constitutional right to treaty papers which are a matter between the President and the Senate.

In other words, it was an explicit constitutional issue—not one of confidentiality. Washington said that if the House had established a constitutional right, such as if it wanted to impeach someone, he would have given them the papers.

Q Just what is "executive privilege"?

A President Nixon himself defined it when he said he would use it only for confidential communications between himself and his assistants on matters relating to the national interest—he also used the words "public interest"—and not used in an expansive way simply to protect the Administration from embarrassment.

The question is: How does that principle apply to the Watergate incident? There is the impression, even among Republicans and conservative columnists, that the President's exercise of "executive privilege" relates more strongly to the question of "embarrassment" than of "public interest."

LEGISLATING BY EXECUTIVE ORDER

Q Can the President, in effect, legislate with an executive order?

A Yes, and that practice has increased in recent decades. There's no way for me to know the exact situation in the last few years because, while there are clear cases of legislating by executive order—setting up or expanding programs without prior congressional approval—there are many cases, too, of legislating by other means so that they don't have to be published in the "Federal Register" or the "Weekly Compilation of Presidential Documents."

For instance, presidential communications to his subordinates can affect the carrying out of legislation—but Congress isn't even informed of these communications.

Q. Doesn't the pendulum swing back eventually, even to the point where it is Congress that is accused of overreaching its powers?

A. In the past, Congress has occasionally reached out, too—the most notable example of recent times being the investigations of [the late] Senator Joseph McCarthy into the State and Defense Departments.

And not all cases of "reaching out" by Presidents are initiated by the White House. In some instances, you have to decide how much of it came from presidential initiative and how much as a result of delegation of authority by Congress—just as Congress a couple of years ago gave President Nixon the authority to go ahead with the Economic Stabilization Act.

On the whole, I would say that recent Executives tend to initiate the contest for power more often than Congress does.

Q. Did the Founding Fathers foresee this at all? Weren't they fearful of tyranny by a strong Executive?

A. That's a popular but oversimplified idea. Historically it would not hold up. Any fears of executive power the Revolutionary leaders had from their dealings with George III began to recede after 1776, when the Continental Congress not only had to pass laws but administer them and even handle judicial issues.

As a result of that experience, the Constitutional Convention saw the need for a separate executive for reasons of efficiency, accountability and responsibility. But I don't think their experience enabled them to foresee who would become dominant. The executive qualities discussed in "The Federalist" papers—energy, unity, decision, secrecy, dispatch—were what the framers hoped the President would possess, more imaginary than real.

Q. Is the pendulum likely to swing away from the recent emphasis on presidential power?

A. It's a question of how much presidential power is getting built into the system. For instance, back in 1939 the Reorganization Act gave the President six special assistants, who became very close to the President—so close they could claim executive privilege along with the President himself. They did not make policy.

Presidential special assistants are now starting to get their own bureaucracies. Henry Kissinger is developing a staff of 150 or so and beginning to be more of a policy maker than the Secretary of State. President Nixon's successor may introduce some modifications, but basically the setup could continue, whoever his successor is.

Q What about appointment of key persons such as the Director of the Office of Management and Budget who do not require confirmation by Congress? Should that be changed?

A I don't know how much more responsive to Congress such persons would be, even if the appointment required Senate approval. The Director of the Central Intelligence Agency is appointed subject to Senate confirmation, but that doesn't assure his responsiveness to congressional queries. And I'm not sure that anything would change much if Roy Ash, the new director of OMB, became subject to confirmation. Still, the budget has such awesome dimensions that Congress has to make the process more responsive to legislative priorities.

WHEN CONGRESS IS DOWNGRADED

Q Some critics picture Congress as weak and unable to combat presidential authority. Is that a true picture?

A No. Members of Congress, through their constituents and contacts with private organizations, are kept abreast of current problems. There is a good deal of expertise among men who have not only had a number of years' experience but understand the political system.

Q Does Congress have the research machinery to match that made available to the Administration by the federal bureaucracy?

A No, and I do think that Congress ought to have greater access to the reports and expertise generated by the executive branch. Hearings were held last year on Senator Cooper's bill [Senator John Sherman Cooper, Republican, of Kentucky] to make studies on national security and intelligence available to the Foreign Affairs and Foreign Relations Committees.

Q Do you see any sign of that happening?

A No, I don't.

Q Does that mean that Congress then will set up its own research establishment?

A First, I'd like to see what happens to the bill by Senator Edmund S. Muskie [Democrat, of Maine] which would make the raw budget data from federal agencies available to Congress. It would be a pity if Congress finds that the very agencies it sets up and

funds won't give information—including national-security data that is already prepared and could be shared under whatever injunctions of secrecy are necessary.

Q What about Administration complaints of "leakages" of classified information on Capitol Hill? Is that an obstacle to giving Congress more data from the executive branch?

A I'm not impressed by that argument. Even if information is disclosed to the Foreign Affairs and Foreign Relations Committees and some staff officials, you may still find that fewer than 100 people get access to that information. Any one of them might leak the information, but so might the thousands of people who have access to it in the executive branch—and they're just as big a risk.

In fact, information leaks are pretty commonplace in the executive branch. To say that Congress can't be trusted is much too arrogant.

Q Congressmen are always saying they can't get the information they want. Why can't they get it? Are their requests ignored?

A Here we get into strategies, stratagems and motivations in the executive branch. I'm not in a position to know why information is withheld. I know in my own dealings with federal-agency people that sometimes the information is just not available even to them.

Some months ago I spent some time trying to find out about the so-called "feed and forage" law used by the Pentagon, which has been on the books for a little more than a century. Normally, Congress authorizes and appropriates funds; then the federal agency can obligate the money. But the "feed and forage" law reverses the process. So the Pentagon can obligate the money first; then Congress has to appropriate funds later to liquidate the contractual obligations.

Statistical information on that law had been compiled then boxed because of storage difficulties and was somewhere around the D.C. area. But whoever knew where it was stored no longer was at the Pentagon, and nobody professed to know where all the information was. I didn't get the sense that they were trying to withhold information; they just didn't know where the material was.

Q. You do get lots of reports from Government agencies—

A Yes, there's a flood coming down from the executive branch, but often the information is in a form that is of no use to Congress while creating the illusion that the executive branch is making relevant information available to Congress. Staff people on Capitol Hill who look for certain information in computerized reports often just can't find it—and when they call down agency experts to help them look, the agency people can't find it either.

Q Do you get co-operation occasionally from officials of federal agencies?

A Oh, yes. They're generally very cooperative.

Perhaps an official feels that his agency will survive better in the budget by cooperating with Congress—and if he believes he can survive politically, he may try it.

However, it's sometimes risky—especially since President Nixon has given so much power to the Office of Management and Budget to control those officials who get out of line.

The former Bureau of the Budget was also subject to presidential control, but the reorganization plan of 1970 changed the situation substantially. All of the former BOB statutory functions were vested in the President, who then redelegated those powers to the OMB.

Instead of merely being an arm of the President, OMB is part of the President. That can have profound effects on professional standards of budget officials.

Q When you speak of additional presidential powers being built into the system, would that include the tightening presidential control over the entire Administration?

A I think so. The OMB would have not only Mr. Nixon's personal appointee, Roy Ash, but a number of people, such as Fred Malek and others, who have been on the White House staff. The former Bureau of the Budget certainly was always responsive to the President, but its career professionals were not as politically charged in their judgments as seems to be the case now.

Q Are you saying that it will be even more difficult to get occasional co-operation from individual officials?

A You see that happening already, just in the extraordinary case of A. Ernest Fitzgerald, a civil-service employe and management analyst with the Air Force who was laid off in an "economy move" in 1969 after telling Congress about huge cost overruns on the C–5A airplane contract.

Then there was the case of Gordon W. Rule, the contract specialist in the Navy who was shifted out of his job after telling us about costly contract "bail outs" sought by defense contractors who claimed they needed more money to fulfill their obligations. Happily, he has just been reinstated in his job.

But the examples of Fitzgerald and Rule set a tone that will discourage frank and candid judgments by career professionals.

Q Could Congress strengthen its hand if it had tough discipline and leadership such as that provided by Lyndon B. Johnson in the Senate and Sam Rayburn in the House, rather than the more open and less disciplined leadership of today?

A There are two aspects of leadership: One involves personality; the other involves the much less explored question of the kind of help that can come from the party caucus which is representative of the party and can participate in the making of policies to be executed by the leader.

LEADERSHIP VS. "HORSE TRADING"

Q Does that, in effect, put 535 legislators—often at odds with each other—against one man who has the prestige of his office, access to the media and a bureaucracy to do his bidding?

A. Yes, it is hard to get half of 535 people to pass a law, or to get two-thirds to override a presidential veto. Actually, however, what the party has to do in either house is essentially the same brokerage job—the balancing of interests and "horse trading"—that goes on within the Administration.

Quite often the White House comes out not with what Richard M. Nixon wants but what a galaxy of forces is compelling him to support. The public simply doesn't see the logrolling that goes on among the military services for weapons systems or the competition that goes on within a department for a bigger share of the budget. If it did, the public would be less harsh on Congress.

Q Are legislators diffident in dealing with presidential authority because they don't want to hinder the President's handling of today's very complex and sometimes overwhelming problems?

A This undoubtedly explains a lot of the delegation of authority to the President. It's reasonable that if you recognize a need for housing—without knowing exactly how to set up a program for it—you will delegate fairly broad authority to the Administration to get a housing program started. I don't think this is abdication; it's realism.

EXPLODING A "CULT OF EXPERTISE"

Q Is this especially true in areas of national security?

A Yes, but I hope that one of the lessons of the past decade has been that even on national security, Congress is quite capable of reaching as sound a judgment as the Administration. The congressional challenge to the Safeguard anti-ballistic missile system exposed one shortcoming after another and showed the capabilities of Congress in dealing with very technical matters.

I think the "cult of executive expertise" carries less weight today. The Administration has access to expertise, but that is not the same thing as saying that it acts on it. There are numerous examples to show how CIA estimates have been doctored or ignored by the Administration because the information didn't square with political needs.

Q Are you saying that Congressmen, by and large, are just as knowledgeable as members of the executive branch?

A Well, if you look at Congress in personnel and product, and apply that yardstick to the executive branch, I think Congress comes off quite well.

Q Are there giants in Congress to compare with those of the nineteenth century such as John C. Calhoun, Henry Clay and Daniel Webster?

A I don't know why they're such legendary figures. Anyone looking at Congress today can come up with quite a handful of extremely competent members of the House and Senate who would rival those of any period.

Q Suppose Speaker Joseph G. Cannon, who ran the House with an iron hand in the early years of this century, were to be on hand today. Could he exercise the same authority?

A Not with committees as strong as they are. He didn't have to worry as much about the independence of committee chairmen. It's expertise that makes the system go now, because problems today are very complicated. There has to be a division of labor in Congress, just as in the executive branch.

Q Will broadening the representation in committees strengthen Congress or weaken it?

A Well, [Missouri] Representative Richard Bolling's Committee on Committees is just starting work, and it could run for a year and a half before a plan is drawn up for committee structure and jurisdiction.

But the reforms adopted by Congress in the last few years—starting with the 1970 Legislative Reorganization Act and including changes in the caucus and floor organization—at least show that Congress is not a rigid institution and can make some very far-reaching reforms.

Q Is there any way that Congress can frontally challenge presidential power—by going to court, for instance?

A It could go to court on the issues of impoundment or "executive privilege," but I don't think there is anything the Supreme Court can do to *instill* the quality of self-restraint and co-operation, which is really what is required to make the system work.

Whatever the Court said quite possibly could be interpreted in whatever way the Administration wanted to interpret it—or the Court's decision might be on very narrow grounds and avoid the larger issues. I suspect this would be the case with impoundment, where there are many different types not easily covered by a general statement. I think also that the Court would be very reluctant to get into a matter which strikes so deeply at administrative discretion. In the question of "executive privilege," you get into equally complex considerations involving national security and confidentiality between the President and his assistants.

Q Has the Supreme Court ever tackled the issue of impoundment?

A Four or five years ago I did an article for the "George Washington [University] Law Review" on the Supreme Court cases in the past which were held to be applicable to impoundment. It was my own conclusion that they were not really applicable—that only by singling out little phrases here and there would they seem to deal broadly with the impoundment issue.

There is the Missouri decision last year [upheld April 2 by U.S. Court of Appeals]

on impoundment related to highway funds, and this went against the Administration. But even if the Supreme Court sustained that decision, it would be hard to apply to other cases because it deals with trust funds.

An interesting decision was handed down a short time ago in Minnesota regarding Secretary [of Agriculture Earl L.] Butz's termination of the FHA [Farmers Home Administration] emergency-loan program, and that, too, went against the Administration. The Court held that Butz had violated due process and the Department's own regulations. This is an important case because it attempts to show where an administrator has discretion and where he doesn't.

Q Does this then leave it to Congress to pass statutes of its own, defining its powers more clearly, and let the executive branch respond as it will?

A I think that if Congress feels there is a court remedy available for impoundment or "executive privilege," it might postpone action on the matter.

Q In the last resort, Congress could bring impeachment proceedings—

A It could. That power is vested in Congress by the Constitution, and this fact should be taken seriously.

The Founding Fathers were uneasy about giving Congress this power because they feared it might jeopardize the President's independence. But they felt that misconduct by the President should be subject to that challenge.

Impeachment is something to be taken seriously and used when necessary. If it were interpreted in that light, an Administration probably would behave in such a way as to avoid the possibility.

WHAT IS NEEDED IS GOOD FAITH

Q Can Congress coerce the White House by withholding funds for Administration housekeeping and other programs?

A There has been a little bit of this in the past, but I can't see it as more than a short-term effort to restore some of the balance of power.

To me, the remedy has to be recognition on the part of both branches—particularly, at this moment, the Administration—of what is needed in a political system where Congress ordinarily must give the executive branch broad chunks of discretionary power.

What is needed, simply, is a good-faith relationship. If the Administration is not willing to abide by that, it is going to generate a lot of inflexibility and rigidity—quite possibly an impasse, as I have said—because it is within the powers of Congress to replace discretionary authority with mandatory directives.

The harmful effects of such a situation could be felt by the American people for years and year.

NEBRASKA AND THE ERA

Mr. HANSEN. Mr. President, I have been an interested observer of a peculiar legal question that has arisen in Wyoming's neighboring State of Nebraska.

The Nebraska Legislature recently voted to reverse its former decision concerning ratification of the equal rights amendment. By a vote of 31 to 17, Nebraska's earlier decision to ratify the amendment was rescinded.

Interestingly, it is my understanding that a reversal of this procedure occurred in Connecticut, where the equal rights amendment was rejected first and then there was a reversal with that State making a second decision in favor of the equal rights amendment becoming an amendment to the U.S. Constitution.

I am unaware of any problems which may have been created by the Connecticut switch, but it has been brought to my attention that the Nebraska reversal has stirred activity, and the question has been brought up as to whether a State, once voting for ratification, can rescind legally that ratification.

This is a legal question that may lend itself to extended discussion throughout the Nation, not only among those of us charged with making the laws, in the Congress and in the legislatures, but in the legal profession, and among many citizens not involved directly in Government.

The syndicated columnist, Mr. Frank Van Der Linden, in an article printed March 30, noted the situation, and it was his view that if the advocates of the equal rights amendment cannot muster the necessary 38 States—required for ratification—without counting in the backslider, Nebraska, then the Supreme Court can be asked to decide whether or not Nebraska's revocation is legal.

Mr. President, I ask unanimous consent that Mr. Van Der Linden's brief article be printed at this point in the RECORD.

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

EQUAL RIGHTS AMENDMENT

(By Frank Van Der Linden)

WASHINGTON.—The high-pressure drive to ratify the Equal Rights Amendment to the Constitution by mid-1973 is running into a few roadblocks in state legislatures and a puzzling loss of active support in the White House.

The number of states ratifying the amendment, which assures equal rights for women, is stalled at 28, or ten short of the 38 required for a three-fourths majority of the 50 states. Connecticut, after first rejecting it, has ratified it; but Nebraska, the second state to approve it, has rescinded its ratification.

Nebraska's reversal has touched off a storm of criticism from Common Cause and other groups leading the lobbying campaign for the amendment. Common Cause claims the states have no power "to reject their ratification once it has been given."

But a contrary view, with great authority, has been expressed by Charles L. Black, Jr., Luce Professor of Jurisprudence at the Yale University Law School.

"I warmly favor the Equal Rights Amendment," Professor Black told me in an interview. "I'm strongly for it. But I'm opposed to such 'Mickey Mouse' tactics as claiming that, once a state has ratified the amendment, it's locked in forever, as in a lobster trap. Clearly, a state can change its mind either way before the amendment is officially declared to be ratified."

Suppose several states ratified an amendment soon after its approval by Congress but turned against it as conditions changed and new facts came to light, Professor Black suggested. "You can't tell me," he said, "that it would be sound policy to tell those states, 'You're trapped. You can't get out.' You could then have a situation where a majority of states had turned against an amendment but were still counted as voting for it, and it could even be declared officially 'ratified'."

"The crucial question," Professor Black said, "is whether or not three-fourths of the states favor the amendment at the same time." If they do, then either the General Services Administration or Congress can declare it a part of the Constitution.

If the advocates of the Equal Rights Amendment cannot muster the necessary 38 States without counting in the back-slider, Nebraska, then the Supreme Court can be asked to decide whether or not Nebraska's revocation is legal. The Court has never ruled on this question.

In 1868, Congress declared the Fourteenth Amendment ratified although Ohio and New Jersey had rescinded their earlier approval of it. "But parading precedents is a fallacy," Professor Black declared. "The Supreme Court has reversed itself, sometimes, and it is Congress' responsibility to do the rational thing. The states may freely withdraw their ratification at any time before an amendment is officially declared a part of the Constitution. It would be very dangerous to have any states corralled into approving it."

A "stop-ERA" campaign, led by the writer, Phyllis Schlafly, has killed the amendment in the Virginia legislature and slowed it in several other states. Mrs. Schlafly and her adherents charge the amendment would nullify labor safety laws, make women liable to combat duty in the armed forces, and invalidate all state laws which require the husband and father to bear the primary burden for family support.

The amendment says simply: "Equality of rights under the law shall not be denied or abridged by the United States or any State on account of sex."

President Nixon said a year ago: "Throughout twenty-one years I have not altered my belief that equal rights for women warrant a constitutional guarantee."

His counsellor, Mrs. Anne Armstrong, the bright and beautiful Texan who is the first woman given cabinet status by Nixon, thought she had the President's approval for a whirlwind campaign to clinch ratification of ERA.

Publicity-minded White House aides visualized pictures of Mrs. Armstrong at the G.S.A. building, hailing each state as it joined the ratification band. But the right-wing drive against ERA apparently has cooled off the administration's ardor for it. Now the "game plan" seems to be to let the states settle the issue without involving the President any further.

INFLATION

Mr. HASKELL. Mr. President, we have been hearing a great deal in recent months and weeks about the causes of and cures for inflation, and we have received many complaints, justifiably so, from consumers who are fed up with high prices and the steadily increasing cost of living situation. But we are also beginning to hear from the other side of the issue, and I have received one such letter from a Colorado citizen, who in spite of feeling the pinch of inflation herself, can stop to give thanks for the many blessings we enjoy and that are available to us. I ask unanimous consent that a copy of her letter to the editor of the Loveland Reporter-Herald be printed in the RECORD.

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

TIME FOR THANKS

To the Editor:

"Ah to be in America and be worried merely about the price of food." This caption beneath a newspaper cartoon picturing a starving man has haunted me.

While millions of people around the world face starvation from the very lack of anything to eat, we are complaining about the so-called high prices we have to pay for food. We blame the farmer, the middle man, the supermarkets, the government—everyone

except ourselves for the current high costs of food.

Yet no where in the world is there such an abundance of nourishing food available at such relatively low prices. Statistics show that an average family of four in America spends 16 percent of their income for essential food products. In England, 43 per cent of a family's income must go for food, in Russia it's 67 per cent, and in China 85 per cent of a family's income goes for food.

Let's face it, food is a bargain in our country! And yet, no one can deny that during the last few months, food prices have risen steadily. We can't help but ask, "Why?"

Let's look at the situation of the farmer, the middle man, the retailer who all work to produce the food products in the quantity and quality that we, the consumers, demand.

Food doesn't come from the supermarket, it comes from the farm.

A cattleman usually figures 25 cents per pound-gain. This winter during the severe cold his costs soared to 50 cents per pound-gain. Little wonder meat prices had to go up.

Research has shown that rats who were fed a diet high in DES in some cases developed cancer, and because of our high standards of food and drug purity, legislation to ban the feeding of this growth stimulant were enacted. One would have to eat 66 pounds of liver a day for the traces of DES found in liver to be toxic to humans.

Not many people eat that much liver in a year, let alone a day. The ban on DES has increased the cost of feed by $35 per head to get the cattle to the same degree of finish. This increased production cost is being passed on to the consumer as well.

Another point to rememember concerning the farmer, is the fact that the prices he gets for his products are set by the purchaser. For example, when he takes his cattle to market, he does not set the price, rather he asks, "What will you give me for these cattle?"

Today, the price of beef received by the cattleman has finally reached the price he received in 1951. The tractor he bought in 1951 cost $2,000, but today the price is $10,000. How many times have wages, services, and most items we purchase gone up since 1951?

Much criticism has been leveled at the middle man as the culprit in the higher food prices. It costs money to package food in attractive, flavor retaining and convenient containers. Converting farm products into time-saving "Instant," "Brown & Serve," or "Heat & Eat" meals is expensive, but they have been viewed as godsends to the busy housewife or working mother. We have been willing to pay for these conveniences.

The supermarkets are also blamed for our high food prices, and yet their profits are lower than ever before with little or no profit from the sale of meats and produce. Their profits come from the convenience items we buy.

In talking with a local retailer, he told me that of the 15,000 items stocked on his shelves, 3,200 items are non-edible items such as soaps, paper goods, drug and hardware products. Yet we tend to lump these 3,200 items in with the costs of food since they are purchased at the same time.

We lived in Venezuela for several years and had to shop in the native markets. The meat, tough and without any fat or marbling, had to be sold the same day it was butchered because they had no refrigeration. We could not buy fresh milk because there were no pasteurizing or bottling plants.

The bread often had weevils and was never wrapped to protect it from dust and flies. We were advised not to eat the native grown fresh vegetables which had been fertilized with human manure. After such experiences, I feel it is a privilege to be able to shop in our immaculate and convenient markets with such a wide variety of products for selection.

As consumers, we have a broad latitude in determining what our food costs will be. If we are lured by out-of-season fresh fruits and vegetables, prepared TV dinners, expensive cuts of meat, our food costs will be high. Saving money, whether in buying food, a car, or a home takes time and planning.

Did you ever stop to think that when you buy a one pound sack of potato chips that you are paying 10 times the price of potatoes purchased whole in a bag. The potatoes as chips have little food value, but are easy and convenient. The choice is ours.

Markets today give unit costs so that we can select the size package that best fits our needs. The choice is ours, and thank goodness for these choices.

We live in an age of great dependence upon all our fellow men. The free exchange of our products and services makes a livelihood for everyone. No one can raise his own food, build his own home, manufacture his own car, be his own doctor, lawyer, teacher, minister, defend his country alone. We desperately need each other.

How much better it would be if instead of complaining, boycotting, having marches, asking for price ceilings, etc., we took time to say thanks to God and each other.

Instead of hiring a baby sitter so that you can march this Saturday to protest the price of food and then hurrying home to heat up TV dinner for your family, how about saying thanks to your husband or each other for working hard to provide for your family, fix a hearty homemade beef stew, and enjoy making cookies from scratch with your children. Could be the bset day you've had in a long time!

Mrs. KENNETH D. KNIEVEL.

PUBLIC NEEDS TO BE AWARE OF MEDIA BIAS AND DISTORTION—BUT IT IS A CITIZENS' JOB

Mr. HELMS. Mr. President, there is considerable discussion these days about setting up some sort of mechanism to monitor the news media, and to make sure the public understands that there is a great deal of bias and distortion in the news distributed by some of the Nation's major newspapers, television networks, and so forth.

This discussion is quite worthwhile and necessary, I believe. On the other hand, I would counsel against the establishment of any such organization having even the remotest connection with government at any level. If the job is to be done, and I hope it will, let it be done privately by concerned citizens willing to devote the time and resources to making certain that the arrogant hand of some news media is exposed to public view.

Mr. President, I have had very little to say about the so-called Watergate affair for the simple reason that as a new Senator, I have no knowledge of what went on last year. Of course I do not condone any act of lawlessness. And like most other Americans, I believe that corruption in politics should be cleaned out.

Still, I find it a bit nauseating to see some of the liberal elements of the news media falling all over themselves in self-adulation as a result of the Watergate journalism. Where were these same newspapers and commentators in prior years when the muddy shoes were on the other feet—the wholesale fraud, for example, in the 1960 Presidential election; the callous character assassination in 1964 of Senator GOLDWATER, and other instances of corruption which—unlike the tragic and stupid activities of 1972—did, indeed, have an effect on the outcome of elections?

And why is it, do you suppose, Mr. President, that these same media have scarcely mentioned this year that there are those of us who tried, vainly, to have a complete investigation of irregularities in American politics? Not just a Watergate investigation, but a full-fledged investigation that would constructively address itself to improving a situation that has been admittedly bad for decades—not just destructively designed to injure a President who has been the target of these same news media since the early days of his career.

Yes, Mr. President, there ought to be some method, some organization, to keep the American people informed about the powerful news media who would ruthlessly misinform them. But I reiterate: It is not a job for government, even in the remotest sense.

John Lofton, Jr., editor of First Monday, has written an interesting piece about why he believes there ought to be a national press council. This article was published in the May issue of First Monday, which as Senators know is a publication of the Republican National Committee. I commend it to the attention of my colleagues, and ask unanimous consent that it be printed in the RECORD.

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

NATIONAL PRESS COUNCIL COULD RESTORE PUBLIC CONFIDENCE IN MEDIA

("Certainly the press is in trouble with the public. I don't need any polls to tell me that; all I need is a watch. Everytime I walk into a party I look at my watch to see how long it will be before somebody starts slamming the press. Average time: two minutes, 42 seconds."—New York Times managing editor A. M. Rosenthal, writing in the New York Times Magazine. Feb. 11, 1973.)

Because there is a clear conflict of interest in asking the media to police itself—to act as its own judge and jury—the establishment of a national press council, a truly balanced group which would do more than simply reflect and most likely reaffirm the present left-liberal bias in the national media, could do much to restore public confidence in the Fourth Estate, thus benefitting not only the viewing, reading and listening public, but also the media as well.

That the press is in trouble with the public is a fact. That the press is in trouble even with the people with whom A. M. Rosenthal parties indicates that the trouble may be more widespread than anyone has yet realized.

As a matter of fact, it is this very trouble that the press is in with the public that has prompted a task force of the Twentieth Century Fund to recommend the establishment of a national news council "to receive, to examine, and to report on complaints concerning the accuracy of news reporting in the United States, as well as to indicate studies and reports on issues involving freedom of the press."

Noting that the concentration of nationwide news organizations—like other large institutions—"has grown increasingly remote

from and unresponsive to the popular constituencies on which they depend and which depend on them," the task force report declares that while the U.S. press is among the best in the world and still improving, "until now, the citizen who was without benefit of special office, organization, or resources had no place to bring his complaints. Until now, neither the public nor the national news media have been able to obtain detached and independent appraisals when fairness and representativeness were questioned. The proposed council is intended to provide this recourse for both the public and the media."

There are many reasons why the press is in trouble, why a Harris Survey showed in November of last year that leaders of the mass media with a confidence rating on only 18 percent do worse than any other leadership group in our society except for organized labor.

Lester Markel, for years editor of the Sunday *N.Y. Times*, has put it as well as anyone when in *World* magazine on Sept. 15, 1972, he listed the "solid reasons" for the mistrust of many newspapers:

"Inaccuracy (shoddy reporting, sensational editing, lack of perspective); irresponsibility (abandonment of objectivity, disregard for national security, disinterest in the public interest); inaccessibility (blindness to minority viewpoints, identification with the Establishment roster and dogma.)"

There are other counts in the indictment, says Markel, such as the staging of events, incitement to violence, pandering in general, but irresponsibility, inaccuracy and inaccessibility are the three that have added significant dimension to the media's credibility gap.

Now, ideally, it would be preferable if the press were able to adequately deal with its own shortcomings. Because if it had been doing so all along, the public's lack of confidence would probably not be so great.

Eric Sevareid made this very point at the Fourth Annual Elmer Davis Memorial Lecture at Columbia University on April 29, 1970 in arguing for an hour long network news show:

"I do not see how we could do a markedly better job of it, how to get the better balance, unless these programs go to an hour's length. Many of us have wanted, and worked for this. In that hour, we could do what we should always be doing, in my long sustained opinion; we could provide room for rebuttals to our practices from ordinary listeners; letters to the editor, if you wish. For years the situation has cried for this and had we been doing it for these years, perhaps much of the accumulating gas of resentment would have escaped the boiler in a normal fashion."

But the record of those in the media who correct or criticize themselves is not a good one. Testifying for the idea of a national press council on the PBS show "The Advocates," March 3, 1973, Norman Isaacs, former president of the American Society of Newspaper Editors, said that the "worst mistake" the press makes is not correcting the many errors it makes.

"This goes on day after day," Isaacs declared. "I've just been having a study made of newspapers around the country; and of 112 newspapers checked, only 12 have any formal policy of making corrections. Eighty-eight of those which do not have any policy have no intention of instituting any formal policy of making corrections. It's just paranoid."

Using the example of columnist Jack Anderson's unsubstantiated charge that Sen. Thomas Eagleton had been convicted of drunk driving, Isaacs pointed out:

"Jack Anderson's charges made page one news all over the country. The Associated Press subsequently made a check of page one after Jack Anderson had said he made a grievous error. Only 15 out of 50 newspapers saw fit to publish that on page one. And that report was available to all the newspapers in the United States through the AP's log, which the AP has encouraged editors to reprint at will. And to my knowledge, not a single newspaper has commented on this fact."

Another admission that the press performs poorly when asked to criticize itself comes from the *Washington Post's* national political reporter David Broder. Writing in the Feb. 1969 issue of "The Washington Monthly," Broder said that the adaptive response of the press to the forces of change "has been more sluggish than that of any major institution."

As to why the press is so "laggard" in responding to criticism of its own performance, Broder offered as a reason "that most of us in journalism have not really taken a reflective view of our own functions and responsibilities. We are in the habit of asking politicians and businessmen, labor leaders and general to justify their actions and policies, but we do not often make the same demand of ourselves."

For others in the media, such as CBS Evening News anchorman Walter Cronkite, the refusal to indulge in self-criticism appears to stem not so much from a lack of reflection on ones own functions but rather a belief that to even nibble at the hand that feeds would be an inexcusable act of *lese majeste*.

In an interview (Feb. 9, 1973) on a local Washington, D.C. station, when asked if CBS placed any restriction on his right to speak out, Cronkite replied:

"No, absolutely not. None. Never been any suggestion of such. Now I think we ought to be fair about that. Everybody knows his place. It's an unfortunate way of saying it but in a sense this is true. I'm not going out and make a speech that deliberately lambasts the broadcast industry, CBS, my own position or anything else simply because it would be an ungracious thing to do. I'm being paid and employed here. Fortunately, and the marvelous thing about CBS is that I've never been in that position . . . I believe in CBS' stands on things. I've got no quarrel. Well, I quarrel, small things, but not the basic philosophy of the way CBS has operated its news department and the freedom we are given here. And I have no problems making my conscience fit anything they believe because we're down the same line."

But regardless of the reasons why the media has been reluctant and ineffective when it comes to self-criticism, the fact is that it has.

Last November in an address to the Commonwealth Club of California, Katherine Graham, president of the *Washington Post* Company, declared:

"I do not subscribe to the view held by some in journalism that engaging the wrath of both sides in any dispute means—as the saying goes—that 'we must be doing something right.' On the contrary, it seems to me that one must not discount the possibility that it means we are doing everything wrong."

While there are no serious critics who believe that everything the media does is wrong, there are many, both in and out of journalism who believe that enough wrong is being done and the job of righting it is one that has not been taken too seriously by most of the media. Therefore; let a thousand press councils bloom.

THE CONTRIBUTIONS OF THE HUGUENOTS TO AMERICA

Mr. ERVIN. Mr. President, on April 26, 1973, I had the privilege of delivering an address on the Contributions of the Huguenots to America before the Huguenot Society of South Carolina at Charleston, S.C., which was celebrating the 88th anniversary of its founding.

I ask unanimous consent that a copy of such remarks be printed at this point in the RECORD.

There being no objection, the address was ordered printed in the RECORD as follows:

THE CONTRIBUTIONS OF THE HUGUENOTS TO AMERICA

I am grateful for the invitation which brings me to the charming and historic city of Charleston, and permits me to share with you the 88th Anniversary of the founding of the Huguenot Society of South Carolina, which appreciates and treasures, as I do, the magnificent contributions of faith and valor of the French Huguenots to the America we love.

None of us is privileged to choose his own ancestors. Consequently, none of us can justly claim for himself any credit for their worthiness. Notwithstanding these considerations, I am constrained to confess that I am proud to be a descendant of French Huguenots.

Among my Huguenot ancestors were Claude Philippe de Richebourg, who came from France to South Carolina by way of England, Mannakin Town, Virginia, and Trent River, North Carolina, and succeeded the venerable Pierre Robert in the pastorship of the Huguenot Church at Jamestown on the Santee; and Major James Conyers, who maintained liaison between his fellow Huguenot, General Francis Marion, and the Continental Generals, Horatio Gates and Nathanael Greene, and was killed in a skirmish with a foraging party of British who emerged from Charleston in the closing days of the Revolution.

It is said that on a grim November day in 1793, during the era known to history as The Terror, a brave and forthright woman, Madame Marie Jeanne Roland, standing at the scaffold and confronting the guillotine, turned toward a statue of Liberté and cried out: "O Liberty what crimes are committed in thy name!" Those dying words of Madame Roland serve to remind us all of how the ideals by which men live can be degraded by fanaticism, intolerance, and hatred. Even religion, embracing as it always has mankind's noblest and loftiest ideals, has in the hands of small-minded bigots, been used as an instrument of oppression and cruelty. So, in the ancient world,the great Lucretius, in his epic *De Rerum Natura*, could declare bitterly, "How many evils has religion caused!"

The truth is, of course, that religion—like liberty—has never caused any evil nor has it perpetrated any crime. It is men, acting in the name of religion, who have yielded to that lust for intolerance, that brazen identity of human pride with the will of God, which has too often marked the history of our race.

I read the other day of how, in Soviet Russia today, despite over half a century of persecution, religion continues to survive and even, given the unhappy conditions faced by believers, to flourish. A recent report from a Russian Baptist Council of Prisoners. Relatives, which keeps church members informed of persecutions and encourages prayer for those in need, tells the dramatic story of a young Russian Baptist soldier killed "after he had resisted all attempts to stop him from bearing witness to Christ." The Soviet Major who escorted the body of the martyr told his parents before witnesses that their son had "died a Christian." So it is, my friends, that persecution for belief is no stranger to our modern world—and, alas, we need not journey so far as Russia to find evidence of it.

But, of course, the tragic saga of the Huguenots, writ in blood and tears, was somewhat different and worse: for here was persecution of Christians by other Christians,

and all in the name of Christ, surely the most distressing and saddening of the ways in which the divisions among the Christian family have manifested themselves in a spirit far indeed from the mind of Christ.

A noted scholar has lately—Peter Brown, *Religion and Society in the Age of St. Augustine*—traced the appearance and seeming triumph of religious intolerance in the Christian community during the critical period of the 3rd and 4th centuries of our era, the period celebrated by Gibbon in his *Decline and Fall of the Roman Empire* when he speaks of the rise of the Church, a period which give birth to much that was creative, inspiring, and civilizing and, alas, to much that pertained to what has been called "a new intolerance," that fierce and passionate religious prejudice which would cause so much suffering in history: the odium theologicum of the Middle Ages, man's natural propensity to imagine his views are God's, and to act as if God's views were his.

Happily, we in America have been spared, by and large, the bitter conflicts and searing religious hatreds which have marked the history of Europe and, indeed, of most peoples everywhere in the world. Under a tradition of complete religious freedom, guaranteed by the separation of church and state, all religions have enjoyed peace, prosperity, and untrammeled freedom of worship, belief, and practice, limited only by the common good. We may well thank God for the blessings of religious liberty which have been ours, and dedicate ourselves to strengthening them for our posterity.

Why have I alluded to those concerns on this occasion when I speak to you of the contributions made by the Huguenots to America? Precisely because their greatest contribution lay in their wholehearted dedication to religious freedom: they knew at first-hand and from bitter experience the value of liberty and the meaning of intolerance. Let me indicated briefly why this was so.

Earth never knew a more faithful, a more courageous, and a more persecuted folk than the French Huguenots, whose lives and deaths over a period of generations illustrated the truth that adversity is the diamond dust with which life polishes its jewels. The Huguenots initiated the Protestant Reformation in France at a time when French Catholics dominated that country and were intolerant of dissent in matters of religion. The word "Huguenot" is said to be a nickname originally given to the Protestants at Tours because they assembled for divine worship under cover of darkness near the gate of King Hugo, who was regarded by the people as a spirit that wandered abroad during the nocturnal hours.

The Huguenots drew their earliest inspiration in large measure from Jacobus Faber, who translated the New Testament into French as early as 1523, and preached justification by faith, which was the cardinal religious doctrine of the Huguenots.

In subsequent years, the Huguenots were much strengthened in their religious faith by the great theologian John Calvin, a French Protestant who was driven by persecution from his native land to Switzerland where he pleaded the cause of the Protestant Reformation with logic and eloquence, and established an ecclesiastical discipline which afterwards became the model for all Calvinist churches.

The Huguenots merely desired to bow their own knees and lift their own voices to God in their own way. This made them heretics of the darkest hue in the eyes of the Catholic clergy and their followers, who were determined to exterminate the Huguenots or their religious faith.

The saddest story of history is that of the Huguenots of France between 1525, when their first martyrs, Jacques Pavannes and Louis de Berquin, were burned at the stake, and 1789 when the Declaration of the Rights of Man affirmed the right of all Frenchmen to religious liberty.

During early years, the Huguenots, who merely sought to exercise their religious faith in peaceable fashion, suffered much persecution at the hands of the Catholic clergy and their followers. Finally, however, they decided to offer armed resistance to their oppressors. As a consequence, the history of France from about 1560 until almost the end of the century is that of warfare between the French Huguenots, who fought for what they called "The Cause", and the Catholics, who fought for what they called "The Holy League."

These wars illustrated a strange truth which was enunciated in succinct fashion by Chief Justice Walter P. Stacy of the North Carolina Supreme Court in the famous decision of *State v. Beal*, 199 N.C. 278, 302.

"For some reason too deep to fathom, men contend more furiously over the road to heaven, which they cannot see, than over their visible walks on earth * * * (and) it would be almost unbelievable if history did not record the tragic fact that men have gone to war and cut each other's throats because they could not agree what was to become of them after their throats were cut."

During a period of almost 40 years, thousands of Huguenots were slaughtered simply because they desired to worship God according to the dictates of their own consciences. During the Massacre of Saint Bartholomew, which began in Paris at daybreak on Sunday, August 24, 1572, spread throughout France, and continued until September 17, 1572—a period of 23 days only—at least 50,000 Huguenots were slain by the Catholics.

In 1594, the Holy League suffered defeat at the hands of the Huguenots, and an enlightened monarch, Henry of Navarre, ascended the throne of France. Four years later, i.e., on April 13, 1598, he promulgated the Edict of Nantes, which constituted a charter of political and religious freedom for the Huguenots.

The Catholic clergy refused to accept the validity of the Edict of Nantes. Subsequent to the assassination of Henry of Navarre, they stirred up further persecutions of the Huguenots, who once more took up arms under the leadership of Henri de Rohan.

In 1628, however, the Huguenots were compelled to surrender their last fortress, La Rochelle, after a siege distinguished by their extraordinary heroism, and from that time on they suffered untold political and religious discriminations at the hands of the Catholic clergy, which dominated the rulers of France, and inflicted upon thousands of Huguenots unspeakable mental and physical tortures in an effort to compel them involuntarily to renounce their religious faith.

At long last, i.e., on October 18, 1685, Louis XIV, who was a stooge of the Catholic clergy, revoked the Edict of Nantes on the pretext that the adherents of Protestanism had embraced Catholicism, and in consequence the Edict of Nantes had become unnecessary.

It is impossible to overmagnify what the persecution of the Huguenots cost France in human, material and spiritual resources. About the middle of the 16th century, the Huguenots formed more than one-tenth of the total population of France. When the persecution ended, only a few hundred thousand of them remained in that land. Their churches were reduced in number from 751 to 171, and their ministers were reduced in number from 809 to 121.

After the revocation of the Edict of Nantes, approximately 400,000 Huguenots, who remained steadfast to their religious faith, abandoned all their material possessions and forsook France for England, The Netherlands, Prussia, and other lands where they could enjoy religious freedom. Multitudes of them came to America.

One scholar—Otto Zoff—has written this of the Huguenots:

"In the decades following the repeal of the Edict of Nantes—when emigration from France became a general flight and the number of arrivals in this country (America) grew into the thousands, scattered over the entire Atlantic seaboard—a correlated picture of activities became an impossibility. But whatever pursuits they followed, these noblemen, bankers, tanners, hatmakers, physicians, printers, vintners, factory laborers, weavers, and musicians, they never abandoned the first principles of their ancestors: to let their faith, and their generous philosophy with its libertarian and egalitarian ideas, guide their daily lives. Nor did they change when for America, too, the 'critical and formative' period arrived."

Recounting the heroic story of the Huguenots, their persecution and their diaspora, the author rightly describes them as "Fighters for God and Human Freedom."

Although Jean Ribaut's attempt to establish a colony of French Huguenots on Parris Island in 1562 proved unsuccessful, French Huguenots began to come to South Carolina in small numbers during the succeeding years. After the revocation of the Edict of Nantes, they came in multitudes. As a consequence, none of the thirteen original colonies received a stronger infusion of Huguenot blood, faith, and valor than South Carolina. The story of what they and their descendants have meant to the civic, the cultural, and the industrial, the military, and the religious history of South Carolina is well known to you, and needs no recounting by me.

The contributions of the Huguenots of the dispersion to the history of South Carolina and America have been amply documented by Huguenots societies such as this in many of our States and by the National Huguenot Society, formed in 1950. Abroad, the Huguenot-Walloon Card Index, listing Protestants who fled France and Belgium between 1566 and 1800, now contains a million and a half names by given names and families, in their files at Leyden in the Netherlands. Research continues in this country and in Europe in the records of emigrant families and in our knowledge of Huguenot history in France—cultural, doctrinal, political, social, and economic.

Here in South Carolina, you rightly take pride in your Huguenot heritage. I hasten to add that there never has been a time in our National history when the spirit of the Huguenots was more needed—that spirit of integrity, fidelity, and civic loyalty which has sustained our country from the beginning and apart from which all else will surely perish.

To recall—even briefly—the Huguenot contribution to America would require more time than we have today. Suffice it to note that our first Chief Justice, John Jay, a President of the Continental Congress, was of Huguenot ancestry, an ancestry he shared with two other presidents of that historic body, Elias Boudinot and Henry Laurens. Among our eminent patriot figures the names of Paul Revere, Francis Marion (the Swamp Fox), Gabriel Manigault, John Seveier, John Bayard, and James Bowdoin stand out. Alexander Hamilton, the great Federalist, was born of a Huguenot mother. Presidents Tyler and Garfield and both Roosevelts, Admiral George Dewey, the La Follettes of Wisconsin, the Duponts, and many more illustrate the presence of Huguenots descendants in every walk of life all through our history. The sculpture of St. Gaudens, the drawings of Audubon, the continuing legacy of Stephen Girard, the civic largesse of Peter Faneuil and of Matthew Vassar—all this and more is part of the Huguenot story in America. Among famous writers of the last century the names of Longfellow, Whittier, Freneau, Thoreau, and Dana are among those with Huguenot ancestry. It has been said that George Washington's first

American ancestor, Nicolas Martiau, was a Huguenot. Certainly, Huguenots and their descendants have served with distinction not only in all our wars, but in the settlement and development of this whole land.

Nevertheless, when all is said and done, it is not in my roll-call of the great and illustrious that the most important and enduring Huguenot contribution is to be found. Rather, it is in those qualities of frugality, thrift, sobriety, hard work, the domestic virtues of family life and loyalty, and the traditions of skilled craftsmen—these are the areas of inestimable Huguenot service to America and to her national spirit and character. Centuries ago, Peter Stuyvesant paid tribute to the Huguenot settlers of colonial New York (then New Amsterdam) in words which still ring true—"the most respected, respectable, and valued accession ever made to the population of our country."

Above all, they were possessed of a lively, sustaining faith in God and in freedom, a faith which is at the heart of our free society. May that faith be renewed in our people today, and may the spirit of the Huguenots—the spirit of heroic courage and of steadfast loyalty—inspire us to do all that is needful in our day to preserve that precious gift, "freedom's holy light."

TODAY'S CHALLENGE: REMOVING BARRIERS

Mr. HANSEN. Mr. President, last week saw a number of persons from throughout the United States in Washington for the annual meeting of the President's Committee on Employment of the Handicapped.

Miss Valerie Snow of Cheyenne was among those persons from my State of Wyoming who attended the meeting. She did so as the winner of Wyoming's "Ability Counts" essay contest, an annual effort sponsored by the Governor's and President's Committee on Employment of the Handicapped to call attention to the important contribution that the handicapped make in Wyoming and in all other States.

The theme of this year's meeting was "The Handicapped at Work: Tomorrow's Challenge."

And Valerie Snow's essay was subtitled "Removing the Barriers: Today's Challenge."

Because she makes some valid points, I ask unanimous consent that her essay be printed in the RECORD.

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

REMOVING THE BARRIERS: TODAY'S CHALLENGE

(By Valerie Snow)

Few of us ever think of the employment situation in the United States. We take for granted that we will grow up, go to high school, to college, and get all the necessary skills and knowledge to enter our chosen profession and find employment after graduation. But for the physically handicapped individual, the way is much harder, since nothing in his life is taken for granted.

Lyndon Baines Johnson said:

"Given encouragement and hope, our handicapped citizens can competitively earn a useful place in our great land of opportunity. They have the courage—all they need is a chance to prove themselves."

For one young girl in a wheelchair, born with a physical handicap, many obstacles have had to be overcome and many are yet to be faced.

Because her parents were mature enough to accept the handicap, they started immediate plans to help make her life as normal as possible. She was able to attend public grade school. Fortunately, most elementary schools involve only one level.

Entering the two-story junior high, she found she could not take several courses important in everyday life, among which were home economics and science. Because ninth grade English was upstairs, the school "suggested" she take eighth grade English a second time. Consequently, her sophomore English grades were poor. All this happened because of no provision for an elevator, and because school authorities refused to make simple changes, such as moving a class downstairs.

She unfortunately found the same situations and attitudes at the two-story high school. All business classes were on the second floor. These courses are very advantageous to the handicapped because business skills are almost always within their ability. Again, authorities refused to move a typing class downstairs—a simple accommodation. Sociology and certain English classes were upstairs also. Only after many frustrating discussions was an elevator installed with Federal funds, providing the three wheelchair students and others with temporary injuries a wider choice of classes.

A high school student has many research projects that require materials from libraries. The new County Library (built in 1970) is partially designed with the handicapped in mind. The ground level entrance is commendable, and one does not find too much trouble obtaining books and reference materials. However, other facilities such as the public wall phone, drinking fountain, and restroom entrances with "tandem" doors present problems for the wheelchair patron. The phone and drinking fountain are high even for a small standing child, but when the girl inquired whether she could use a desk phone instead, she was told "If we let you use it, we'll have to let everyone else use it too."

In high school she received second place in the "Hire the Veteran" poster contest sponsored by the Cheyenne Elks Lodge. Savings bond awards were presented in the BPOE Lodge on 17th Street—it has two flights of stairs, one outside, one inside, and no other entrance. This young girl thought it ironic since the theme "Hire the Veteran" could very well mean a veteran in a wheelchair.

She has known for many years what she wants to do for her life's work—become a teacher of pre-school deaf. This of course, takes a college education and because of her special problems, she had a hard time finding the right place. She began her search in the tenth grade and now has found three suitable for wheelchair students which offer the proper studies. She will be going out of state because the University of Wyoming is not well equipped for those in wheelchairs. In short, the employment problem does not start with the employers. It starts with the education system where a handicapped person, especially in a wheelchair, is often prevented from getting an education necessary for a meaningful job.

This young lady, who does believe that "Ability Counts" wants to be employed in a clinic or deaf school, and has already inquired at two whether they would hire a handicapped person. They informed her that they would not because the job could not be handled by a disabled person and/or their building would not allow free movement because of steps and other barriers. This information was very defeating. She has had quite a bit of trouble getting an education because of architectural and attitudinal barriers, and now finds she may have just as much or more trouble gaining employment in the career of her choice.

Many businesses in downtown Cheyenne have entrances with steps and narrow doorways that cannot be negotiated in a wheelchair. This limits where the handicapped may work even though they may be qualified. The Wyoming Tribune building has steps to the floor where people are employed. The only entrance to one of the major banks has steps. Those businesses cannot be patronized by a wheelchair-bound individual without help, let alone permit a person to work there.

Buildings in the community can and must be renovated so their facilities can be used more freely by the handicapped. The curbs of Cheyenne have been sloped to the streets which is a major accomplishment, benefitting mothers pushing carriages, as well as handicapped individuals. However, currently some of the curbs are in disrepair. Automatic doors for businesses and stores would make the handicapped more independent, helping them to go about their daily lives with dignity. Moreover, these improvements would not hamper non-handicapped people, and would also aid those with heart disease, emphysema, and illnesses which are not always visible.

All architects should become aware of these problems and incorporate accessibility standards at the time of construction. They should spark community concern to renovate buildings built before so much attention was given to the problems of the disabled. Due to medical advances and greater acceptance, more handicapped are surviving and fewer are housebound, and we should encourage them to become out-going and self-sufficient. Many states do have building codes specifying access for the handicapped, but they are either not enforced or too lenient stating "To the extent deemed feasible" or "Insofar as possible and reasonable", even though it has been proven that the cost of renovating or inclusion of standards in new buildings would be very low.

If the handicapped cannot enter and fully utilize public buildings, they cannot vote, conduct business, worship or otherwise become self-supporting members of society. If they cannot get an education equal to that of non-handicapped persons, they cannot get the knowledge needed for a good job. If employers will not give them a chance they will not become confident that their ability *does* count.

Throughout history, many well known people overcame their handicaps. Deafness did not stop Thomas Edison. Polio did not stop Franklin Roosevelt, and handicaps needn't stop this young girl. I am very aware of the problems encountered by this young girl because I have just related my personal story.

THE WATERGATE INVESTIGATION

Mr. STEVENSON. Mr. President, in this morning's issue of the New York Times, Mr. Orville H. Schell, Jr., president of the Association of the Bar of the City of New York, addressed himself to the manner in which the President and Attorney General-Designate Richardson propose to conduct the Watergate investigation.

Mr. Schell's cogent article concludes that "the President's program will not provide the thorough and impartial investigation which the people can reasonably expect," and that the special prosecutor should not be "part of the Department of Justice or responsible to the Attorney General." Yesterday Mr. Richardson stated that the special prosecutor would be in the Department, and that as Attorney General he would retain final responsibility over the Watergate investigation.

A fundamental issue has thus been joined: How much independence does the Watergate special prosecutor need in order to do his job? Mr. Schell's article buttresses my conviction that, at a bare minimum, he needs substantially more independence than Mr. Richardson is now willing to give him. The resolution I introduced today calls upon Mr. Richardson to make the special prosecutor independent and defines independence in terms of six minimum standards which closely resemble those set forth in Mr. Schell's article.

In the event that Mr. Richardson persists in his unwillingness to meet those standards, it will be incumbent upon the Congress to confer the necessary independence on the special prosecutor through legislation. The public wants and deserves no less.

I ask unanimous consent that Mr. Schell's letter be printed in the RECORD.

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

FOR THE PEOPLE

(By Orville H. Schell, Jr.)

For too long the reins of the Watergate investigation have been held in the hands of the very people being investigated. The people of the United States have a right to demand that the investigation immediately be put into the hands of an independent, able, special counsel who will act for the people, in whom they can have full confidence and who will have full authority to look down every dark alley of the whole affair.

President Nixon's decision to place absolute authority to make all decisions bearing on the Watergate case in the hands of his new Attorney General, including the authority to name a "special supervisory prosecutor" if he wishes, does not meet the crisis. It leaves the matter where it has been for the last eleven months: entangled in a serious issue of conflicts of interest and professional ethics. For special counsel, however competent, if appointed by the Attorney General and brought under the Department of Justice, will still be the President's man, the President's lawyer and not the people's lawyer.

Whether we like it or not, the President himself may be involved, and at least 50 per cent of the people are reported to suspect that is the case. If, then, the President and his Administration must be investigated, it cannot be done by his own lawyers. No matter how well known, competent and honest the Attorney General and his special counsel may be, when everything is said and done, the conflict of interests in this situation will leave a suspicion of their integrity in the minds of many people.

A man cannot serve two masters. This obvious truth from the Sermon on the Mount has been part of the tradition of the Anglo-Saxon legal system for centuries. It is presently embodied in Canon 5 of the Code of Professional Responsibility which sets forth the principles by which lawyers should be guided in practicing their profession. That Canon specifies that "A lawyer should exercise independent professional judgment on behalf of a client," explaining that "the professional judgment of a lawyer should be exercised within the bounds of the law, solely for the benefit of his client, free of compromising influences and loyalties."

We must conclude that the President's program will not provide the thorough and impartial investigation which the people can reasonably expect. If the President will not take the action that is needed, Congress must move immediately and decisively to exercise its constitutional powers and provide a plan of action which should include the following points:

The President should be authorized and directed to nominate, after consultation with leaders of the national bar, an eminent member of the bar as special counsel to handle all aspects of the Watergate affair.

The individual so nominated should be confirmed by the United States Senate after public hearings on his qualifications.

The special counsel should have the broadest possible powers, including all the powers of the Attorney General, but should in no way, shape or form be part of the Department of Justice or responsible to the Attorney General.

While as a matter of constitutional law it appears that the President must appoint such special counsel, it would be desirable that the President's subsequent contact with that individual be at an absolute minimum until he has completed his mission. At that time it would be appropriate for him, after all prosecutions, if any, have been completed, to submit a final report of his activities to the President.

In addition to reporting to the President, the special counsel should assist the grand jury in preparing a public report of whatever noncriminal misconduct, malfeasance or misfeasance on the part of public officers or employees is uncovered during the course of the grand jury investigation. (Provision for a similar report is made under the Organized Crime Control Act of 1970.) While admittedly Senator Ervin's committee will explore many of these matters, it would surely do well to have the grand jury look into these questions as well.

The activities of special counsel should be adequately funded to enable him to have an effective staff with which to accomplish his task in fullest manner and in the shortest period of time.

So far, as the President has well stated, credit for the disclosure of Watergate should go to one courageous judge and to a devoted and hard-working, albeit much maligned and hampered, press. Now it is Congress' turn. The people of the United States need a lawyer.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES AMENDMENTS OF 1973

Mr. PEARSON. Mr. President, because I was participating in a trade mission in Eastern Europe when the National Foundation on the Arts and the Humanities Amendments of 1973 were under consideration, I was unable to participate in the debate and subsequent vote. Nevertheless, I would like to say a few words at this time on the merits of the legislation and indicate my support for its adoption into law.

The National Foundation on the Arts and the Humanities, created by the Congress in 1965, have encouraged creative expression through the arts and humanities across the country. Not only has the quality of excellence of endowment programs been maintained, but the scope and effectiveness of such programs has been broadened.

The people of Kansas have been especially fortunate to have been the beneficiaries of grants in the form of summer stipends, younger humanist fellowships, assistance programs for museums and orchestras, residencies such as artists-in-schools, and other worthy activities.

Mr. President, the endowment's impact has been felt across the Nation, and I want to express my strong support for the continuation of the foundation. I believe that the funding levels approved by the Senate are appropriate and constitute a sound investment in the cultural well-being of our country. I fully support continued, strong efforts in this area.

AMERICAN LEGION EXPRESSES OPPOSITION TO RATIFICATION OF GENOCIDE CONVENTION

Mr. ERVIN. Mr. President, the American Legion is composed of American men and women who have served their country honorably in World War I, World War II, the Korean war, and the Vietnam conflict. It is the largest organization of its kind in the world, having nearly 4 million members together with the American Legion Auxiliary. For over 50 years, the American Legion has dedicated itself to the promotion of the American way of life at the local, State, regional, and National levels. Its endeavors and contributions in the fields of civil programs, education, health, and youth programs are literally too numerous to recount here.

Recently, the national commander of the American Legion, Mr. Joe L. Matthews, communicated to me his and the Legion's opposition to Senate ratification of the Genocide Convention. In August 1972, at its 54th annual convention in Chicago, the American Legion adopted a resolution expressing disapproval of the Genocide Convention and opposition to ratification.

Mr. President, I ask unanimous consent that Commander Matthew's letter to me concerning the Genocide Convention and the American Legion's Resolution No. 101 on this subject be printed at this point in the RECORD.

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

THE AMERICAN LEGION,
Washington, D.C., April 10, 1973.

Hon. SAM J. ERVIN, Jr.,
U.S. Senate, Russell Senate Office Building, Washington, D.C.

DEAR SENATOR ERVIN: As you know, the Committee on Foreign Relations has favorably reported the Genocide Convention, thus setting the stage for a vote in the Senate.

On behalf of nearly four million American Legionnaires and members of the American Legion Auxiliary, I urge you to oppose ratification of this Convention. The Legion believes it is an unwarranted interference in our domestic legal system which has adequate laws and penalties for the crimes contemplated under the international convention. The Convention is vague, ambiguous and—in the current international atmosphere—incapable of being enforced, as the many examples of recent genocidal warfare in Africa and Asia have amply demonstrated. A treaty that is poorly drafted and ignored, even by its signatories, should not be ratified by this Nation.

For your information, I am enclosing a copy of our current resolution on this subject which expresses more fully the reasons why The American Legion is opposed to ratification of the Genocide Convention.

Very truly yours,

JOE L. MATTHEWS,
National Commander.

FIFTY-FOURTH ANNUAL NATIONAL CONVENTION OF THE AMERICAN LEGION, CHICAGO, ILL., AUGUST 22–24, 1972

Resolution No. 101

Committee: Foreign Relations.

Subject: Genocide Convention.

Whereas, since June 16, 1949, there has been pending before the United States Senate a UN recommended treaty known as the Convention on the Prevention and Punishment of the Crime of Genocide; and

Whereas, the Convention would make genocide a crime against international law and would require the governments of countries which accede to its terms to punish their national for certain enumerated acts, with all disputes relating to the Convention's application and interpretation to be referred to the International Court of Justice; and

Whereas, the U.S. Senate has not given its advice and consent to ratification even though the Convention is considered to be in force among those countries which have become parties to it; and

Whereas, all States of the United States already have laws providing for the punishment of acts, which, regardless of terminology applied, would fall within the Convention's definition of "genocide", and

Whereas, while the U.S.S.R. has commited genocide on "political" grounds, and caused the words "political genocide" to be excised from this Convention; and

Whereas, genocide is defined as not only killing but causing "bodily and mental harm" to a group, or individual members of a group, on the *basis of* nationality, ethnic origin, race or religion; and

Whereas, it would nullify the Connally reservation unless the U.S. insisted upon the appropriate reservation thereto; now, therefore, be it

Resolved, by The American Legion in National Convention assembled in Chicago, Illinois, August 22, 23, 24, 1972, that The American Legion:

1. Deplores acts constituting genocide no matter how or where practiced;

2. Believes there should be no question on the part of other nations—including those which have ratified the Convention and those which have not—of this Nation's dedication to the principles that underline the Convention;

3. Insists that the Government of the United States continue to uphold those principles and to take all steps—consistent with the U.S. Constitution and the division of powers upon which that Constitution is based—to bring about the elimination of the crime of genocide in the world, and to use its influence to cause suitable punishment to be meted out to those who continue such practices in defiance of all the laws of morality and civilization;

4. Opposes U.S. ratification of the original terms of the Genocide Convention; and

5. Does not favor ratification of the Genocide Convention even with the attachment of reservations on the grounds that it is both unnecessary and unwise.

MEDICAID PROGRAM IN NEW MEXICO

Mr. DOMENICI. Mr. President, yesterday my distinguished colleague from New Mexico, Senator MONTOYA, had printed in the RECORD an article which was published in Sunday's Washington Post.

The article focused on the administration of the medicaid program in New Mexico and pointed out that the New Mexico program has become a model for the Nation. I would like to add my praise to this fine program—one in which I have consistently held a strong interest.

And I have special praise for the New Mexicans who have built the program into one that is respected nationwide. They have provided expertise and leadership that is unmatched.

Dr. George Boyden, one of the prime movers behind the New Mexico Foundation for Medical Care, and Dr. Edward Herring, chairman of the review panel subcommittee in New Mexico, are tremendously important to the program. And there are many other physicians as well as administrators who have worked hard to provide quality health care to medicaid patients in our State.

I am pleased that the residents of our State are benefiting from this program, and I hope that the lessons learned in New Mexico can be taught to other States throughout the country.

UTAH STATE LEGISLATURE FAVORS REAP

Mr. MOSS. Mr. President, I ask unanimous consent to place in the RECORD a joint resolution passed by the Utah State Legislature asking the President of the United States to immediately reinstate the rural environmental assistance program.

This resolution outlines the many ways in which the REAP program has assisted Utah farmers, and the lasting benefits it has provided our State. It is an eloquent plea for continuation of the program.

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

H.J. RES. No. 6

A joint resolution of the 40th legislature of the State of Utah requesting the President of the United States to immediately reinstate the rural environmental assistant program

Be it resolved by the Legislature of the State of Utah:

Whereas, by Executive Order, the Rural Environmental Assistance Program has been terminated by the U.S. Department of Agriculture;

Whereas, the Rural Environmental Assistance Program in Utah has assisted farmers in Utah with enduring-type practices to:

(1) Increase water use efficiency;

(2) Improve the efficiency and safety in water conveyance systems to farms;

(3) Control erosion and minimize the runoff from fields; and

(4) Minimize the pollution in streams from sediment, animal waste, and salt;

Whereas, the recent federal and state pollution regulations are placing an increased burden on farmers and the rural people in Utah;

Whereas, the policies of the federal government are aimed at improving the life and giving greater stability to the economy of rural areas; and

Whereas, the control of erosion and the maintenance of a quality water supply is vital to the health and welfare of all the citizens of the state;

Now, therefore, be it resolved, that the 40th Legislature of the State of Utah respectfully request the President of the United States to immediately reinstate the Rural Environmental Assistance Program, with adequate funding to carry out the objectives and purposes of the program, which past experience has proven to be of vital importance and benefit to all the people of the State of Utah.

Be it further resolved, that the Secretary of State send copies of this joint resolution to the President of the United States, the Secretary of Agriculture and to each member of the congressional delegation from the State of Utah.

ISRAEL'S 25TH BIRTHDAY ANNIVERSARY

Mr. DOMENICI. Mr. President, although I was in my home State on the date of Israel's anniversary, I do not want to miss the opportunity to congratulate her on her 25th birthday. And I am pleased to see that the United States is taking special notice of the occasion. I believe we should, indeed, share in the joyous celebration that marks the birth of this democratic country that has risen to world prominence in its short history.

Israel and the United States have much in common. Both are strong and prosperous nations; both seek peace at home and in the world. And both are unified in their diversity. This country was born a nation composed of citizens from many countries with diverse backgrounds and cultural heritages. So was Israel.

And this country was founded giving each citizen a chance to have a good life with equal opportunity for all. Israel was, too.

Both countries are having troubles—especially the plague of spiraling inflation.

Mr. President, I believe we are proud of Israel and her successes as we are proud of the United States of America and her successes. Together, I believe we can continue to grow and prosper and together we can strive to make our countries truly live up to the democratic ideal we both cherish.

DR. ELMO STEVENSON—A PERSON WHOSE INFLUENCE WILL BE MISSED

Mr. HATFIELD. Mr. President, a man long identified with higher education in Oregon, Dr. Elmo N. Stevenson, died suddenly last month. As Governor, I worked closely with Dr. Stevenson, whose identification with Southern Oregon College, helped that school grow and prosper. I valued not only his advice on matters of education, but also his friendship.

I ask unanimous consent that a news article sorting out some background about his life, as well as an editorial from the Ashland, Oregon "Daily Tidings" of April 23, appear in the RECORD.

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

ELMO STEVENSON, SOC EMERITUS PRESIDENT, DIES

ASHLAND.—Dr. Elmo Nail Stevenson, 69, president emeritus of Southern Oregon College, died unexpectedly at his home, 969 S. Nevada St., Ashland, Friday evening. Cremation services were held yesterday morning with Litwiller Funeral Chapel in charge.

A memorial service will be held with the date awaiting word from his son Kenneth Stevenson, in Adelaide, South Australia. Dr. Stevenson also is survived by his wife, the former Caroline Miles, and two daughters, Mrs. Raymond L. Loche, Ashland, and Miss Rosemary Stevenson, Culver City, Calif.

SOC PRESIDENCY

Dr. Stevenson served as president of Southern Oregon College from 1946 until his

retirement in 1969. Prior to that he had served as a professor of science education and coordinator of personnel at Oregon State College. He received his Bachelor of Science degree in 1927, his Master of Arts in 1929 and took his Doctorate in Science Education from Stanford University in 1938. He was a native of Yuba City, Calif.

Dr. Stevenson was a member of a number of educational honor societies, and was active in community service and available as a speaker at civic events. Since retirement, he served as chief administrator of Rogue Valley Council on Aging. He was a contributor to numerous magazines and author of several books on natural history.

He retained an interest in Southern Oregon College and was a member of the Southern Oregon College Foundation.

College President James K. Sours, who succeeded Dr. Stevenson, said Saturday morning, "Certainly Dr. Stevenson's death is a great and sudden loss to our community. Probably no other person has had more influence on more lives in the entire history of Southern Oregon than he did. Certainly Southern Oregon College would not be what it is today if he had not performed so well as its president. His death is not only an institutional loss, but a personal loss to me and others at Southern Oregon College."

The family has suggested that donations in Dr. Stevenson's memory may be made to the college.

WE'RE GRATEFUL FOR ELMO STEVENSON'S LIFE

They call some people "boosters," and the meaning of the term is clear.

Many things might be said of Elmo N. Stevenson, who died Friday. One of the things that can be said is that he was a booster.

The list of his affiliations and associations during his adult life is long. It is testimony to Dr. Stevenson's life-long dedication to the betterment of man and the conservation of nature.

Above all, Dr. Stevenson's dedication was spent on Southern Oregon College, the institution he guided through a period of 23 years. During that period the school changed from a provincial academy to a top-notch liberal arts college with an important place in the higher education program of Oregon.

Testimony from long-time faculty members and officials of the state system of higher education confirmed that much of the college's development was due to the efforts of its president. It's doubtful whether the college would have advanced as it did without Stevenson constantly prodding and badgering the higher-ups for needed programs and facilities.

It's hard to imagine a scholar and academic who had less of an ivory-tower image than Stevenson. He was a man who helped shape the community, a man who took part in service club affairs, the programs of the business community and the efforts of agencies like the United Fund and the Red Cross.

In 1969 Stevenson retired as college president. Since then he became a widely known spokesman for the interests of retired people, even though he himself was hardly "retired" in the sense that he had nothing to do.

Countless people join his family today in mourning Elmo Stevenson's death. But we are also profoundly grateful for what he gave us during his lifetime.

THE HARD HAT VIEW

Mr. HUMPHREY. Mr. President, Edward J. Carlough, president of the Sheet Metal Workers International Association, AFL–CIO wrote an eloquent article clearly showing the unfairness and inequities that have accompanied the Nixon administration economic policies.

The long and the short of it all is this: The taxpayer, the taxpaying consumer, the average working man and woman, the working people of this country end up paying the price of Mr. Nixon's economic program.

Whether in profits or tax loopholes or housing cost or interest rates or dividend cashing or coupon clipping, the average working family is simply cut out. And, the wealthy, the giant corporations, and the privileged few are cut in.

Noted Mr. Carlough:

President Nixon's Phase 3 has become, in the title of a best-selling novel, the Day of the Jackal, and the guy in overalls is the prey.

I might not agree with all of Mr. Carlough's prescriptions for ending inflation. But I agree entirely with his theme: There is no joy in Nixon Land for Mr. and Mrs. Worker.

Mr. President, I ask unanimous consent that the article from the New York Times, "The Hard Hat View," be printed in the RECORD.

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

THE HARD HAT VIEW

(By Edward J. Carlough)

WASHINGTON.—The working people of this country are being swindled down to their socks by a political Administration that's either too ignorant to understand or just doesn't give a damn. Despite President Nixon's professed admiration for the "hard hats," we need more than a "hard hat" to help us. We need a full suit of armor to protect us from the economic body blows of this Administration.

Item—A magazine has disclosed that the 880 biggest companies in the United States last year made profits—after taxes—of $52.6 billion, an all-time record. This was in a year when the guy in overalls had his wages frozen part of the year, and controlled the rest of the year.

Item—During the period January, 1971 to January, 1973, over-all lumber prices rose by 56 per cent in this country. This rise in lumber prices alone has added $1,200 to the site cost of a $28,000 home during the last two years. During this entire period, of course, the wages of construction workers who build these houses have been controlled.

Item—During the period Jan. 1, 1972 to Dec. 31, 1972, profits of building material suppliers rose by an overall rate of 31 per cent.

Item—Recently, several leading banks announced a .5 per cent rise in their prime interest rate, further squeezing the ability of working people to buy the necessities of life on credit.

President Nixon's Phase 3 has become, in the title of a best-selling novel, The Day of the Jackal, and the guy in overalls is the prey. And the biggest jackal of them all is the food industry.

When President Nixon went on national television to announce a freeze on beef, lamb and pork prices, excluding sales of live cattle, I got the feeling he thinks a lot of the rest of us are what the Secretary of Agriculture called "damn fools."

First, he didn't roll back meat prices, he froze them—and at their highest levels in twenty years. Second, his action left untouched live cattle prices, and the morning after the President's speech the Agriculture Department announced that live cattle prices rose another 9 per cent the previous thirty days. Third, he took no action whatsoever on any other food prices, nothing on interest rates, nothing on rent, nothing on lumber or home prices, nothing on soaring medical costs.

Earl Butz calls us "damn fools" and his boss, Richard Nixon, advises us to eat fish. When the French peasants protested about the price of bread in the 18th Century, Marie Antoinette told them to eat cake. Two hundred years later we get a guy in our country who tells us to eat fish. That's what it's all about. To this Administration we're a bunch of peasants.

We so-called great and powerful American trade unionists have become a tray of cream puffs. We're being gouged by the price fixers and clobbered by the tax collectors, while all the time our unemployment rate continues at over 5 per cent nationally, and over 10 per cent for construction workers. We're so puffed up and polite with our middle-class status—we great "silent majority"—that the jackals are eating us alive.

It's time to *remember* where we came from. It's time to remember again what militant trade unionism is all about. It's time to start marching to the sound of a different drummer—that old drummer who screamed and scratched and got us where we are. It's time to begin being ourselves again.

Our position is straightforward. It's the same one we've had since controls began in the construction industry in early 1971. We'll support controls that are fair and equitable to all; we won't buy a straitjacket for our members' wages while price jackals roam the countryside. We're asking for an immediate freeze—*and rollback*—on food, rent, medical prices and interest rates, and effective price control on all the other necessities of life.

And we won't accept any "eat fish" answers. The next thing you know they'll tell us to go barefooted to protest rising shoe prices. What are we supposed to do when the price of our pants goes up? Get arrested?

If all of this doesn't work, maybe we'll just throw a picket line around the White House and start Phase 4.

HATFIELD TESTIMONY OPPOSING APPROPRIATIONS FOR THE SELECTIVE SERVICE

Mr. HATFIELD. Mr. President, recently, I testified before the Senate Appropriations Subcommittee on HUD, Space, and Veterans against the requested $55-million appropriation for the Selective Service System. Particularly when the Congress must hold down Federal spending and eliminate waste in the budget, I can seen no reason whatsoever for continued funding of a bureaucracy that has outlived its proper function. I ask unanimous consent that my testimony before the subcommittee appear at this point in the RECORD.

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

HEARINGS ON APPROPRIATION FOR THE SELECTIVE SERVICE SYSTEM BEFORE THE SENATE APPROPRIATIONS SUBCOMMITTEE ON HUD, SPACE, AND VETERANS

Mr. HATFIELD. I wish to thank you and the members of your subcommittee for allowing me to testify before you today.

Mr. Chairman, we are considering in these hearings a $55 million request by the Administration for the Selective Service System. After a review of this proposal, Mr. Chairman, I can see no strategic, economic, political or moral justification for this expenditure.

The Administration has indicated that an extension of the President's authority to induct men into the Armed Forces will not be requested, which is consistent with the President's stated goal during his 1968 cam-

paign to create an all-volunteer military. It has further indicated that due to the nature of modern warfare we need only to have strategic stockpiles sufficient for one year—anticipating that any major war would not last that long. This should also, then, be the case for military manpower. In this situation the draft would be virtually useless regardless of whether or not we had a standby draft.

Historically, and understandably, the National Guard and Reserves have been our second line of defense after the active duty forces. They have been the immediate source of additional combat and support personnel in any wartime situation when men were quickly needed. The draft by its very nature cannot rapidly supply the manpower necessary for a large-scale war. This is because a draftee needs to be trained, which under present conditions requires five to six months for basic infantry jobs and up to 18 months for more sophisticated roles.

Under the present realities of technological warfare, the only contingency, in which we would need large numbers of men, and thus necessitate a draft, would be if another Vietnam or series of Vietnam-like wars occurred. And assuming that the nation were supportive of such a policy a draft set up at the time of the conflict could more than adequately help meet our manpower needs. Wars of this nature grow slowly; we do not suddenly need thousands of men more one day than we did the previous day. Even at the beginning of World War II, when we could see our involvement increasing, it took two months and two days (September 16, 1940, to November 18, 1940) to sign the law and induct the first men. In 1948, after the passage of the Selective Service Act of that year, when intricate plans had been made by General Lewis B. Hershey and his staff beforehand, it took a little over five months from June 24, 1948, to November, 1948, to sign the legislation into law and induct the first men. In other words even with the equivalent of a standby draft it took the Administration in 1948 five months to induct the first man into the Armed Forces, after the President signed the law into effect. It might well be that with modern technology we could move more quickly, but the fact remains that irrespective of how rapidly we might be able to get a man from his home to the induction station he would still have to be trained and transported to the strategic location where he was needed. Consequently, the existence of a standby draft, however defined, would make little if any difference.

In other words, Mr. Chairman, we are being asked to appropriate $55 million to register 2 million men a year for no constructive purpose whatsoever. In spite of the fact that this dollar figure represents a cut of one-third of the Selective Service System's previous budget, I can see no strategic need for it, let alone any potential economies involved. At a time when we should be cutting away needless expenditures which are compounding our inflationary problems, the $55 million, as well as the innumerable indirect costs, requested for the Selective Service System should be a prime candidate for elimination.

The situation with which we are presented is an excellent example of a bureaucracy continuing of its own momentum after the purpose for its existence has vanished. It is my understanding that the Administration is considering recommending further cutbacks if not the abolition of the Selective Service System next year. I see no reason why we should not move that date back one year.

Mr. Chairman, it is the Constitutional responsibility of the Congress to raise the Armies and control the Budget. We have an excellent opportunity to exercise both of those responsibilities in the budget request before us. The existence of the draft too easily allowed us to slip into Vietnam and Southeast Asia without the fullest consideration of its implications. The Congress abdicated its Constitutional responsibilities by creating a peacetime draft and consequently gave up any effective role in declaring war.

Mr. Chairman, the draft is the most severe form of deprivation of liberty that can be exacted by any government agency outside the criminal justice system. Before the Congress makes any move to compromise the individual citizen, we should make most certain that the move is well justified. There has been no attempted justification for such an action except for the allegation that it has been mandated by Congress. While there is some disagreement over this point the easiest way to eliminate the contention would be to abolish the Selective Service System.

Mr. Chairman, there is no strategic, economic, political, or moral justification for the continued existence of a military draft mechanism. I therefore urge strongly your subcommittee to reject the Administration's request for the $55 million appropriation.

PEACEFUL USES OF THE SEABED AND THE OCEAN FLOOR

Mr. MAGNUSON. Mr. President, as many of my colleagues know, I have long been interested in matters pertaining to the ocean, since I serve as chairman of the Senate Commerce Committee which has jurisdiction over a number of ocean-related legislative matters, and since the State of Washington borders the ocean and has one of the most important seaports in the United States. Not only is the ocean of importance to my State, but the freedoms of the sea are important to our Nation not only for its great maritime industry, but for its defense posture, and fishing industry as well.

Representatives of our Government are now engaged in preparing for a new Conference on the Law of the Sea. The last Conference was held in 1960 and a previous one was held in 1958. I was active in formulating U.S. policy for both of those Conferences and I served as a congressional adviser to the U.S. delegation for the most recent session preparatory to the new Conference which has just ended in New York. The Conference itself is now scheduled to begin near the end of 1973 and continue on through 1974. Hopefully, the U.S. objectives of maintaining wide freedoms of the sea while providing greater protection for our coastal fisheries will become a reality as a result of this Conference. In addition to my interest in maritime and fisheries matters, I come from a State with a great university, the University of Washington, which has been a leader in carrying out ocean research in all parts of the world. Our fisheries school is known throughout the world and citizens of many countries come to study there and use its fine facilities.

One of the things that I have been interested in throughout my career in Congress is the need for a strong ocean research program by this Nation. I think it has brought us the lead in technology and once gave us the lead in fishing. Unfortunately, we have fallen behind, and to some extent this has been caused by the lack of adequate resources for oceanographic research. I was particularly pleased by a recent statement made by Dr. Philip Handler, a distinguished President of the National Academy of Sciences of the United States, before the Seabed Committee in New York on March 29, 1973. This distinguished scientist clearly stated before the 91 members of the Seabed Committee the importance to all mankind of strong and independent ocean research programs. I ask unanimous consent, Mr. President, to print this outstanding statement in the RECORD, and I hope that every Member of the Senate will read the arguments Dr. Handler makes for a strong ocean research program for this Nation.

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

STATEMENT BY DR. PHILIP HANDLER, PRESIDENT, NATIONAL ACADEMY OF SCIENCES OF THE UNITED STATES OF AMERICA, BEFORE SUBCOMMITTEE III, ON THE PEACEFUL USES OF THE SEA-BED AND THE OCEAN FLOOR, MARCH 29, 1973

Mr. Chairman, I am deeply honored to appear before this Committee to present my views regarding the issue of promoting scientific research at sea and its value to mankind.

I am the President of the National Academy of Sciences of the U.S.A. The Academy is a private organization which was brought into being by the Congress of the United States in 1863 at the request of President Lincoln to provide to our government, when required, objective advice on scientific and technical matters from the most highly qualified scientists in our country. Election to membership is one of the highest distinctions that can come to an American scientist. I am the President elected by that body.

It is through the Academy that the United States adheres to each of the international scientific unions and to the International Council of Scientific Unions. Academy committees also play a leading role in United States participation in such international cooperative ventures as the International Biological Program, the International Geophysical Year, the International Decade of Oceanic Exploration, and the Global Atmospheric Research Program. It is also through the Academy that the United States participates in such institutions as the International Institute of Applied Systems Analysis, the International Centre of Insect Physiology and Ecology and the newly founded International Foundation for Science. Our Academy arranges the programs of exchange of scientists between the United States and other nations and we also engage in a modest program of technical assistance by cooperation with appropriate bodies in various nations.

We operate the non-governmental National Research Council which, through more than 500 committees on which serve more than 8,000 scientists, engineers, physicians and others, provides advice to our government on matters as diverse and variously significant as the nutritional requirements of humans and of domestic animals, the safety and efficacy of drugs, the construction of highways, the design of new cities, earthquake detection, environmental problems and the uses of computers as well as the magnitude and forms of support necessary to assure the vitality of the American scientific enterprise. Indeed, the present vitality of American oceanography finds its origins in a key report on the importance of oceanography submitted by the Academy to our government in 1965. Our concern with the oceans is focused in our Ocean Affairs Board of which Dr. Robert Morse is Chairman, but numerous other committees of NAS/NRC are also concerned with the many aspects of the ocean. It is the views of this distinguished

body of ocean scientists which are blended with mine in the statement I share with you today.

I come before you, then, with two obvious biases. As a scientist myself, I am committed to further the growth of scientific understanding and thus I look with favor on all those measures which would enhance the effectiveness of scientific pursuits anywhere in the world. Second, my own nation conducts an active, exciting oceanographic program, and I hope that this program will continue to flourish. Hence, my plea today is for international arrangements which will facilitate, rather than impede, the conduct of science at sea by all scientists, regardless of nationality.

The study of the oceans is relatively new. Last year the scientific community celebrated the centenary of the Challenger Expedition. The three year cruise of the English research vessel *Challenger*, sponsored by the Royal Society of London, is generally acknowledged as the beginning of modern oceanography. From that beginning, there is now a worldwide community of scientists working individually, and collectively, on understanding the ocean. They work in many ways. Some scientists spend years at sea on ships, measuring, collecting and sampling. Others collect their data from instruments floating on the surface suspended on buoys, or placed on the ocean floor. Most marine scientists are employed by universities or government supported laboratories dedicated to understanding the ocean. Some work individually on smaller projects of their own choosing. Others cooperate in multi-ship, multi-institutional, international programs. All are dedicated to gathering greater understanding of that 70 percent of the world which is ocean.

In the century between first finding life in the ocean depths and the recent spectacular evidence of seafloor spreading, marine scientists have described—and partially explained—the major ocean currents, they have made some progress in understanding why the ocean has its present salt content, have begun slowly to unravel the great complex of plant and animal interrelationships within the ocean, and have revolutionized our concepts of the history of the planet.

Some of the discoveries of ocean science are simple and seem rather self-evident. Others are complex, and very difficult to interpret. Some of the discoveries of the ocean have had important economic consequences. Other discoveries may yet have applications as yet unanticipated, for example. The manganese nodules of the seafloor were actually discovered on that first Challenger Expedition, but as is evident from that simple instance, discovery, in itself, did not lead to immediate exploitation. Science does, indeed, contribute to technological and economic development, and scientific understanding is our most powerful instrument for improving the condition of man everywhere, but the goal of science itself is to understand the world in which we live.

Although there are still relatively few marine scientists, their number is increasing. The number of countries with research vessels that operate far from their home shores is also limited but steadily growing. At the time of the Challenger Expedition, less than ten countries had scientists actively studying the ocean. Today, there are more than 30 nations associated with the Scientific Committee on Oceanic Research of the International Council Scientific Unions and 73 nations are members of the Intergovernmental Oceanographic Commission.

Although much ocean science is still based on the work of individual scientists or of small groups working from a single research vessel, much of today's ocean science is conducted as coordinated multiple ship and multiple nation efforts. Regional programs in such areas as the Baltic, North Sea and Mediterranean have existed for years. The first global international ocean study was carried out as one of the major programs of the International Geophysical Year of 1958–59. This international concentration of attention was followed by the International Indian Ocean Expedition of 1960–65. Since then the number of international coordinated programs have continued to grow in number and complexity, currently culminating in the International Decade of Ocean Exploration, a program for the 1970's. The information and understanding so gained by the world's community of ocean scientists immediately becomes part of the common wealth of mankind, much as is the sea itself. It cannot be in the common interest to limit this enterprise to the ocean deeps when so much of what we seek to understand can only be learned in the region of the continental shelves.

The challenge, then, is to ensure, through appropriate treaty agreement, that the realization of the commonly accepted goals of scientific research at sea be facilitated—not hindered.

Since the world community commenced these most recent deliberations to revise the law of the sea, in an effort to make that body of law more responsive to contemporary human needs, a confusing, complex set of conflicting proposals has been presented which this body must resolve in our common interest. The scientific community is deeply disturbed by the suggestion of some nations that scientific research at sea be subjected to the exclusive control of a coastal state, not only in the confines of its territorial sea, but also in maritime zones beyond. Presumably, one purpose of such control in these zones would be to regulate the possibility of exploitation of offshore living and non-living resources in the interest of the economic well-being of the coastal states, and to assure that foreign research vessels will not acquire unshared information previously unkown about nearby ocean areas.

In the course of your deliberations, some countries, including the United States, have argued that the traditional freedom of science should be retained in all of the ocean beyond narrowly defined limits of national jurisdiction, whereas other nations have suggested that the proposed international seabed authority should regulate research in the entire area of its jurisdiction.

The contending interests in these negotiations, however, can be as meaningfully classified by function as by nationality. As the uses of the oceans multiply, interest groups are developing which cut across political boundaries. Fishing, oil and mining interests, conservationists, ship owners, as well as governments must be heard and be accommodated in the search for the optimum benefit of all mankind. The variety of competing interests indicates the difficulty of the task that confronts you.

The linkages between basic research and economic payoff are complex and uncertain. But some connection obviously does exist, and to the extent that it does, the apprehension that basic research may, if only by accident, lead to exploitation is not groundless. But is it not our task to learn from history? The challenge is to assure equitable use of resources, not to minimize the possibility of their discovery. Scientific oceanography is not a hunt for commercially valuable resources although all of us may hope that such will occasionally be encountered. Arrangements can be made whereby the nearest coastal state can be fully informed of such developments as they occur—if indeed they do occur. I shall speak to these arrangements shortly.

The equipment required for oceanographic research may, albeit quite needlessly, seem to pose another potential source of misunderstanding. Many of you have visited one of the modern research ships now operating throughout the world. I hope that all delegates and staff will find it possible to accept the invitation to visit on board the Research Vessel Knorr of the Woods Hole Oceanographic Institution when it stops in New York City next week. It will just be completing a nine-month cruise as part of the International Decade of Ocean Exploration. But some may gain the impression from this unusually well-equipped ship that oceanography is an activity available only to the richer nations. This is far from true. Much fine research will continue to be done by smaller vessels with similar equipment. And qualified scientists from all nations can find opportunity to utilize the more elaborate facilities of others, including the Knorr. I can also hope that many of you will take a few moments to visit the exhibit; here at the U.N., describing the Deep Sea Drilling Program. Although an initiative of U.S. scientists, this highly successful research program has become truly international. However, confronted with these technical marvels the non-scientists may wonder whether it is possible to verify that all that equipment is really intended for the uses described. This is a concern readily demonstrated to be groundless and again, the arrangements the Academy has proposed should alleviate any such concerns.

These factors—the desire to protect potential resources, and the technical nature of oceanography itself touched, perhaps with the natural pride of every nation, sometimes understandably tinged with bitter recollections of a colonial past—combine to influence the attitudes of those who would tend to regulate scientific activities at sea.

The traditional concept of freedom of the seas is in complete harmony with the new and expanding uses of the sea. Science, like many other activities, must also be measured by the contributions it can make to the future benefit of mankind. And I oppose restrictions on the *conduct* of research in the oceans precisely because I believe such restrictions do not serve our happier visions of the future of man.

To understand that position, let us consider the attitudes of those who wish to maintain maximum freedom to conduct scientific research within broad areas of ocean space. The effort to understand the natural world is one of the noblest pursuits of the human mind. Free intellectual inquiry about the oceans should be encouraged not only because of its importance in understanding our world but also because of its importance to the human spirit. Recent studies of the ocean seabed have led to revolutionary new concepts of the history of the earth. Present studies of ocean circulation not only expand our understanding but may lead in the future to better understanding and prediction of climatic fluctuations. Many biologists are convinced that the clues to unravelling the complex puzzle of species development and differentiation are to be found in a study of oceanic life.

To be sure, the *society* which allocates some of its resources to the support and conduct of ocean science hopes that the knowledge obtained will contribute to more than just intellectual and spiritual growth. And *some* of the information of marine science *may* eventually become of some economic significance. For example, earlier in this session, Dr. Albers indicated how new ideas about sea floor spreading and continental drift (subsumed under the theory of plate tectonics) may lead to better understanding of the distribution of metal-rich ores as well as of the processes that engender such phenomena as earthquakes and volcanic eruptions. However, it cannot be emphasized too strongly that the primary purpose of marine geologists in pursuing such work is to fulfill a serious commitment to better understanding of the recent geological history of the earth. It is others who

must consider whether the research findings have economic value. And the mode of assurance of the equitable use of those findings is a clearly separable question for your consideration.

There is also the risk—I cannot estimate its magnitude—that close regulation of scientific oceanography will have the classical consequence of stifling scientific creativity. Certainly, this rare human attribute has never flourished under rigid bureaucratic management. I urge that, even in the face of the understandable political pressures for regulation, you do not unduly attempt to minimize scientific creativity by agreement to intrinsically unnecessary controls and regulations.

To be sure, regulations would not mean the end of oceanography. Research will continue, but, the more it is subject to controls, the greater the danger that it will become second class research. Progress will be slower, research will be more expensive and new avenues of inquiry will not be pursued.

By directing science toward short term goals, we may lose the unique scholar driven only by his own curiosity, who has been responsible for so many of the great scientific discoveries of the past. I submit that mankind cannot afford such a loss.

We need science to help in the quest for finding and developing new resources and we need science to improve management of known resources. Worldwide harvesting of the living resources of the sea continues to increase, but soon must reach a "steady state," when we may no longer dare to increase our catches for fear of depleting the stocks. In many parts of the world the size of the fish catch may already have reached that state. Few scientists believe that present understanding of the complex ecological relationships in the sea is sufficient to assure rational management schemes for these fisheries. Yet, the nations of the world, collectively, are now faced with the necessity of managing the living resources of the oceans. If this is to be successful, much, much more scientific knowledge about these problems is required, and this knowledge cannot be obtained by directed research alone.

Consequences of pollution are now evident in estuaries, bays, and coastal areas. Although most oceanographers who have studied this problem are satisfied that there is no immediate threat to man or to nature from ocean pollution—except in certain limited coastal areas—many are concerned for the future. Because the ocean environment is relatively uniform, some scientists consider that a relatively low level of pollution might disturb the present ecological balance in the deep ocean, as compared with estuaries or coastal waters where conditions have always been more variable and the living forms more adaptable. It is vitally important that ocean pollution levels be closely monitored, and that scientists learn more about the level of stress that oceanic plants and animals can sustain. Such knowledge is critical to understanding the effects of ocean pollution on marine life and on man himself. Establishment of artificial boundaries which prevent or impede such studies cannot be considered to be genuinely in the interest of humanity.

Many ocean phenomena are global in scope and do not respect political boundaries. The "Benguela Current" runs within 200 miles of most of the countries of West Africa. The "Peru Current" is found off the coast of Ecuador and Chile as well as that of Peru. Some of the most exciting science programs planned for the next decade are directed to the study of the large scale processes by which the ocean and atmosphere are coupled. In ways only dimly perceived at present, it appears that small changes in the average ocean circulation pattern cause significant changes in world weather patterns. To study adequately these large scale ocean-atmosphere interactions requires an observational program that is truly global in scope and not hampered by unwise restrictions.

Progress in the science of meteorology has contributed to ever better short-term weather forecasting. One can hope that, in the future, additional knowledge and understanding of air-sea interactions will contribute to more accurate forecasting of large storms. Other geophysical studies in the ocean may permit understanding and perhaps prediction of such phenomena as storm surges of the type that resulted in the tragic death of thousands in Bangladesh in 1971, or the earthquake generated tsunami which, in the past, have devastated the coasts of Japan, Chile, Portugal, Alaska and Hawaii, among others.

Thus far the oceanographer has been fortunate not to have been unduly encumbered in the awesome task of probing the dark, still depths of the oceans. The impressive advances, to date, in the understanding of our marine world have been made possible, in no small part, by the freedom oceanographers have enjoyed to explore the oceans beyond narrow national limits.

This returns us to whether we can afford any reduction in the quantity or quality of ocean research. I think not. The world has embarked on a course from which there is no turning back. Poets may yearn for simpler days, for seemingly better times. And all of us may, at times, wonder if the material benefits generated by science and technology are worth the cost. The brute fact is that even if science and technology have been important contributors to some of our current troubles, only science and technology can provide acceptable solutions. No matter what the price of industrial development, there seems little chance in this era that any country will voluntarily restrain its economic growth and no one could seriously so propose for those nations of lower per capita income. Hence, the pressing need for all possible scientific understanding for the mutual benefit of all.

Accordingly, I call on scientists of all nations to work together to allay the fears of those who have been led to mistrust the purposes of consequences of unrestricted ocean science. A year ago, the Academy which I head, exercising its traditional independence, proposed to other Academies of Science around the world that all recognize the distinction between open scientific research and what we call "limited commerical exploration."

While there may be other equally valid ways of expressing this distinction, we proposed the following:

By open research is meant that which is intended for the benefit of all mankind and is characterized by prompt availability and full publications of results. It is directed at improved understanding of the planet, not at searching the sea floor for exploitable resources. It is protection of such open scientific research which is my concern today.

Limited exploration, as we use that term, is that which is intended for the economic benefit of a limited group, as evidenced by restrictions on publication and on the availability of data and samples.

The Academy also recommended to other Academies and today urges that international arrangements permit and encourage open research in the area of the territorial sea and we believe that the following provisos offer adequate assurance to the interests of coastal states. These provisos are that the coastal state shall:

(1) be given reasonable advance notice, a period of 60 days normally being adequate.

(2) have the opportunity to participate or be represented in the research and have access to all equipment, compartments and instruments aboard the research vessel.

(3) have the right to receive copies of all data on request, and the right of access, for study, to all samples which it is not feasible to duplicate.

(4) be assured that significant research results will be published in the open scientific literature; and

(5) be assured that these scientific activities will present no hazard to the resources or uses of the sea or seabed.

We believe that basic research cannot flourish in a regulated environment and we think that it must flourish if the contribution of science to the benefit of mankind is to continue to be truly meaningful. Accordingly, we urge that the new regime which you are engaged in constructing impose no restrictions on basic research beyond the territorial seas.

Admittedly, there is no foolproof system for differentiating between these two proposed categories of marine activity and no set of definitions will be interpreted uniformly by all. But our community interests demand that in this small decree we risk trusting one another.

Although the results of science can have technological and economic consequences, there is a major difference between the amount and kind of information required to study oceanic phenomena for increased understanding and the amount and kind of information required by those specialized investigations which lead to resource exploitation. Dr. Knauss described this difference in a presentation to this group last summer in Geneva. Further, the route from understanding to exploitation is unpredictable, at times nonexistent, and usually long and uncertain. Although the application of understanding to practical problems is more rapid now than in the past, most of the applications that we can foresee in the oceans are still far in the future. For these several reasons not only can a coastal state be certain whether it is scientific inquiry, or commercial exploration which is underway at any given time, the provisos stated earlier should also reassure that the national interests of the coastal state are being safeguarded when open research is conducted in territorial waters.

In conclusion, let me emphasize that I appreciate how much work and understanding is needed in order to affirm the goals I have set forth and to negotiate procedures which will permit achievement of these goals. There may seem to be risk in accepting the degree of mutual trust and cooperation I am urging. But it is my belief that the small risk taken in the process of fostering trust amongst us is far less hazardous than that entailed in institutionalizing unwise regulations.

Happily, the vast stretches of the ocean are available in which to start a new experiment in the political behavior of mankind. International cooperation has not been the principal characteristic of most historical agreements and treaties concerning the land portion of the earth—except for the noble example of Antarctica. But it can and must be the basis of man's use and enjoyment of the oceans. Let us investigate the oceans together and let us promote the resultant knowledge as rapidly and in as many ways as possible for the benefit of all men, everywhere. In so doing, we may yet fulfill man's highest aspirations for the world ocean.

Thank you, Mr. Chairman.

EDITORIAL SUPPORT FOR REPEAL OF DRAFT PROPOSALS

Mr. HATFIELD. Mr. President, on February 7, I introduced two joint resolutions pertaining to the abolition of the Selective Service System. Since that time, I am pleased to say, Senators PROXMIRE, CRANSTON, STEVENSON, HUGHES, GRAVEL, and ABOUREZK have joined me as cosponsors of Senate Joint

Resolution 54, which repeals the Military Selective Service Act and thus dismantles the Selective Service System.

Since the introduction of my legislation, there has been considerable controversy and misunderstanding about the necessity of continuing the Selective Service System on a standby basis beyond July 1, 1973. A recent editorial from the Oregonian of Portland, Oreg., cogently argues the reasons for the abolition of the Selective Service System. I ask unanimous consent that this editorial be printed in the RECORD.

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

DRAFT MARKS TIME

Most Americans probably believe the Selective Service System will come to an end at mid-year. But that is not quite the case. The only provision of the Selective Service Act that will expire June 30 will be that giving authority to the government to induct young men into the armed forces. The stinger will be extracted, but otherwise the system will continue to operate much as it has in the past.

Men turning 18 will be required to register. Each year there will be a drawing to determine priority of induction. The membership and number of draft boards will remain the same. So will the appeals boards and the Selective Service headquarters in each state.

"We visualize a full range of activities," the acting director of the national Selective Service System, Byron V. Pepitone, has informed members of Congress. The purpose, he says, is to maintain "an active standby organization" capable of immediate action in an emergency.

It will be pretty expensive for Selective Service just to go through the motions. Its proposed budget for the fiscal year beginning July 1 is $55 million, as compared to $83.5 million this year. Its paid employes will be reduced from 7,403 (last November) to 4,340 by the end of this calendar year. Draft boards will remain the same in personnel (unpaid) but will be encouraged to combine their facilities. The goal is to reduce administrative draft locations from the present 2,700 to a total of 925.

This is quite a housekeeping detachment to keep the breath of life in a government service which has no end product whatever. Granted that it will be necessary to have some organization for the custody of draft records and facilities on a stand-by basis, this appears to be overdoing it. We fail to see the benefit, if any, in continuing to register, classify and give priority numbers to men who, in all probability, will never be inducted.

The intention of the Administration and of Congress is to depend on an all-volunteer military force. It may not work. Enlistments could languish despite new incentive pay. But experience thus far is that recruiting figures are adequate.

In any case, emergency military mobilization could not depend on young inductees without any training whatever. It would depend on the regular armed forces and on the National Guard and Reserves, as it has in the past. It should not take long to throw draft machinery back into gear if needed. It should not require a $55 million-a-year charade to keep the system itself on standby.

MILITARY SERVANT PROGRAM ANALYZED BY BALTIMORE SUN

Mr. PROXMIRE. Mr. President, the Baltimore Sun magazine has recently published an excellent article on the practice of using enlisted men as personal servants to high ranking officers.

The author of this article, Frederic Kelly, took the trouble to go to the Army's Enlisted Aides School at Fort Lee, Va., where enlisted men are trained as servants. His story is accompanied by several photographs which graphically demonstrate just how absurd this practice has become.

The author notes how the training these enlisted men receive actually consists of a long series of activities directly related to the skills of a domestic servant. He correctly points out the costs associated with the program.

One of the most interesting observations of Mr. Kelly comes with his treatment at Fort Lee. Apparently out of concern that enlisted men might say something embarrassing, Mr. Kelly was escorted by a colonel who went along "in case his men made false statements." The author also makes the observation that the colonel in charge, a major, a master sergeant and an information specialist, did not seem "to have anything more important to do than walk around the school with a reporter-photographer team."

FILM SHOWN OF FOOD SPECIALTIES

Mr. Kelly was treated to a dizzying slide reviewing the products of Fort Lee training including a prize-winning crown roast stuffed with wild rice, a cake decorated with the Michigan State seal, a cake supported by champagne glasses, a graceful swan carved out of ice, and the specialty of the house, six lobsters pulling a chariot carved from a watermelon.

He sat in on some of the lectures being given the enlisted men: the lecture on the pros and cons of garlic and onions as sandwich ingredients and talks on flower arranging, ice carving, bartending, and telephone courtesy.

Mr. President it almost has to be seen to be believed. I thank Mr. Kelly for bringing it to our attention. It is almost unbelievable that this pampering of the brass could be allowed to go on in this country. We are not an 18th-century aristocracy. Why should we continue to cater to the every whim of our officer class. They make more than enough to pay for their own servants if they want them.

Mr. President, I ask unanimous consent that the Baltimore Sun magazine's article by Frederic Kelly be printed in the RECORD so that others may profit by its reading.

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

AS A GENERAL'S AIDE, YOU MAY LEARN FLOWER ARRANGING, GOURMET COOKING, CAKE DECORATING

(By Frederic Kelly)

The sergeant stepped to the lectern, surveyed the small Army class before him and quickly began his lecture. Instead of a spirited talk on the principles of land warfare, though, he launched into a discussion of the pros and cons of garlic and onions as sandwich ingredients. A few hours before, another sergeant had given a lecture and demonstration on the preparation of soups and gravies. Coming up were talks on flower arranging, ice carving, bar-tending, cake decorating, gourmet cooking and telephone courtesy.

It is all part of the curriculum at the Army's Enlisted Aides School at Fort Lee, Va. There, in a converted World War II barracks, volunteer Army and Air Force men are given eight weeks' formal training "in the duties and responsibilities of enlisted personnel assigned to public quarters occupied by General Officers."

The training includes instruction in everything from the proper way to clean ashtrays to the selection of chinaware, glassware and silverware for a formal dinner party. Enlisted aides learn, for example, how to water plants, how to answer the door, how to mix and serve drinks, how to plan menus and how to select and purchase food. They learn that the general's uniforms must be kept clean and pressed, that his bathtub must be scrubbed daily, that his porch is to be swept, his windows washed, his books dusted and his coffee ready for him in the morning.

Once on the job, some of them may be given a few other chores as well.

"What they aren't told at school," says Senator William Proxmire (D., Wis.), an outspoken critic of the enlisted aides' program, "is that they may be called upon to perform such jobs as walking the general's dog, doing his gardening, cleaning his swimming pool or running his wife to the hairdresser—duties that are clearly personal and nonmilitary and in violation of a Defense Department directive issued in 1960.

"The directive is intended to prohibit the use of enlisted aides as personal servants. It states that enlisted men are authorized to perform duties that would otherwise interfere with the military and official duties of the officer. These duties, however, must accomplish a necessary military purpose. There is a specific provision against using aides for personal benefit and for duties that have no reasonable connection to the officer's official responsibilities."

It is about a 4-hour drive from Baltimore to Fort Lee, Va. The post is a few miles outside Petersburg, a pretty town that seems to have retained a distinctive Southern flavor. Fort Lee would probably be unrecognizable today to thousands of GI's who trained there during World War II. The post is in the midst of an ambitious renewal program. Many of the old wooden barracks have been torn down and replaced by modern brick buildings.

The Enlisted Aides School is an exception. It was taken over in 1969, when the school was started, given a fresh coat of buff paint, and remodeled into five fully furnished apartments resembling generals' quarters. Each apartment contains a living room, dining room, bedroom, kitchen and bath. There is a small lecture-demonstration room on the first floor. Officers for the school's 14 instructors, all the equivalent of sergeant or above in rank, are scattered throughout the building.

The 8-week course, consisting of 320 hours of instruction, is given six times a year. Class size is normally 24 students. All are volunteers who are selected—and in some cases ardently recruited—on the basis of a background in cooking. Selection for the school is handled by a personnel office (Enlisted Aide Unit 1E680) in the Pentagon.

Aides are allotted to general officers on the basis of one aide per star. But there are exceptions to the rule. Some general officers have no aides, either because they don't want them or because they haven't yet been assigned them (at last count, there were 80 officers eligible for aides on the Pentagon's waiting list). Others like the chairman and the chiefs of the Joint Chiefs of Staff have seven or eight aides each.

In addition to enlisted aides, generals and admirals are allowed between one and three officers as aides-de-camp. Thus, for example, a lieutenant general (three stars) is eligible for three enlisted aides and a captain and a major as aides-de-camp.

At the present time, according to the General Accounting Office, 970 U.S. general officers (out of 1,317 eligible) are sharing 1,722

enlisted aides—a ratio of about 1.7 enlisted aides per general officer. (The ratio increases impressively in Washington, where there are now about 2.6 aides for every general and admiral.)

The annual cost to taxpayers in pay and allowances for enlisted aides is in excess of $13 million. A GAO breakdown shows that the Army spends $3.6 million, the Navy $4.4 million, the Air Force $4.3 million and the Marine Corps $838,000. No figures are available on the indirect cost (recruiting, training) of the program.

The average length of service for an enlisted aide varies from about 8 years in the Army to 16 years in the Air Force. On the average, an Army enlisted aide earns $7,131 a year. The average pay for a Marine Corps enlisted aide (called a cook specialist or a food service technician specialist) is $8,878. Navy stewards, 98 per cent of whom are Filipino, earn an average of $7,788 a year.

The Army's Enlisted Aides School, a division of the Subsistence and Food Service Department of the Quartermaster School at Fort Lee, is under the command of Col. James T. Moore. Colonel Moore is a stocky, heavy-set man who gives the impression of wondering what in the world all the fuss is about. After all, he lets it drop, the school has been there for nearly four years and nobody ever said anything about it before.

Besides," he shrugs, "we teach nothing more than the hospitality trade. Our graduates can walk out of here into good-paying jobs in the hotel-motel-restaurant field. Our program dovetails with what a man has to know, for example, to manage a restaurant. We're giving him valuable training and a marketable skill. Is that bad?"

Colonel Moore and a couple of aides will be happy to "lay-on" a guided tour of the Enlisted Aides School and to answer any questions about its operation. ("One thing you'll discover here," he boasts, "is that we're not trying to hide anything.") But first he insists on presenting a brief color slide show that "will put everything in its proper perspective."

The show, narrated by the colonel, turns out to be a somewhat les-than-engrossing overview of the operations of the Subsistence and Food Service Department. Only a few slides relate directly to the Enlisted Aides School. That, beams the colonel, is exactly what he meant when he said he wanted to put things in perspective. "I'm not downgrading it," he says, "but the fact is the Enlisted Aides Division is only a small part of he overall food service and subsistence picture."

The "brief" show stretches out to nearly an hour. Colonel Moore drones on, reading from each slide as he clicks it in with a touch of the remote control switch. The slides present a dizzying array of graphs, tables, statistics and slogans ("Motivation and confidence through achievement!" says one. "We learn best and retain it longer when we do it!" says another).

The show grinds to an end with a few last slides of the post's culinary arts team. The team, the colonel explains, is made up of cooking, instructors and competes in nationwide culinary arts shows. Proudly, he lets it drop that the team won "best in show" at a competition in Richmond a few months ago. In Detroit a few weeks later, the team finished second to a Canadian cooking team. The cost for the Detroit trip was $5,700. "It's good for our image," says the colonel, "and it helps in our recruiting drives." He flashes an unctuous smile, "It's not the same old Army today, you know," he says.

As he talks, Colonel Moore squeezes off slides with the remote control switch. *Click*. A shot of the team posed around a large, prize-winning crown roast stuffed with wild rice. *Click*. A closeup of a cake decorated with the Michigan State seal. *Click*. Another cake, white, with its top two tiers supported by champagne glasses. *Click*. A graceful swan carved from ice. *Click*. The team speciality—six lobsters pulling a chariot carved from a watermelon.

The Enlisted Aides School is only a short drive from the colonel's office. Tulips have been planted in front of the long, two-story building. Tall pines form a majestic backdrop. Colonel Moore has been joined by the post information officer, Maj. Harlan Brady, and one of his civilian assistants. Inside, waiting to conduct the tour of the school is M. Sgt. Lawrence Hettinger, a former enlisted aide and now non-commissioned officer in charge of instruction.

Sergeant Hettinger is the prototype of the career NCO, tall, crewcut, ramrod-straight, unfailingly courteous. He wears a small airborne badge pinned over his breast pocket. Like his colonel, Sergeant Hettinger, too, wonders what the fuss is about. He, personally, was never asked to perform servant's chores for any of the generals he worked for. He couldn't remember if he had ever heard about other aides who had. Rumors, maybe, but . . .

Anyway, "I never felt I was being used," he says. "I believe I had a job to do and it was my responsibility to do it. I think the vast majority of men feel the same way. If they didn't they'd get out. One of the things stressed here is that we're all volunteers and if someone doesn't think he's going to like being a general's aide, then now is the time to get out of the program."

Both Colonel Moore and Sergeant Hettinger balk at the suggestion that it might be too late to get out later, when they're on the job. "No, sir," insists the colonel, "you can stop being an aide any time you want to. All you have to do is tell the general you no longer wish to be his aide and he'll usually arrange an immediate transfer."

Sergeant Hettinger is nodding vigorously. As a matter of fact, he says, he knows about a case a couple of years ago where an aide had a mild personality conflict with a general and requested a transfer. He got it, with "no hard feelings." It happens, shrugs the sergeant, and if an aide isn't happy, then a general would rather get someone else. "Right," says the colonel.

In the classroom, a sergeant-instructor is just finishing a demonstration on preparing canapes. The men will go back to their apartment kitchens (anywhere from two to four men are usually assigned to each kitchen) and prepare individual trays of canapes. The sergeant will inspect them later and offer suggestions. In the meantime, he has a few last-minute instructions. "Remember," he urges them, "to utilize left-overs whenever possible and always make your canapes to suit the taste of the general you'll be working for."

The reference room and library is just down the hall from the classroom. There, in their spare time, the men can consult a variety of sources dealing with the subject they're studying. For background in the Care and Cleaning of General Officers' Quarters in Garrison and Field, for example, prospective aides may study "The Army Wife." To learn more about the Selection of Table Service for Formal Functions, they choose either "The Correct Waitress" by Susan Dietz or "Party Service" by Myrtle Ericson. Julia Child's book, "Mastering the Art of French Cooking," is recommended for courses in Gourmet Menus and Recipes and the Preparation and Serving of Formal Meals.

The enlisted aide's bible, however, is a Quartermaster Corps publication called "The Enlisted Aide's Booklet," which covers such subjects as how to select and serve wine, how to prepare cocktails, how to set up a receiving line and how to seat guests. The aide learns that there may be times when he'll be called upon to serve as cook, butler, waiter and bartender, and on those occasions, he's told, he should be prepared to alternate between wearing his butler's coat and his mess jacket. He learns, further, that his centerpieces must "create a mood of cheerful freshness" and his floral arrangements must "harmonize with the table setting."

To help him plan meals, there is a section in the booklet devoted exclusively to menus for all occasions. Thus, for example, if the general's wife is having her bridge ladies in for lunch, he is prepared to serve them a light buffet of Avocados Stuffed with Crab Meat or Salmon Mousse en Bellevue. For a formal dinner, he is ready with a menu that might include Smoked Salmon Mousse with Cucumber Sauce, Roast Stuffed Quail, Gnochi Romana with Bechamel Sauce, Peas Paysanne, Parker House Rolls and Coffee.

Upstairs in one of the kitchens, Air Force Tech. Sgt. Louis Green spreads cream cheese on a cracker, adds a bit of olive and arranges his creation carefully on a tray. He is a former aircraft maintenance man who is grateful to be in the enlisted aides program. But nobody, he vows, is going to make him walk any general's dog. No way. He glances covertly at the figure of Major Brady lurking near the kitchen door. Of course, he concedes, a man can make a job as easy or as hard as he wants.

Army Spec. 5 George A. Southerland, a five-year veteran of Army mess halls, finishes adding frilly toothpicks to his tray of canapes. He pauses to wipe his hands on a towel and allows that he, too, is happy to be in the program. He's thinking ahead to when he gets out of the Army. What he learns now, he says, will be a big help to him then. He isn't sure he believes all the stories he's heard about aides becoming servants. People exaggerate, he concludes.

The stories, many of them from former aides and a few from aides now on active duty began pouring into Senator Proxmire's office shortly after he announced his intention to introduce a bill that would prohibit the use of enlisted men as personal servants to general officers and their families. The bill would also close the Army "charm school" at Fort Lee and a sister school run by the Marine Corps at Camp Lejeune, N.C.

Senator Proxmire called the enlisted aides program "one of the last trappings of aristocratic privilege," and said that, while there might have been a time when the program was justified because of extremely low military salaries, that time has passed. "Pay has increased dramatically," the senator says. "A lieutenant general or a vice admiral, for example, receives $33,685 in basic pay plus $2,775 in tax advantages, $575 in subsistence and $3,450 in quarters allowances, for a total of over $40,000."

Many people agree with him. Says one former aide who asked to remain anonymous, "The job that a soldier has to perform is not the way it was written in the book. Some of my duties were walking the dog, washing the car, cleaning the bathroom, mopping floors, making beds, washing clothes, ironing, shopping and running errands for the wife and cleaning up behind her. When the wife takes a bath, for instance, afterward she calls you to clean the bathtub."

"I know for a fact," adds the wife of a Navy steward stationed in Norfolk, Va., "that the stewards clean the house, cook all the meals for the admiral's family (and house guests), do the laundry (not only the officer's uniforms, but also their wives' clothes), act as butlers, drive wives on errands (or run errands for them), work as bartenders (at which my husband has become proficient) at official and unofficial parties (family gatherings as during the Thanksgiving and Christmas holidays), and serve at the bridge games and picnics of the officers' wives."

A former Marine Corps aide, who also requested that his name not be used, tells about a general's wife who loved to run her

finger along the furniture or the venetian blinds to pick up dust. "She had two children, a 14-year-old daughter and a 19-year-old-son," she says, "and half the time after her daughter went to school and the mother was too busy to make her daughter's bed, she'd ask one of us aides to come and to straighten up her room. We'd wash their car once a week and we'd also wash their son's car while he was at college just so he would have a clean car when he came home on weekends.

"Once when their washing machine broke down in October, I had to take their wash in to Quantico and wash it in a coin laundromat. They didn't buy a new washer until after Christmas. When the general and his wife went out, one of us would have to come back in the evening just to cook their daughter her dinner, like a hamburger. When their son was home for the summer, he had a job at a construction site. We'd fix his breakfast, as well as his father's, and we'd make him a sandwich for lunch, and sometimes he would complain because the lettuce was gritty or the sandwich wasn't right or something."

At the Enlisted Aides School, Colonel Moore is sipping his fourth or fifth cup of coffee of the day. He is sitting, surrounded by his staff, in one of the upstairs living rooms. The colonel makes $30,209.63. Major Brady makes $19,908.74. Master Sergeant Hettinger makes $13,355.31. The civilian public information specialist probably makes around $11,000.

None of them seems to have anything more important to do than walk around the school with a reporter-photographer team. The colonel finally says he has got to be there in case of any of the men makes false statements. It's his . . . if they do, he says, and he is not about to get his . . . in a sling. Besides, adds the major in a somewhat petulant voice, it is not a question of censorship. Anybody's free to say anything he wants about the enlisted aides program. The sole reason they're there, he says, is to make sure that whatever is said is accurate.

The colonel swishes his coffee around in his cup and finishes it in one gulp. An instructor appears with a refill. If anybody asked him, Colonel Moore says, he'd have to say that most generals could make a lot more money in civilian life than they do in the military, and if Senator Proxmire is proposing to do away with the enlisted aides program, well, then, he'd also better give some thought to paying generals $150,000 a year.

"What everybody easily forgets," he says, "is that a general not only has a commitment to the military, he also has a commitment to the local community. So has his wife, usually. They're constantly in demand, constantly on the go. They're expected to be. They're also expected to entertain. Protocol demands it. In my opinion, having an aide isn't a luxury, it's a necessity. It frees the general to devote more time and service to both the military and local community."

The crux of the matter, of course, is whether enlisted aides are being used as domestic servants and, in the words of Senator Proxmire, whether they should be trained at taxpayer expense "in gourmet meat preparation for generals and admirals when our soldiers are eating hamburger." The training, incidentally, includes "graduation exercises" in which aides prepare either an informal buffet or a formal dinner.

Guests on these occasions are frequently from outside the post. For example, 275 guests from the Petersburg area were on hand in early March for a "Founders Day" banquet. A few days later, a formal dinner was served for 290 Boy Scout executives and their guests from Petersburg and Richmond. "Until recently," says Senator Proxmire, "these events were provided to guests and military personnel free—or rather at taxpayer expense. Now, however, in response to my investigations, a nominal charge is being levied, but that does not include reimbursement for service as well as food."

Colonel Moore is aghast. He doesn't know where the senator got his information, he fumes, but it is certainly not accurate. All cost to the U.S. government, he says, is reimbursed 100 per cent and, what's more, it always has been. Never at any time, he adds, has the Enlisted Aides School thrown free banquets for civilian groups. The Boy Scouts, for example, paid the government $1,683.80 for its party. Was a service charge included? Well, no, says the colonel, of course not, because that's part of the training program, anyway. They have to cook dinner for someone in order to complete the course and the government is just lucky groups like the Boy Scouts come along and pay for the cost of the food.

Contrary to what most generals fear, Senator Proxmire is not suggesting that enlisted aides be eliminated entirely. "When used strictly for legitimate military purposes, they're fine," he says. His aim is pretty much the same as the aim of Public Law No. 165, Section 3, passed during the Civil War:

Whenever and officer of the Army shall employ a soldier as his servant, he shall, for each and every month during which said soldier shall be so employed, deduct from his own monthly pay the full amount paid to or expended by the Government per month on account of said soldier.

In other words, the senator is telling the generals, if you want domestic servants, pay for them out of your own pockets.

PEOPLE-TO-PEOPLE DIPLOMACY—KEY TO WORLD UNDERSTANDING

Mr. BROOKE. Mr. President, a recent speech by Alan A. Reich, Deputy Assistant Secretary of State for Educational and Cultural Affairs, contains many excellent suggestions as to why people-to-people diplomacy is an important aspect of our continuing involvement in world affairs. I commend this speech to the Senate and ask unanimous consent that it be printed in the RECORD.

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

PEOPLE-TO-PEOPLE DIPLOMACY—KEY TO WORLD UNDERSTANDING

Technological advances have made nuclear war a threat to mankind's existence. Fortunately, new initiatives and agreements in the disarmament field offer hope that the deadly cycle of weapons build-up may be broken. Prospects for increased government-to-government cooperation look better now than at any time since World War II. The great powers are focusing on areas of common concern and not only on their differences. The results appear promising.

But while technology has made nuclear annihilation possible, it also has sparked a revolution in communication and transportation which brings increasing numbers of people in all walks of life into direct, open, and immediate contact. International diplomacy, traditionally the task of men behind closed doors, has become a public matter. Many foreign offices no longer confine themselves to speaking with other foreign offices for peoples; they help and encourage peoples to speak for themselves across national boundaries. People-to-people communication has become a dominant force in international relations throughout the world.

Many Americans ask why we should concern ourselves with international problems when we have so many serious domestic concerns demanding attention. There are several good reasons for our getting "involved with mankind": First of all there is common charity. Then there is a sense of common humanity. In addition, there is common sense. Modern transportation and communications, not to speak of modern weapons, have brought our neighbors' problems to our doorstep. We have no choice but to become involved, because if the problems next door are ignored, they soon become our problems.

Poverty, illiteracy, hunger and disease recognize no nation's borders and travel under no country's passport. It is not a matter of the world's poor getting poorer while the rich get richer. The poor are getting richer, too. But their lot is improving so slowly that the difference—the gap—between rich and poor is widening, not closing. Unless some way can be found to reverse this trend, those who are better off must one day suffer the horrible consequences. Neither we nor our children will have the luxury of working on our domestic problems if we do not succeed in bringing about a climate of peaceful cooperation throughout the world during the next few years. Whether we cooperate with our international neighbors because it is good, or right, or necessary, we must get on with it *while* we are improving the quality of life at home. We can also take some solace in knowing that the job is not ours to do alone. Many other nations share with us the desire and the capacity to help close this gap between the have and have-not peoples of the world. The facts of international life today are that common sense and common survival dictate common action to solve common problems.

As societies and their problems have become more complex, more and more people are educated in international affairs and have become concerned citizens. Mass media reach and stimulate increasing numbers of people. The number of individuals and institutions that influence major decisions in every country is growing. This is true in international as well as in domestic matters.

The geometric increase in citizen involvement in world affairs has special significance for the diplomat. It is a fundamental, irreversible, and irresistible influence for peace. Nations are less likely to deal with their differences in absolute terms when their citizens communicate and cooperate with each other freely and frequently.

When people-to-people bonds and communications networks are more fully developed, there will be a greater readiness to communicate, to seek accommodation, and to negotiate. The likelihood of international confrontation will diminish, and prospects for peaceful solutions will be enhanced. This rationale governs the interest of the State Department in the furtherance of meaningful people-to-people exchange.

In the past few years, social scientists have increasingly studied the relevance of informal nongovernmental communications activities to matters of war and peace. Research scholars such as Dr. Herbert Kelman at Harvard University are attempting to develop a more scientific base for these transnational cross-cultural communications activities. Their research suggests that the existence of informal communications tends to reduce the level of tension when conflicts of interest occur; they contribute to a climate of opinion in which conflicts may be negotiated more effectively. Second, their research indicates that informal relationships create a greater openness in individual attitudes toward other nations, peoples, and cultures; these predispositions also lead to greater readiness to communicate and to resolve differences peaceably. Third, social scientists tell us that international cooperation

and exchange contribute to world-mindedness and to an internationalist or global perspective on what otherwise might be viewed either as purely national or essentially alien problems. Finally, international people-to-people relationships help develop enduring networks of communication which cut across boundaries and reduce the likelihood of polarization along political or nationalist lines.

DEPARTMENT-SPONSORED EXCHANGES

When you think of the State Department's conduct of our international affairs, the exchange-of-persons program does not come immediately to mind. It is, nonetheless, a significant and important activity of the Department. The Bureau of Educational and Cultural Affairs works constantly and quietly to improve the climate for diplomacy and international cooperation. The exciting, challenging job of the Bureau is to utilize its modest funds and manpower to reinforce the work of American individuals and organizations who want to help construct, a little at a time, the foundation of better relationships with the rest of the world. It also coordinates, as necessary, the activities of other government agencies with international exchange programs in substantive fields such as health, education, social welfare, transportation, agriculture, military training, and urban planning.

Having come not too long ago from the business world, I have a great appreciation for what is being done for an investment of $40 million annually. There are several major elements of the Department's exchange program:

The Fulbright-Hays exchange program over 25 years has engaged more than 100,000 people in academic exchanges. Annually, some 5,000 professors, lecturers, and scholars are exchanged to and from the United States.

The international visitor program brings to the United States about 1,500 foreign leaders and potential leaders annually for one- or two-month orientation programs. This includes nonacademic leaders and professionals, from Cabinet officers to journalists. One out of every 10 heads of state in the world today has been a State Department exchange visitor, as have some 250 Cabinet ministers of other nations.

The Department of State sends abroad annually several leading performing arts groups and athletic stars; for example, in the past year Duke Ellington toured the Soviet Union; several jazz groups performed in Eastern Europe; the New York City Ballet is currently on tour in the Soviet Union; and Kareem Jabbar (Lew Alcindor) and Oscar Robertson of the Milwaukee Bucks visited Africa. (Of course, the U.S. table-tennis team visit to China was totally a private effort.)

Some 150 prominent U.S. lecturers went abroad for six-week lecture tours in 1971.

Nearly 500 United Nations specialists selected by their home countries and funded by the U.N., are programed annually by the State Department through 30 other government agencies for six- to nine-month training programs in the United States.

The State Department's small but catalytic exchange-of-persons program with 126 countries stimulates constructive communication among leaders and future leaders in many fields here and abroad. It creates durable reservoirs of information, understanding, and empathy. It develops rewarding and lasting contacts of key people of other countries with their counterparts here.

PRIVATE SECTOR PARTICIPATION

These programs depend heavily on the willing cooperation of countless private individuals and organizations throughout the United States. Their response has been outstanding. The Department contracts with a number of organizations to assist in carrying out these activities. For instance, COSERV—the National Council for Community Services to International Visitors—is a network of 80 voluntary organizations throughout the United States which enlists some 100,000 Americans to provide hospitality and orientation for international visitors. They serve voluntarily because they believe in the importance of their work to strengthen international understanding. This makes an indelible impression on the foreign visitors they serve.

Another organization, the National Association for Foreign Student Affairs, counsels many of the 150,000 foreign students now studying in American colleges and universities. The Institute of International Education and several private programing agencies help carry out the Fulbright and international visitor programs.

We in the Department of State are aware that our programs represent only a portion of the total private-public participation in exchanges aimed at furthering international mutual understanding. In addition to service organizations, professional associations of doctors, lawyers, journalists, municipal administrators, and others link their members with counterparts throughout the world. More than 30 American sports organizations carry on international programs involving their athletes in competition, demonstrations, and coaching clinics here and abroad; several youth organizations conduct international exchanges involving nearly 5,000 Americans and foreign teenagers annually. Numerous foundations, businesses, and institutions throughout American facilitate the private studies of many of the nearly 150,000 foreign students who come to study in the United States annually and approximately half that number of Americans who study abroad each year. Private American performing arts groups tour other countries; reciprocal opportunities are offered to counterpart groups from abroad. The People-to-People Federation and its various committees actively promote and carry out meaningful exchanges; the sister city program of the Town Affiliation Association links 420 American cities wth communites in 60 countries of the world.

Before we undertook to encourage new exchange activities in the private sector last year, we asked the cultural affairs officers in our Embassies around the world whether they wanted an increase in exchanges by private groups. They were also asked whether these activities further our long-term purpose of increasing mutual understanding with their respective countries. Almost without exception the posts replied that they want increased exchanges. They want them to occur both to and from the United States. They confirmed that these activities contribute to removing barriers to understanding and to forming durable cooperative relationships.

Last year the Bureau of Educational and Cultural Affairs set up a special office to respond to the needs of private organizations seeking to participate in international person-to-person programs. This Office of Private Cooperation, on request, helps private organizations to become active internationally.

The contribution of service organizations

In government and in the private sector, there is much to be done. Service organizations, such as Rotary International through its people-to-people programs, are doing an outstanding job. Rotary's international youth exchange, involving 700 youths throughout the world annually, is a model program with considerable impact.

The Rotary Club matching program, which links Rotary Clubs in 150 countries with counterpart clubs for direct Rotarian-to-Rotarian relationships and shared service programs, is equally impressive. Rotary's world community service program has helped people throughout the world. Through Rotary International's small business clinic programs, many individuals in less developed countries have been helped to self-sufficiency and community contribution.

Two other elements of the overall Rotary International outreach are especially meaningful. First, the mere existence of some 15,000 Rotary Clubs joining 750,000 Rotarians in 150 countries is a potent force for mutual understanding. Rotary is made up of leaders from all segments of society; this fraternal relationship—professional to professional, businessman to businessman, and so on—generates good will among millions throughout the world.

Another service which Rotary Clubs perform is the furtherance of international person-to-person relationships by others in their communities. In visits throughout the United States, I have been impressed with the extent in which Rotary and other service clubs have initiated and developed sister city affiliations, people-to-people exchanges, international hospitality programs, and international activities of local perfoming arts and sports groups. These activities contribute to strengthened bonds between participating local groups and their counterparts in other nations.

I have been asked by leaders of private organizations what they might do to increase international understanding. Frankly, I cannot imagine a more significant organizational outreach, either in concept or in program, than that of Rotary International.

I would urge Rotary and other organizations to do more of the same—demonstrating so well the capacity for commitment of the American people in solving that most important of all human problems, the achievement of a sustained world peace, by sponsoring exchanges, providing community leadership in international programing, helping peoples of other natons to become less dependent, and strengthening international ties among key individuals and groups. Specifically, I urge you to undertake in whole or in part the following 12-point program:

1. Expand home hospitality and community orientation programs for foreign students and international visitors (including professional, business, diplomatic, military and government leaders).

2. Develop programs for the international alumni of area universities and colleges.

3. Strengthen your sister city program and affiliate with a new sister city.

4. Expand youth exchanges and community programs for international students.

5. Internationalize your community involvement by affiliating with an appropriate international organization in cooperation with the U.S. National Commission for UNESCO.

6. Participate directly in and support the international exchange programs of the People-to-People International and of the People-to-People Sports, Music, Handicapped and other exchange committees.

7. Internationalize your state and local American Revolution Bicentennial Commemoration programs as they are planned and implemented.

8. Invite foreign professional counterparts and students to conferences and seminars.

9. Help expand the international public service activities of U.S. corporations operating internationally.

10. Form international institutional linkages affiliating universities, hospitals, rehabilitation centers, schools, libraries, and museums for exchange relationships.

11. Strengthen the Partners of the Americas Program linking U.S. states and Latin American countries.

12. Maximize the goodwill generated by ensuring public visibility for these activities both here and abroad.

In addition, I hope you will continue your community-wide cooperative efforts, now underway, to further Boston's contribution to world understanding. Many other organizations represented here today will find their place in such a program. Boston could, as you have in so many other areas of human concern, provide a model for the nation in expanding meaningful people-to-people relationships. As you move ahead, please do keep us informed; come down and share your ideas with us. We might be able to help.

On behalf of the President and the official foreign affairs community of the United States, I extend my thanks to the Boston Rotary Club, the other clubs of Rotary International District No. 793 and all of you here today, not only for improving the climate for diplomacy, but for your individual and collective leadership in furthering world peace.

THE CONSTITUTION AND THE SEPARATION OF POWERS

Mr. MOSS. Mr. President, as any reader of the Federalist papers would know, our Founding Fathers labored long and hard on the doctrine of separation of powers.

In these days of our great concern for the solidity and strength of this Government, it is imperative that we bolster our faith in the Constitution and turn to it again, as the rallying point upon which our governmental ethic can be revitalized.

In the New Yorker magazine for April 28 in the column entitled, "The Talk of the Town," faith in the Constitution and in the doctrine of separation of powers is renewed. I ask for unanimous consent that the article be printed in the RECORD for the benefit of the Senate.

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

NOTES AND COMMENTS

We were in Washington in the momentous days before and after the Watergate story broke open and the walls around the White House—walls of silence, deception, and denial—came tumbling down. We arrived in a grim and worried town a week or so before the President released his aides to testify before Congress. All in all, the past few months had been a confusing time in the headlines. In Cambodia, American planes were at work turning one more country into a desolation of casualties and refugees; at home, the citizenry had been displaying its outrage at the price of red meat; and on Capitol Hill prominent men of both parties were announcing that the United States Constitution was threatened. This last was a matter that some people seemed to see as a quarrel between politicians—a wrangle strictly local to Washington—rather than as something of general interest. Moreover, in the public eye all these events—the boycott, the bombing, the battle for the Constitution, and the then still simmering Watergate story—were apparently unrelated like the acts of a three-ring circus. It was as though Americans were living not in one nation but in several, which were not so much divided against each other as disconnected from each other. In this slack, dispiriting atmosphere, a growing number of legislators had been sending up fearful warnings. Senator Edmund S. Muskie, not a man renowned for reckless overstatement, had warned of "one-man rule," and so had Senator George S. McGovern. Senator John C. Stennis—no hothead—had worried publicly from his hospital bed about the erosion of the powers of Congress, and, speaking of the war power, had declared that "the fabric of our Republic . . . cannot long withstand the strain of asking citizens for the ultimate sacrifice without permitting them to participate in the decision of whether to make that sacrifice." Senator J. William Fulbright had expressed fear that we might "pass on, as most of the world has passed on, to a totalitarian system." In the press, it was becoming popular to refer to our Constitutional government as an "eighteenth-century system." Remarks like these sent a chill of real fear down our spine. Yet not only were the warnings evidently failing to stir the country but they were failing, it sometimes appeared, to stir even the men who were issuing them. The country's listlessness sometimes seemed to have reached the very men who were trying to rouse the country out of it. At the beginning of last week, the country seemed to be sliding into a dangerous stupor. By the end of the week, it seemed about to revive and to recognize itself around one issue—Watergate.

When we got to Washington, we went first to the Capitol, to talk with Senator Mike Mansfield, the Senate Majority Leader, who has spent thirty years in Congress, serving in both the House and the Senate. He welcomed us into the Majority Leader's office—an ample eighteenth-century room with complex gilt-edged molding on the ceiling and walls—and poured us a cup of coffee. There were cookies and brownies on a low table in the center of the room. We sat down across the table from our host. Senator Mansfield holds his chin upraised, and his gaze often seems fixed on something high in the distance. His expression is perfect, unreadable poker. The answers to the questions we asked came back loud and clear, with astonishing promptness, in a high, flat voice speaking short, brisk sentences without any hemming and hawing.

We asked Senator Mansfield about the state of the Constitution.

"It comes down to two fundamental issues," he said. "One is impoundment. The other is executive privilege." The President, of course, had not yet made his announcement. "There is some room for impoundment, but not to the tune of twelve billion dollars. The President is entitled to some executive privilege, but it certainly doesn't apply to all present and former employees. There is no Constitutional ground for that."

We asked whether, in his opinion, this was a full-scale Constitutional crisis.

"Not yet. It could come to that, and it will if these actions are not reversed."

"Are we really headed in the direction of one-man rule?" we asked.

"The trend is in that direction. But Congress has only itself to blame for having its power diluted. It handed its power over to the President on a silver platter. It gave away its war power several decades ago, and now, because of this last war, it's waking up to the fact. It's finding that power is easy to give away but hard to get back."

It struck us that here was one possible explanation of why Congress sometimes seemed muted even as it delivered dire warnings. Presumably, it's more difficult to get indignant at yourself than at some other culprit. We went on to ask, "If there is a threat of one-man rule, doesn't that mean that we are in danger of losing our republican form of govermnent?"

"No. I wouldn't say that," Senator Mansfield replied, with his usual alacrity. "Right now, the balance of power is dangerously tilted in the direction of the executive. If the trend continues, the Constitution will become null and void and worthless."

"But doesn't that mean that we will lose the Republic?" we asked. "Wouldn't we then have lost our liberty and everything that goes with it?"

"I can't envisage those things in the United States. The Congress is waking up now. We have a suit against impoundment in the courts. We have legislation started on executive privilege and impoundment. Even if the Constitution becomes, shall we say, weakened, I can't see us losing our liberty. Of course, it's true that the media are under attack, too, and this increases the sense of uneasiness."

"Then there's no real danger of the Constitution's collapsing?"

The Senator answered with a declaration of personal conviction. "I still have great faith in the Constitution, in our institutions, and in our freedoms: the freedom of speech, the freedom of assembly—peaceful assembly, that is." He raised an admonitory forefinger. "I guess it's just an enduring faith I've had all my life. If I lost that faith, it would be time for me to resign as a senator."

"But if we lose the Constitution—" we began, but the Senator interjected "We won't lose the Constitution!" and rose to his feet.

We next started in the direction of the law firm of Covington & Burling, on Sixteenth Street, just a few hundred yards from the White House, for we were to meet John Sherman Cooper, the former Republican senator from Kentucky, there; he had retired from the Senate several months earlier, and was now practicing law. But first we stopped in at the Everett McKinley Dirksen Senate Office Building, where three subcommittees were holding joint hearings on the subject of executive privilege. At this particular session, as it happened, Attorney General Richard G. Kleindienst had asserted unlimited executive privilege for all two and a half million employees of the executive branch, and had just told the senators that if they had any objections they could impeach the President. Now, with Kleindienst still in the witness chair, the committee members had, to their evident surprise, wandered into the subject of impeachment. Senator Sam Ervin pointed out that if Congress couldn't call witnesses from the executive branch, it probably couldn't get the evidence for an impeachment, to which Kleindienst replied that no evidence was needed—only the votes of enough senators and representatives were necessary, Ervin then pointed out that the Chief Justice of the Supreme Court presides over an impeachment trial, and would be likely to require some evidence. Kleindienst replied that Congress could then impeach the Chief Justice. Earlier, he had said that if they didn't like aspects of his own behavior they could impeach him too. The senators were visibly shaken up and embarrassed by all this talk of impeachment.

We continued on our way to see Senator Cooper. When we arrived, he showed us into an office adorned with photographs, most of them of the Senator in the company of Presidents. Senator Cooper is a tall, slender man with a gentle, almost shy manner. We asked for his views on the Constitutional questions before the country. As it happened, he said, he was preparing a speech on just that subject, and he asked us if we would like to hear some of the ideas as he had sketched them out. We said we certainly would.

Senator Cooper's view of the country's recent history turned out to be a kindly one. There were no villains in it; indeed, Senator Cooper spoke hardly a word that could be construed as direct criticism of anyone at all. The whole atmosphere was agreeable, in contrast to the conversation about impeachment in the Senate hearing room. Senator Cooper began by reviewing the performance of recent Presidents. Truman's period was one of "high hope, generosity abroad, and confidence in our role as guardian of the world's security." Eisenhower was "much loved and respected, probably universally respected." Kennedy "brought new spirit to the country, and probably to the whole world." Johnson opened up new opportunities for disadvantaged people

here at home. On Vietnam, "his advisers misled him." President Nixon, Senator Cooper said, is probably "the hardest worker" of them all, and is also "an excellent student." Furthermore, he "may be the most *determined* President." Turning to the question of the war power, the Senator noted that in the nineteen-fifties Congress gave over its power willingly and not even the press raised any objections. "The bilateral treaties all had the same language. If an ally was attacked, we would go to its aid but would do so 'in accordance with Constitutional processes,' " the Senator noted. "Now, in my judgment the Congress's only real power in this business lies in the power of the purse. The war-power legislation can't do it very well. It allows the President to go in for thirty days without approval. That's enough. Once the troops are in and get fired on, the national honor's at stake, and the President assumes his responsibilities as Commander-in-Chief. You can only cut off the funds. Of course, Congress is reluctant to do that." The Senator laughed. He saw impoundment as an "inchoate area," for which it would also be difficult to frame effective legislation. Both the impoundment issue and executive privilege might prove to be non-litigable areas as well, and the courts might simply decline to hand down rulings.

We asked Senator Cooper whether he would care to comment on the Watergate story.

A look of distaste and uneasiness passed over his face, and he said, "Too much has been said about that already."

We remarked to Senator Cooper that he did not offer much hope of recourse in any area.

"Well, there is some question whether this system is meeting its objectives, and more effort must be made in these areas I have been speaking of. But I'm optimistic. I believe that the majority has common sense. And I believe also that the courts, which really are the backbone of our system, will protect the delicate balance between the other branches from getting too far out of line."

Just around the corner from Covington & Burling is another law firm—Clifford, Warnke, Glass, McIlwain & Finney. Its senior partner is Clark Clifford, who was a close advisor of Presidents Truman, Kennedy, and Johnson, and who finally became Secretary of Defense under Johnson. That day, he had testified at the hearing we'd attended, but not until after we had left. We learned later that Senator Ervin had described Mr. Clifford's presentation as "the most total and succinct statement I've ever read on executive privilege." We met Mr. Clifford in his offices in the late afternoon. He introduced us to Miss Mary M. Weiler, who has been his secretary for forty-five years, and then he showed us into a long, spacious, dimly lit office. There were Oriental scatter rugs on top of wall-to-wall carpeting, and, behind his desk, a row of windows with the blinds drawn. Mr. Clifford is a distinguished-looking gray-haired man with something delicate and precise in the set of his mouth.

Mr. Clifford offered to show us his view, and parted the slats of one blind. In the foreground, and below us, was the White House; in the back was the Washington Monument. We asked Mr. Clifford about the mood in Washington and in the country. He answered us in soft-spoken, measured sentences:

"This country has traditionally rested on a deep sense of decency and compassion and on a respect for freedom. But it's not being led in that direction now. Recently, we saw a drive to help the nation's unfortunate. But that is changing. There was an attempt to strengthen the rights of the individual. Now that's all gone. Instead, we're being guided by a driving ambition to make the country more powerful. Power, armed might, a reputation for 'toughness'—these are the goals with which the present Administration seems to be replacing our old purposes. And the new aims are being pushed forward with proved public-relations methods of salesmanship. In the process, I believe, deception has been practiced. Even our prisoners returning home are encouraged to sound a sales theme. No public-relations detail is overlooked in these campaigns. I find it cold, pragmatic, and chilling."

We asked whether he took seriously the warnings about the nation's losing its system.

"I'm not prepared to say we're about to lose it, because I still think the American people will wake up to the enormity of what's been going on. The Watergate case may help in this respect."

"What *has* been going on?"

"It is the centralization of governmental power in the Presidency. The executive branch is engaged in a planned campaign to denigrate the legislative branch and in a planned campaign to malign the press. The press has grown muted already. It feels obligated always to give 'two sides' to every story. This is an entirely new concept in journalism. The intention is to shake the people's confidence in Congress and the press, so that in the end they will trust only the President. If we Americans aren't careful, we could end up controlled and regimented to an extent never realized before. President Nixon has a vision of America which encompasses his statement that 'the average American is just like the child in the family.' A child has to be led, and President Nixon sees himself as that leader. An American way of life that we older people have known and taken for granted is beginning to seem not secure at all. This is the first time in twenty-five years that *fear* has become a recognizable, vital force in Washington. It is the fear of retaliation against anyone who attempts to impede this march toward the Administration's goals. Sometimes one can even see a startling resemblance between these developments and similar developments in countries where one-man rule has developed."

The next day, Senator Barry Goldwater made his statement: "The Watergate. The Watergate. It's beginning to be like Teapot Dome. I mean, there's a smell to it. Let's get rid of the smell." The issue, he said, was "Can you trust Dick Nixon?" In retrospect, his statement appears to have been the first intimation that this story, which many people had thought to be one that *should* shake the nation, actually *would* shake the nation.

On the same day, Representative John B. Anderson, of Illinois, the Chairman of the House Republican Conference, made his statement: "The Attorney General has thrown down the gauntlet. If this Congress is to preserve even a semblance of integrity and independence, it must act immediately to nullify the sweeping claim of executive power asserted by the Attorney General."

The morning after that, Senator Cooper got in touch with us and said he would like to add that not only did the three branches of the government have to maintain their delicate balance but "the people also have to be able to maintain their trust in the government as a whole."

A few days later, we called on Senator Muskie in a small auxiliary office he keeps in the basement of the Capitol. Among the senators who had spoken of the danger to our system, Senator Muskie had shown himself to be one of the most strongly aroused. At the hearing on executive privilege, it was he who had most persistently drawn out the Attorney General's testimony, and it was his questioning that had clarified the full, sweeping implications of the executive-privilege claim. We had noticed flashes of real anger in his questioning. In addition to having warned earlier of one-man rule, he had spoken at the hearing of proposed legislation that would restrict the flow of information from the government as leading us toward "the silence of democracy's graveyard." The familiar tall figure welcomed us into his office. He was looking trim and vigorous in a blue suit and a red tie—fresher and more robust, we thought, than when we had last seen him, on television on the campaign trail. A couple of weeks before, we knew, he had offered the one-man-rule speech to television on behalf of the Democratic leadership of Congress in rebuttal to the President's recent nationwide speech in which he announced a ceiling on meat prices and went on to attack Congress for its budgetary policies. The networks had turned Senator Muskie down. We asked the Senator about that rejection.

"It's clear now that television is a critical instrument of enormous power which can be a great influence in shifting power from one branch to another. And this occurs without any Constitutional amendment or any decision on the part of the people. Congress has now developed a system for designating spokesmen to answer the President, but the networks won't put us on the air. Yet if it's established that *one* branch of the government—the executive branch—alone has the right to speak to the entire nation, and therefore *for* the entire nation, depriving the other branches of that right, then we've taken the step: the system has broken down."

We asked him what he thought one-man rule might look like in America.

"You don't have to look down the road," he said. "You can look at what's already happening. Probably the man in the street isn't worrying about executive privilege or impoundment directly. But Watergate may get him worried. You know, I was giving a speech near Galveston, Texas, the other day—not the most radical place you can think of—and the people in the audience were asking how the President had got so much power. I answered, 'Because *you* people gave him that mandate; a man like him shouldn't be given such a mandate,' and there was a wave of applause in the room."

"But how can the people grasp the seriousness of the situation when the Congress refuses to reassert its own power?" we asked.

"Don't forget where the power comes from," he said. "It's from the people. And if Congress loses access to the people through television and the other media, then it's powerless to mobilize the people's support and to win the battle of public opinion. And when Congress is cut off from popular pressure it can be mobilized by other pressures—the interest groups. The President can organize opinion. For instance, he was able to organize opinion on the war. He simply comes out the winner in the P.R. race."

Here, it occurred to us, was another possible answer to the question of why the country, and even the Congress, seemed so muted. Communication between Congress and the people had been disrupted by Presidential preemption of the main channels of public access. It was in the nature of Congress not to speak or act boldly, or even to reassert its Constitutional power, until it had received a strong signal from the people. It did not have the executive's capacity for initiating elaborate public-relations campaigns to influence opinion. And without greater command of television Congress was cut off. It was only talking to itself—or, worse, discrediting itself as a disruptive element, disturbing the great calm of the Presidential consensus.

We mentioned some of this to Senator Muskie and asked if the term "one-man rule" had a frightening import for him.

"If I went as far as to say that all this could one day lead to a Hitler or a Stalin regime, that would be regarded as unfair or inaccurate—as a little too much. Look what happened to McGovern when he merely *mentioned* Hitler. I suspect that things like the Kleindienst testimony are giving people an idea of what *could* be, though. It wasn't

just what he said, you know; it was his attitude. So casual and arrogant. When he sat there and said, 'You do not need facts to impeach the President,' he was saying that the impeachment of the President is a *political* trial." Senator Muskie struck his fist in his palm. He was speaking with strong feeling now. He continued, "And if that is so, why, then, *any* trial could be a political trial. If you look at things that way, then *facts* mean nothing, *legality* means nothing, and *legitimacy* means nothing; only *power* means anything—power employed by the man in charge for *political* ends. This has been the thinking behind authoritarian government since the world began. And in this Administration everything seems to come down to political power. This was the most frightening part of the testimony to me—even more frightening than the part about executive privilege itself. The whole idea behind our system is that power is divided. But not the President can even make war *all on his own*. He announces that the war is over, says that he's won, and then he goes right on, with no color of authority. Experience tells us that when power is concentrated it is not likely to be used for the benefit of the great masses of people. And the least fortunate are always the first to suffer. This is the lesson learned by the makers of our Revolution. It's the basis of what we've practiced for two hundred years, and I don't want to see it lost."

We thanked the Senator, and went over to the Justice Department, where we were to meet Donald E. Santarelli, an Associate Deputy Attorney General who was just about to take on a new job—head of the Law Enforcement Assistance Administration. The Justice Department is a five-story, block-square building with office numbers running into the thousands. Here and there on the corridor walls of this large bureaucratic building are framed photographs of other large bureaucratic buildings (as if the building itself had put up photographs of its building friends). When we arrived in the anteroom of Mr. Santarelli's office, we found it in something of an uproar, with files being sorted and packed for the move to his new job. Shortly, he came out and invited us into his office. Mr. Santarelli is a thin, restless-looking man in his mid-thirties with an authoritative, booming, rapid-fire voice and a set of expansive, vigorous gestures to go with it. We had the impression of almost a superabundance of energy. On one wall of his office there were photographs with inscriptions by L. Patrick Gray, the Acting Director of the F.B.I., and Attorney General Kleindienst. An American flag stood behind his desk. We knew that Mr. Santarelli had had a hand in drafting many of the Nixon Administration's crime bills, and we asked him to tell us something about the job he was leaving.

"This is an idea shop," he told us, putting his feet up on his desk. "We work on concepts, develop them, delve into them." He gestured broadly toward piles of paper on his desk. "What you see before you is thoughts. We don't handle cases; we work on the large picture. 'Give me a plan,' the President says. Or 'Here's a concept. Flesh it out. Give me some options.' This job didn't exist in its present scope before this Administration. It was developed by the President for me."

"How does it all work?" we asked.

"Well, we might start with an analysis. Then it might turn into a combination of any of the following—a Presidential speech, a legislative package, a press release. We'll develop the idea at each stage. Of course, there's a lot of interface. I work closely with the White House staff. Our office devised a system to reform the administration of justice in Washington. In 1951, there were only two thousand one hundred felony prosecutions in Washington a year. Now there are four thousand two hundred felony prosecutions. We have more than tripled the number of felony judges. But none of these things got as much attention in the press as some relatively unimportant legislation such as no-knock and preventive detention."

"How did you first get in touch with Mr. Nixon?"

"I was working on the Hill as special counsel to the Senate Judiciary Committee, and I was one of the few staffers on the pro-prosecution side up there. Most of the guys were pro-defense."

"But how can there be such a thing as a pro-defense side and a pro-prosecution side in a situation like that?" we asked.

"There shouldn't be, but there is. I was prosecution-oriented. Anyway, that was the President's program: to 'strengthen the peace forces' against those concerned exclusively with defense."

We went on to ask Mr. Santarelli for his reflections on the Constitutional questions that were on our mind. As a point of departure, we gave him an article in the April 23rd *Newsweek* to look at. It was by Kevin P. Phillips, a former campaign aide to President Nixon, and was called "Our Obsolete System." Phillips suggested that the system of balancing governmental powers against each other was a mistake conceived by Montesquieu. "Our Constitution freezes Montesquieu's mistake in legal concrete," he wrote. "Congress's separate power is an obstacle to modern policymaking. . . . In sum we may have reached a point where separation of powers is doing more harm than good by distorting the logical evolution of technology-era government." Phillips suggested, as a remedy, calling a Constitutional convention to abolish the separation of powers and perhaps establish a parliamentary system. We asked Mr. Santarelli what he made of all this.

"I don't agree with his proposal," he said. "But I like the substance of his concepts. His main point is that the separation of powers is obsolete in modern decision-making, and I agree. They didn't have modern affirmative-decision-making in the eighteenth century to the extent that we do. They didn't need such hurried, precise decisions. They didn't have the kind of dynamic national purpose that we have now. The balance of power turns every issue into a great political power struggle, and obscures the business of actually running the country, of reaching national goals."

We asked our old question—was there a Constitutional crisis?

"We're living in a very historic time," he said. "You can see the manifestations everywhere. This is a time of great changes. The legislative branch, which was preeminent, has gradually lost power to the judiciary and the executive."

"How do you mean, the judiciary?"

"I mean the so-called judicial revolution—the Supreme Court rulings in favor of civil rights and criminal rights. All that is changing now. But the liberals gained power by it. They benefited. The strenghtening of the judiciary—or the judicial usurpation, as I would call it—was an unbalancing element."

"And the executive?"

"The executive branch has gained power. It was *inevitable*. Its basic design is geared for efficiency; it has adopted management tools—computers, executive techniques. Congress fell behind, and now it is fussing in a stew of its own making. An unpopular war has given Congress a toehold again, and it's taking up things like executive privilege. But executive privilege isn't a legal question; it's a political question. That's the key thing. Don't be fooled. These battles are basically political. Each age defines the Constitution for its own needs. It's evolutionary. I'm sounding like Ramsey Clark here. The Clarkian view takes the Fourteenth Amendment as very flexible and accordionlike, but if you so much as mention changing the Fourth Amendment, against unreasonable searches and seizures, in order to bring it up to date with modern prosecution needs, you find it's locked in stone. That's natural. If you're on the side that's gaining power, you praise the changes. If the changes mean you lose power, you bitch about them."

"Which are you doing?" we asked.

"I'm mildly praising."

"But this isn't exactly a strict-constructionist viewpoint," we observed.

"No, sir. That's a misnomer. The Constitution is flexible. Period. Your point of view depends on whether you're winning: 'My side won! I'm happy!' If you're against busing, you think an anti-busing amendment should be in the Constitution; if you're for busing, you complain that the Constitution is being wrecked. The Constitution isn't the real issue in this; it's how you want to *run the country*, and achieve national goals. The language of the Constitution is not at issue. It is what you can interpret it to mean in the light of modern needs. In talking about a 'Constitutional crisis' we are not grappling with the real needs of running the country but are using the issues for the self-serving purpose of striking a new balance of power. Times are changing now. The Constitution is flexible." And then he added a remark that no one we had recently spoken to in Washington would have fully disagreed with. "Today, the whole Constitution is up for grabs."

While we had been talking with Senator Muskie and Mr. Santarelli, the President had been telling the nation of "major developments" in the Watergate story.

A short time later, we ran into Senator Fulbright in the Dirksen Senate Office Building. He was on his way to a vote, and he invited us to ride with him in the little subway car to the Capitol. News of the President's Watergate announcement was just reaching Capitol Hill.

We asked Senator Fulbright how large he thought the stakes of the dangers he had referred to were.

"*If* we don't turn things around, *if* we throw over the Constitution and establish executive rule, then, in the long run, we might expect the same kind of ruthless tyranny that you had under Hitler or Stalin. Don't expect some sort of simple, benign dictatorship. This country never goes halfway. That's not our style. We go all the way. You've seen what we did in Vietnam. Our capacities are great. We can display great compassion and show great concern over one little girl, perhaps, or maybe a dog. But we can be ruthless and savage, too. It was when we got the idea that we are a chosen people that we went wrong. We're really just the same as everybody else. We're all people, and, given certain conditions, we'll do certain things." When we arrived at the Capitol, Senator Fulbright went in to vote and asked us to wait outside the Senate chamber.

He came out again, and invited us to ride back with him to the Senate Office Building. "I just want to add one thing," he said in the subway car. "I want you to know that right at the moment I am feeling better about the prospects of avoiding these terrible things than I have for almost ten years. The Watergate case is regrettable, of course, but, looking at the turn it seems to be taking now, I have hopes it may serve to draw people's attention to these other threats, which have been building all those years. It may bring people to the limit of how much they're willing to take."

The next morning, we woke up in a different Washington—perhaps in a different country. Watergate had blown sky high Everyone we had interviewed in Washington, whatever his politics—and we, too—had seen an executive branch in the ascendant over the other powers in our society. Now, at a stroke, all this was altered. A staggering reversal of fortune had taken place. The wall of executive privilege was down. And when we saw what was inside, it was almost enough

to make us wish it could be put back up. The executive campaign to undermine and discredit the press had itself been undermined and discredited. Executive moves to take over congressional powers had been checked—at least for the duration of the present Administration. Indeed, all across the board the executive reach for new powers had been blocked. For the whole country had now had a shattering glimpse into that "technology-era government" in whose name Congress and the other institutions of our democracy were to hand over their powers to the executive. Now the Congress, the judiciary, the press—even Common Cause—found themselves in positions of renewed authority and strength. Senator Sam Ervin, Judge John J. Sirica, the Washington *Post*, and John Gardner had been heard. All the former accused were suddenly in the judges' seats. (It can be hoped that these judges will act *with* pity.) The President of the Newspaper Guild was calling for a "public apology" to the press from President Nixon. An entire style of governing had been buried. Scenes of recent weeks—of the Attorney General discoursing on impeachment, of the President lashing out at Congress as "irresponsible," of Administration officials lecturing the country on law and order—had overnight become part of a closed chapter in our history. This Administration's drive to change the face of our national life had not, it turned out, been an effort to bring our eighteenth-century principles and institutions in line with the twentieth century; it had been a sheer grab for power, ending with a coverup of a second-story job on the political opposition. The news was tearing an entire Administration apart, but at that moment in the spring of 1973, for the first time in many years, the old eighteenth-century system looked to be alive and well.

MR. HOLLIS DOLE

Mr. HATFIELD. Mr. President, I want to express my pleasure and pride in knowing that the Nation's first commercial oil shale plant will be built under the guiding genius of a man who has won a reputation as one of the country's outstanding experts on mineral development and conservation: Hollis M. Dole.

I have known Hollis Dole for many years, and have worked closely with him during my entire time in public service. He received his education in Oregon universities, and was for 23 years associated with the Oregon State Department of Geology, including 14 years as its director. During all this long period of stewardship of Oregon's mineral resources, Hollis Dole strove constantly to keep a balance between the needs of today and those of tomorrow; between the rights of one segment of the population and those of another; between the requirements of our economy and those of our ecology. Indeed, it was he who pointed out that the terms economy and ecology are both derived from the same Greek word, "oikos," which means house. He saw, as clearly as anyone I know, the need for reconciling the demands of the household of man with those of the household of nature.

During the 4 years of his service as Assistant Secretary of the Interior, Hollis Dole continued to operate under this basic philosophy, eschewing extremism on either side of the environmental controversy. His views are best summed up in an address he made in New York before the American Bar Association on July 6, 1971. I ask unanimous consent that a copy of that address be printed in the RECORD as a reminder of the need for mutual understanding and tolerance that the American people must develop in order to negotiate the hazardous straits of this divisive issue.

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

CAUSES, COSTS, AND CHOICES

Whatever else might be said about mankind's upward march from savagery to civilization, no one can claim it has been a very orderly process. The transactions of the human community have always been messy, inconclusive, and chaotic. The historic pattern of social advancement has, on the whole, been characterized by a series of great spasmodic lunges which overturned, modified, redirected, or otherwise altered the way in which affairs had been conducted. Some, but by no means all, of these eruptions succeeded in leaving a residue of progress for succeeding generations, and these have become such monuments of history as the elimination of slavery and the development of representative government.

These changes derive their traumatic character from the fact that the interia of a large society is so great that it often requires an extraordinary amount of applied energy to pursuade it to change its manner of doing business in any significant way. The stored energy of unrealized hopes and unredressed grievances builds up within the society, like stresses in the earth's crust, until the rigid structure that contains them breaks in a convulsive upheaval that is shattering to those who happen to go through it.

The energy required to effect these societal earthquakes is mobilized and focused through the mechanism of the cause, usually modified by such laudatory terms as "sacred," "holy," "just," "righteous" or even something as unpretentious as "worthy." These appellations may or may not be truly descriptive of the movements to which they are applied; indeed, some of the most odious projects that have ever been put forward have been designated as the will of God by their proponents. But whatever their true merit, and regardless of how extravagantly they are advertised, causes have this much in common: they derive their dynamism not from fact and logic, but from the fiery emotionalism of the advocate, the prophet, the annointed custodian of the revealed Word.

It is a judgment upon the self-satisfied rationalism of our society, I suppose, that so much of our basic social progress has been achieved by those strong but essentially non-rational currents of popular feeling. There is a place, I concede, for enthusiasm, for romanticism, for the whole range of emotions from outrage to euphoria as conditioners of public attitudes. We need these powerful supplements to reason and logic in the social process. We need the Sacred Cause and the True Believer. But we need also to remember that the fabric of a society is held together by relationships that are founded in law, in logic, in system and in order. Causes, great and small, form an interesting and essential counterpoint to the basic rationality of these enduring tenets of a society or social structure. But the spirited rambunctiousness of a holy cause has a poor sense of direction and perspective. It needs to be heavily ballasted with truth if it is to serve society rather than disrupt it.

And this, I submit, is our first difficulty as we struggle to integrate the new cause of environmental conservation into a useful set of relationships with the established features of our society.

In many large areas of intense public concern, we simply do not know what we are talking about. We do not know the full effect—the real effect qualitatively and quantitatively—of many things we are doing which are reported to have deleterious effects upon the environment. We do not know the extent of the environmental costs of these activities; still less do we know the costs we shall be required to bear to neutralize their effects. In the absence of a firm basis in fact, the subjunctive mood has taken over, and we have been treated to an assortment of terrors limited only by the imagination of those who propagated them. The operative terms describing the imminence of disasters are words like "might," "could," "assuming that," "possibly," "potentially," and "if."

Some of the more gross of these legends have, thankfully, been laid to rest. It is at least reasonably apparent by now that we are not about to poison the earth's atmosphere, we are not going to kill the oceans, or burn up our oxygen supply, or melt the ice caps, or precipitate any of the global catastrophes that we were warned about last year. Man is just not all that important as a geologic agent. Three volcanic eruptions within the past 90 years have ejected more particulate matter and more combined gases into the atmosphere than have all man's activities to date—without any notable effect upon the earth's habitability. Enormous quantities of natural contaminants are deposited in our streams by springs and rainfall—chlorides, sulfates, carbonates—not to mention such nutrients as phosphates and fixed nitrogen which have caused us so much concern about our fertilizers and detergents. Earthquakes, floods, storms, and forest fires work immense havoc upon the earth, as they have done for millions of years before man ever evolved. What we have succeeded in doing is to make life thoroughly unpleasant for people who inhabit certain localities by dumping high concentrations of waste into the air or watersheds that serve them, or onto the land in their immediate vicinity. Man's impact is still local, but because he is both numerous and ubiquitous, the problems he has created for himself are quite large. But they are not cosmic, as some would lead us to believe, and they are not insoluble.

So there is an urgent requirement for more knowledge, for a better understanding of the true nature of our probelms so that we shall at least be able to differentiate between problems and non-problems, and between solutions and non-solutions. The legal profession, concerned as it has always been with precision and definition and exactitude, can make a great contribution to this essential search for truth which we must continue to pursue.

In particular we need the disciplined approach of the legal mind as we begin to assess the cost of what we propose to do to alleviate the conditions which we find objectionable. We pay a great deal of lip service to the costs identified to cleaning up our environment. Awash in rhetoric, we profess to be quite willing to pay whatever price is necessary to make the air pure, the streams clear, the earth green and productive.

And pay them we must, and will. But I suggest that the full cost of this restitution effort is going to amount to something very much more than a few cents at the gasolone pump, a few dollars a year more for facilities and a few minor inconveniences along the way as we go marching forth to set the world right. The Environmental Protection Agency Administrator was impeccably honest about the meaning of the new air quality standards that were established which are to be met by July 1975. In the briefing at the time the standards were published questions were raised running to the basic diurnal routine of city commuters, noting that

big cities will need to go to car pooling, rapid transit, and staggered work hours in order to meet the standards. It was stated that certain sections in some cities may have to be closed to motor traffic during certain periods of the day. Insofar as I can observe, the nation received this announcement without batting an eye, as if no one really expected any of these awkward and grossly inconvenient things to happen.

Moreover, we have been told that just to meet the 1975 particulate standards in seven large cities will require an additional volume of gas equal to 15 percent of the total consumed by the Nation. At current levels of consumption, this is 3.3 trillion cubic feet a year, and there is virtually no prospect that this much additional gas can be made available to these localities by the specified date. In every case, the major concern of gas pipeline and distribution companies is now focused upon protecting existing firm residential and commercial commitments—at the expense, if necessary, of industrial and power plant loads. Yet, the sales push persists in many cities to get people to use gas to air-condition their houses, including favorable rates for these large economy-size consumers.

The newspapers are well along with their seasonal warnings about the potential shortage of electric power to meet peak demands this summer. We have been reading these warnings every summer for at least the past three years. Meantime, all during the winter months, we read advertisements urging us to take advantage of low, off-season installation rates to put central air conditioning in our houses.

I have the distinct impression that somebody isn't getting the word.

The word is simply this: We have decided that it is worth whatever it costs to clean up our air and water and garbage dumps and junkyards. It is going to cost a bundle, and not one American in ten thousand is as yet even remotely aware of that fact. In Fairfax County, Virginia, the estimate for the cost of sewage treatment is forecast to rise from the present $50 a million gallons to $230 a million gallons by 1974. This is nearly a fourfold increase over a period of three years, and the users of the service will pay for it, as they should. But I wonder just how many householders in Fairfax County have taken the trouble to sit down and work out the dollar cost of the increase in their sewage bills they can expect over the next three years.

We happen to have a price tag for this particular reform. We do not, as yet, have comparable data on the additional cost of electricity, of motor fuel, of car maintenance, of taxes, both direct and indirect, of home heating, of virtually every item that is grown, mined, or manufactured in the United States. We shall know a great deal about these cost increments in 1980. It would be helpful if we know more than we do about them in 1971. These costs will be discernable not only in the prices and taxes we pay, but also in terms of employment, and payrolls, in levels of personal comfort and convenience, in trade balances and dollar flows abroad, in the degree to which we become dependent for our energy supplies upon sources over which we have no control.

Ironically, these environmental costs will be dramatically evident in their impact upon other goals which are the object of other equally worthy causes. One illustration will suffice. The money cost of environmental programs will impinge directly upon some of the most basic outlays the typical family must make to sustain itself: Upon what it must pay for water, for electricity, for home heating, for sewage and waste disposal, for taxes, for gasoline and maintenance to the vehicle which is the breadwinner's transportation to and from work. These expenditures are essential, not discretionary. Unlike the progressive income tax, the added costs do not differentiate according to ability to pay. To the more prosperous residents of Westchester County, these increments may be more of an annoyance than a burden. But in Harlem, where a fourth of the residents are on some kind of public assistance, the studied efforts of programs designed to bring a measure of relief to the hard-pressed families there may be subverted by the added costs assessed against their basic necessities. Let's not kid ourselves: The costs of rescuing our environment will be heavy, and they will fall with singular force upon the poor and the disadvantaged. We need to do some sober thinking about how we intend to deal with the poignant aspects of this unintended fallout upon so large a portion of our fellow Americans.

The legitimate costs of environmental preservation and rehabilitation will be heavy enough once we begin to feel their weight. We can afford these. But what troubles me deeply are the costs which are not legitimate, and which represent charges incident to frivolous and capricious acts arising out of ignorance, irrationality, and a misguided excess of missionary zeal. We cannot afford these.

All over the Nation we are witness to a rising tide of opposition to the construction of essential facilities for the extraction and transport of minerals; for the generation and transmission of electrical energy; for the processing and fabrication of a thousand things needed by people. Some of this is legitimate, and we have created adequate mechanisms through laws and courts and regulatory boards for the satisfactory resolution of valid differences. But in providing these mechanisms, we have facilitated—indeed, we have almost invited—lawsuits and complaints by individuals and groups who previously had no standing before adjudicating bodies, and whose claims to relief may rest on nothing more substantial than a professed concern for the environment. Laws are being proposed whose effect will be to frustrate, delay, and even prohibit operations which were once thought to be in the general public interest. Those of you who are on the Natural Resources Committee are aware of the bill now before Congress which would require the cessation of all strip mining in the United States within six months after its passage.

The effect of this bill, if passed, would be to reduce coal production by one-third, and employment in the coal mining industry by more than 20 thousand workers. The groundswell caused by the precipitate shutdown of a third of the Nation's coal mining industry would demoralize the electric power industry, and impact upon the economics of a dozen states. I do not expect the bill to be passed, but the mere fact that such a measure could be introduced at all by the national legislature says something significant about the temper of our times.

My point is that the enthusiasm and elan of a worthwhile cause is in danger of overreaching the proper objective of its concern. We want a revival of some values that have temporarily been lost in the rush to achieve our present levels of material well being. We want clean air and clear streams. We want an end to ugliness and stridency. We want reminders around us, within sight and sound, of the fact that we are kin to every living thing, closely or remotely. We want the time and the space to sit in quiet meadows, to walk by sunlit waters, to look upon the desert glory after a spring rain, to stand in awe at the work of wind and water upon the weathered face of the earth over geologic time.

We want all these things, and we shall have them. But we must not abandon or postpone the important goals that depend upon our steadily increasing production and use of food, fuel, and fiber. For the simple truth is that we shall have to go on building power plants, drilling oil wells, opening mines, laying pipelines, building and operating factories and mills and ships, and do so at a rate which is responsive to the ever-increasing demands that will be made for the goods and services they provide. There are now 205 million of us, and even at the lowest birthrate in our history, there will be 300 million Americans to be fed, clothed, housed, and otherwise cared for by the turn of the century, and it cannot be done with cottage industries and 40-acre farms.

Last month President Nixon spoke to the imperative necessity for an expanding energy supply to sustain our economic growth upon which our aspirations for a better quality of life for all Americans depends. On no other occasion in our history has an American President addressed an entire message to the subject of energy. This one fact speaks far more eloquently of the importance of an adequate, secure supply of energy than anything I could possibly utter.

The President devoted much attention in his message to plans and programs for clean energy—for accelerating the development of the breeder reactor, or gasifying coal, for control of sulfur oxide emissions. He also dealt specifically with the central problem confronting electric utilities, calling attention to his proposals now before the Congress to provide administrative measures to facilitate long-range site planning for power plants. Throughout his message, the President noted the inter-relationship between energy and the environment. He devoted an entire section of his message to the need for an integrated energy policy and the administrative apparatus to put it into effect. This done, energy considerations can be handled through a mechanism congruent to the one established to deal with environmental problems.

By implication, the President has stated the case I wish to make today. Within the stipulation that we must continue to expand our production of goods and services, certain trade-offs and choices are possible for the protection of the environment. The performance levels that we demand of our producing and consuming activities can be adjusted to accommodate reasonable expectations of technological advances. We can work around the hard spots. We have the time and the resources which permit this flexibility in our approach to solving our problems.

But as between the basic objectives of continued economic expansion and environmental protection, we have no choice. Both goals are possible. Both are essential. It remains for us to proceed, in reasonableness and good faith, along lines of action designed to bring both within our reach.

So I would like to close with a plea for reason, for perspective, for an approach to our problems at manageable levels of emotional intensity by all participants in what is in essence an adversary process.

But adversaries need not be enemies, and when they must share the benefits derived of common resources, they cannot afford to be. Obstruction and intransigence and self-righteous uptightness can bring us nothing but trouble and grief. My message is that we can rescue the environment and still produce the material means to honor the claims of those other causes which have also been advanced in the hope of a better quality of life for our people. The costs are within our capacity to pay, provided we choose wisely among the courses open to us.

SOCIAL SERVICES FOR THE ELDERLY—A BACKWARD STEP REVERSED

Mr. EAGLETON. Mr. President, on May 3 I called to the attention of the Senate a provision of the final social

services regulations issued by the Department of Health, Education, and Welfare which had the effect of denying social services to any elderly person not receiving public assistance.

This change had been made between the time the regulations were published for comment on February 16 and the publication of the final regulations on May 1.

I was very pleased to learn from HEW today that the regulations will be modified so that elderly persons who are potential assistance recipients will be eligible to receive those services designed to enable them to remain in their homes and avoid dependence on institutional care.

Although I am still of the opinion that the definition of a potential elderly recipient contained in the final regulations is unnecessarily restrictive, certainly the first order of business is to assure that that definition is an effective one and that services can be provided to those who meet it.

S. 1090—THE FUTURE OF PUBLIC BROADCASTING

Mr. BROOKE. Mr. President, I support the public broadcasting authorization bill we passed yesterday, but I regret that I did not have an opportunity to comment on this legislation. I would like to make a few comments today.

The funds dispensed annually by CPB serve a most worthy and crucial purpose in strengthening and upgrading the programing quality of public television and radio stations across the country. Swift enactment of this legislation is essential if funds are to be available in time to salvage the coming program season for public television. An article which appeared in the Washington Post 2 days ago underlines the seriousness of public broadcasting's financial woes. The article indicates that, at current funding levels, public television will suffer a 75-percent reduction in new programing for the 1973–74 season and that reruns of old programs will have to supplement the rest of the schedule.

But, Mr. President, while I wholeheartedly support the provisions of this bill, I would feel remiss in failing to bring to my colleagues' attention some inadequacies of the legislation in facing squarely the present status of public broadcasting. Adequate financing of the public broadcasting system is but one of the serious unresolved questions facing the system. Two other matters are at least equally grave: How to guarantee that programing decisions are insulated from governmental influence and how to distinguish between the proper role of the Corporation for Public Broadcasting and the proper role of local stations in making programing decisions.

The committee report on this bill presents strong and solid arguments in support of the legislation, but unfortunately events have outdated the report. Over the past weeks, there have been repeated reports of political pressure brought to bear upon the Corporation for Public Broadcasting, and meanwhile the stations and CPB remain at loggerheads over who should call which shots.

On April 13, the Board of the Corporation for Public Broadcasting voted to table a compromise measure which had been arduously hammered out with repesentatives of the Nation's 234 public television stations. The compromise would have sealed the terms of a partnership between the licensee's organization—the Public Broadcasting Service—and the Corporation in sharing decisionmaking responsibility for the national public television system. The CPB Board's vote to defer action on the compromise precipitated the abrupt departure of the Board President, Mr. Thomas Curtis, who charged that he could no longer vouch for the integrity of the CPB Board. Mr. Curtis said that Board members had been contacted by the White House on the eve of the vote and had been pressured to vote against the compromise. These charges of improper pressure have since been denied by the Office of Telecommunications Policy and the exact nature and propriety of communications between the executive branch and the CPB Board on this matter are in dispute. But Mr. Curtis, a former Congressman from Missouri who is known by many Members of this body, is a man of honesty and integrity and a man not given to making wild charges. Whatever the nature of the contacts between the executive branch and the CPB Board may have been, Mr. Curtis quite evidently felt the Board's independence had been seriously violated and, he, therefore, felt he could not in good conscience continue as Chairman of the CPB Board.

Mr. Curtis' resignation and subsequent charges have sent tremors of apprehension throughout the public television community. Mr. David Ives, the very distinguished president of Boston's public television station, WGBH, stated on April 26 that WGBH stood ready to refuse sizable program production grants from the CPB if the station became convinced that the Corporation Board has been subject to improper political influence from the executive branch. Mr. Ives, too, is a responsible and temperate man; he is not one to issue public statements capriciously. And yet, he has felt it necessary to spell out in the clearest possible terms his growing concern about signs that the executive branch of the Federal Government "may be trying to take over control of public television for its own ends."

One of the consequences of the turmoil has been to remove practically all of their public affairs programs including Washington Week in Review, Bill Moyers, and Bill Buckley, who announced that as of May 18, his popular public television program, Firing Line, may be offered on a syndicated basis to commercial stations.

Firing Line and these other outstanding programs will be financially out of reach of most public television stations which now can broadcast them weekly. While it is very clear that public broadcasting needs the increased funding levels provided in the legislation now before the Senate, it is equally clear that more is needed than money to correct the present disarray in Public Broadcasting Corporation's Board and the repeated—and, I maintain, erroneous—insistence of the Board that operative control of the national interconnection system lies solely in its jurisdiction causes me great concern.

The Congress recognized that the Corporation Board, no matter how honorable its members may be, would be subject to inappropriate pressures. This would be true for the simple reason that they are appointed by the President. We attempted to create a decentralized system in which program production and program distribution would be in the hands of those at the local, rather than national, level so that these pressures would be minimized and local people would determine local needs free of interference. I believe this system has worked well and I disagree emphatically with attempts by the Corporation to reserve for itself more control over the local stations.

Since recent events have exacerbated the gulf between the Corporation and the local stations, events occurring too late for us to take positive action on. I hope the House will be convinced to make as clear as possible that this system must be based on local control. Only by creating and maintaining true localism in public broadcasting can the system both effectively serve the people and protect itself from inappropriate political interference.

THE MEANING OF WATERGATE

Mr. McGOVERN. Mr. President, one of the most perceptive commentaries I have seen on the Watergate scandal is an essay by Mr. Hedley Donovan, editor of Time magazine, which appears in the May 14, 1973, issue of Time. Mr. Donovan's essay entitled "The Good Uses of the Watergate Affair" contends that there are constructive benefits that can be gained from the sad lessons of the Watergate affair. The author argues that in recent years the Presidency has been removed from needed restraints either by the Congress or by the American people.

"It may be that the greatest service of Watergate is to deflate swollen notions of the Presidency as well as Mr. Nixon," writes Mr. Donovan.

I agree with this observation and with the other points of this excellent essay.

I am also impressed by a thoughtful piece written by Mr. Stewart Alsop in the May 14, 1973, issue of Newsweek entitled, "War, Not Politics."

I ask unanimous consent, Mr. President, that these two articles by Mr. Donovan and Mr. Alsop be printed in the RECORD.

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

THE GOOD USES OF THE WATERGATE AFFAIR

Some Americans—it might even be a majority—catch themselves in guilty sensation: they are glad about Watergate.

They should not feel guilty. Watergate could have highly salutary consequences.

To be sure, there are those who are pleased for reasons of petty partisanship or from a vulgar enjoyment of that dependable old theme, The Mighty Brought Low. But there are deeper reasons for taking satisfaction in the whole squalid affair.

Watergate has already destroyed a White House palace guard that "sheltered" the

President from Congress, from many high officials of his own Administration and from many regions of public opinion. It is possible that President Nixon will try to reconstruct another palace guard as arrogant, zealous and narrow as the one built by the banished Haldeman and Ehrlichman. They would be difficult to match, however, and the President's first moves this week suggest that he will now try for a somewhat more loose and relaxed staff around him. This would be good for Nixon and for the country. If Richard Nixon were as jovial and gregarious as, say, William Howard Taft, he might have needed a Haldeman ("I'm Nixon's s.o.b.") to protect him from his own openness. That is not his problem.

One of the many mysteries left over from the President's TV speech of April 30 is why he gave such lavish praise to Haldeman and Ehrlichman. If they were indeed among "the finest public servants it has been my privilege to know," why was he forcing them to resign? Was this praise the price for their going quietly (so far)? One prefers to think that it was an oblique acknowledgment of the President's own responsibility for the general style, if not all the specific acts of his staff, and that the President would now be wary of comparable "devotion."

Another good result of Watergate could be a clearer understanding in the country as well as in Washington of the role of a free press in a free society (*see* PRESS). There will be "adversely" elements in the relationship between the press and any President, but the Nixon Administration has been paranoiac on the subject. Until the past fortnight, the White House was treating journalistic pursuit of the Watergate story as though it were malicious or downright unpatriotic. In his April 30 speech, belatedly but generously, the President actually praised the press for its work in exposing Watergate. Ron Ziegler picked up the cue the next day and, under some prodding, apologized for his contemptible attacks on the Washington *Post*, Amateur Zieglers, Agnews, Haldemans, Ehrlichmans all over the country will have to take notice.

The freedom of the press does not exist for the private enjoyment and self-esteem of journalists but to keep people—even Presidents—informed. Watergate could be a turning point, after several years of Government hostility and harassment, toward a renewed national perception of why a fully independent press (with its abundant faults and excesses) is essential to the American system.

Most salutary of all, Watergate could be a historic check upon the long and dangerous aggrandizement of the presidency. The Federal Government is not really the same thing as the United States; it is one institution in America; and the President is not really synonymous with the Federal Government; he is the head of only one of its three branches.

The growth of the modern presidency began with the Depression and New Deal, World War II and F.D.R.'s own immense zest for power. The atomic bomb added an awesome new dimension to presidential responsibility, though the first two nuclear-age Presidents had a nice way of not taking themselves too seriously. Truman was fond of remarking that any of a million other men (this was pre-Women's Lib) were as well qualified to be President. Ike had a genial instinct that the republic would still be standing tomorrow morning if he played a round of golf this afternoon.

But under Kennedy, Johnson and Nixon, for all their differences, there has been a driving personal urge to power, a philosophical view of the presidency as the central institution in American life, and a whole series of external events and circumstances that gave vast scope for presidential activity.

We need a strong presidency, of course, but in recent years the Executive-Legislative relationship has tilted far out of balance. Johnson and Nixon both assumed an utterly autocratic control over the power to make war. Nixon has threatened to carry Executive impoundment of funds voted by Congress to further lengths than any previous President. And until he had to reverse himself a few weeks ago, he was asserting fantastic claims of "Executive privilege" to give his men immunity from testifying before Congress about anything he chose to have them silent about.

None of these controversies will ever be the same again, at least for the balance of Nixon's term, and one hopes for longer. Congress is stronger than it was a month ago. The courts are stronger. The citizen's rights of dissent and skepticism are fortified.

Will the pendulum swing too far? One of the ablest of Nixon's appointees (in no way tainted by Watergate) sometimes broods: "It is much too easy to destroy a President." The fact is, it is not easy at all. The American governmental system gives tremendous security to a President. He can sustain severe political defeats, even scandals, and still function reasonably effectively as President. What he *cannot* do after defeat and scandal is pose as the supreme embodiment of American history and purpose or some democratic monarch by divine right. But he was never meant to be that—even without defeat and scandal. It may be that the greatest service of Watergate is to deflate swollen notions of the presidency as well as Mr. Nixon. He has lost his "landslide" of last November. He seems now to have just squeaked in, less honorably than he squeaked in back in 1968.

It is interesting that in the past fortnight, some of the most anguished comments about "preserving the presidency" have come from liberal Democrats profoundly unsympathetic to Richard Nixon the man, but devout believers in the near mystical view of the presidency. The lament "the crippling of the presidency," a "collapse" of the American form of government, etc., etc. Nonsense. The presidency was never meant to be so majestic that it could not accommodate lapses of judgment or even ethics.

Admittedly Watergate is a very large lapse, with no near parallel in our past. In his speech the President was much too quick to put Watergate behind him and turn to the "larger duties" of his office—the economy, foreign policy, etc.

But his instinct is right for the longer run. His best reparation to the American people will be in redoubled effort on the stubborn problems of domestic policy and follow-through on his statesmanlike openings in foreign policy. The public, for its part, is already coming down off some of the more overblown views of the presidency, and that is why so many people are able to see considerable good coming from Watergate. The public has perceived that the President of the United States, even as other men, can be very good at some things and quite deficient in others.

For the short term there is no question that the Government and the country suffer a loss. There will be confusion, even paralysis, in some areas of policy for weeks or even months to come. Good men in no way contaminated by Watergate may quit the Government; other good men may hesitate to join it.

There is obviously more to come about the Watergate affair and more the President himself will have to do, including eventually a fuller and franker account of his own discussions and decisions from the beginning. Meanwhile, we are all much indebted to a privately employed night watchman who was on his toes; three District of Columbia policemen who reacted very fast; a posse of persistent journalists; the courageous judge, John Sirica, who reminds us what an independent judiciary means; the looming figure of Senator Sam Ervin, whose impending hearings surely helped loosen various tongues. In short, the American democratic "system," an even grander and more important thing than the presidency, is still running.

WAR, NOT POLITICS

WASHINGTON.—The Watergate scandal, it is clear by now, is different—truly different, different in kind—from all the scandals that have preceded it in American history. It is this difference that makes Watergate so frightening.

All those other scandals—Credit Mobilier, the Whisky Ring, Teapot Dome, Sherman Adams and his vicuña coat, Bobby Baker and his wheeling and dealing—were motivated by greed, an emotion effortlessly understood by almost all of us. But although the Nixon campaign was awash with hundred-dollar bills, none of the Watergate men *seems* to have stuffed large quantities into his pockets. They seem to have been motivated by more complex emotions—by a certain self-righteousness, by fear, by a special kind of political-ideological hatred.

As a result, the people who were running the President's election campaign were not really running the kind of campaign this country has known since the party system was founded. They were not practicing politics. They were making war, a special kind of war. The kind of war they were making has been made between nations for a long time now, and it is still being made. But this special kind of war has not before been made within a nation, certainly not within this nation.

FROM OSS TO CREEP

The spiritual ancestor of the Committee to Re-elect the President, better known as CREEP, is OSS. Gen. William Donovan's Office of Strategic Services, in which this writer served for a while, was this country's first serious attempt to wage war by covert and unconventional means. OSS was patterned on the British Secret Services, and the Central Intelligence Agency has in turn been patterned on OSS. In fact, all the world's secret services, including Russia's KGB, have four main missions.

In OSS they were called S.I. (Secret Intelligence), S.O. (Secret Operations), M.O. (Morale Operations) and X-2 (Black Propaganda—in the KGB it is called "Department of Disinformation"). These branches overlapped and competed bitterly, of course. But in general, all OSS covert operations fitted into one category or another.

So did CREEP's covert operations. The ludicrously bungled Watergate break-in itself, for example, was a classic combined operation between S.I. and S.O. The letter to The Manchester Union Leader during the New Hampshire campaign accusing Senator Edmund Muskie of sneering at "Canucks" was a classic X-2 operation. So was the faked telegram from President John Kennedy to the Saigon mission, calling, in effect, for the assassination of Diem.

The burglarization of the office of Daniel Ellsberg's psychiatrist was essentially an S.I. operation, as was the much earlier attempted burglarization of the office of the doctor who was treating John Kennedy for Addison's disease. If either had been successful, it would no doubt have been used as part of a major morale operation.

MORALE OPERATIONS

The operation in which CREEP arranged to flood the White House with telegrams supporting the President's Vietnamese policy was of course a morale operation. (It might have been named Operation Gub-Gub, after the pig in "Doctor Dolittle's Post Office" who, to bolster his own morale, sent himself numerous letters, filled with banana peels.) Another morale operation was that in which homosexuals were allegedly hired to give ostentatious support to Senator McGovern.

The basic mission of Donald H. Segretti,

whose services were generously rewarded by Mr. Nixon's private lawyer, Herbert W. Kalmbach, was to head an intelligence network—what the French and many intelligence officers call a *reseau*. Segretti was clearly also expected to do some morale operations work.

One even recognizes in the people who have surfaced in CREEP some of the same sort of people as in wartime OSS. There were many brave and good men in OSS, as well as many creeps. Curiously enough, in another time, G. Gordon Liddy would have been regarded as among the bravest and the best.

Like all secret services, OSS was compartmentalized, so that if one operative was captured and broken by the Gestapo, for example, he could not betray the whole reseau. Agents who went behind the lines in Europe were given "death pills," to give them an option to being broken by the Gestapo.

In all secret services, it has to be assumed that any captured agent can in time be broken. But there were a few—a very few—captured OSS agents who remained unbreakable, and they were regarded as true heroes. In the case of CREEP, the stubbornly silent G. Gordon Liddy seems to be the only operative to fall into this category.

His closed mouth and sardonic salute when he was condemned to a long jail term somehow recalled to this writer's mind the magnificently childish *beau geste* of one of the first OSS agents in Germany. He mailed a postcard, in English, to Adolf Hitler, Wilhelmstrasse, Berlin: "Dear Hitler: F--- you. An American IN GERMANY.

In wartime, G. Gordon Liddy would have been festooned with decorations rather than slapped into jail. As so often in wartime, his stubborn silence did no good. As the pressure mounted, other members of the reseau cracked—James McCord, Jeb Stuart Magruder, John Dean III. Perhaps CREEP should have distributed some death pills as a precaution.

The Watergate operation has provided a giggle or two, as OSS did in its day. But Watergate is a deadly serious business all the same, as deadly and as serious as this reporter has seen in a quarter century of covering politics. For Watergate has been an attempt to alter the very nature of the ancient American political system.

TERRIFYING INNOVATION

Politicians have played tricks on each other since politics was invented. But this is not politics; this is war.

The special form of warfare waged by OSS against Adolf Hitler was morally justified by the moral necessity to destroy Nazism. The more limited and circumspect form of warfare waged by the CIA against the KGB, and vice versa, is also justified by hard necessity. But to transfer such secret-service techniques, on an obviously planned and organized basis, to the internal American political process is a genuinely terrifying innovation.

Any person proven to have used these techniques should not only be punished by the law; he should be banned forever from participation in American politics. Every sensible American—including, as he has said in a fine speech, George McGovern—deeply hopes that Richard M. Nixon is not such a person. But if the Niagara of evidence, which will surely now result from the breaking of the CREEP reseau, conclusively proves the contrary, Mr. Nixon, who has been a good President in many ways, must resign, or be impeached.

OREGON YOUTHS PERFORM HEROIC SERVICE

Mr. HATFIELD. Mr. President, all too often, the many good deeds of young people today are overlooked as attention focuses on the bizarre or the outlandish actions of only a few people of this age.

Recently, a friend of mine in Oregon, Mr. Stan Malo of Dallas, Oreg., called to my attention the very heroic actions of two Oregon high school students.

These two young men, both high school sophomores, rescued people from a burning house at great risk to their own safety. The article-editorial I will insert in the RECORD details their actions.

Through the initiative of Stan Malo, the two young men, Melvin Broaddus and Keith Richardson, were honored at an insurance convention by the National Association of Mutual Insurance Agents, who awarded them its "Alert Youth Award."

I want to add my congratulations to these two outstanding students, who deserve the accolades they are receiving.

I ask unanimous consent that the editorial from the Dallas, Oreg. Itemizer-Observer 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:

MORE UNDERSTANDING OF HUMAN NATURE

An interesting story crossed our desk recently involving two young men from Milwaukie, Ore. and a group of Oregon insurance agents.

It seems that the National Association of Mutual Insurance Agents wanted to put the spotlight on today's young people. An "Alert Youth Award" was sponsored by the Oregon Insurance Agents. The insurance men felt the award would give credit to deserving youngsters, and at the same time, counteract a lot of the bad news about young people headlined in today's media.

Finding recipients for the award was not difficult. Stan Malo heard about, and sponsored, Melvin Broaddus and Keith Richardsor of Milwaukie who saved five children trapped in a flaming house. The two youths were doing remodeling work on a house in northeast Portland when they heard the cries of children in the house next door. Soaking their clothes with water, the two young men broke open the front door and struggled through the heat, smoke and fire billowing from the building. Then Richardson ran to the nearest fire box to summon the fire department. According to the local fire chief a few more minutes and the children would have died of smoke inhalation.

About a month later the two boys' parents were contacted about the "Youth Alert Award." The parents agreed to permit the insurance agents to present the award to the boys, but with a mild admonishment "not to give them too much because they were brought up to do right and not for rewards."

The story might have ended with the award presentation at the Warm Springs Convention Center, and with the congratulatory telegrams from Oregon senators and congressmen. However, this wasn't to be the case. Human chemistry went to work. After the convention ended the visiting insurance agents returned to their hometowns a little bit wiser and with a great deal more understanding of human nature. It seems that the two young men the insurance agents were anxious to reward left more at the convention than they received. The humility and sincerity of the young men captivated the convention delegates. The insurance agents agreed to the man that the "Alert Youth Award" was successful as a means of bridging the generation gap.

But none of them expected that the award presentation would also help bridge the racial gap. But then again that was before they learned that the first year's recipients, Melvin and Keith, were two youthful ambassadors from Oregon's black community.

KGW RADIO RECEIVES PEABODY AWARD

Mr. HATFIELD. Mr. President, this past week, one of the respected Peabody Awards was presented to Mr. Dean Woodring, general manager of KGW Radio, in Portland, Oreg. For many years, this station, and its parent, King Broadcasting, have been leaders in Portland and in other Northwest cities where it has radio or television outlets.

The Peabody recognizes excellence among programs, certainly a worthy goal of any communications enterprise. I call attention to this award, and ask unanimous consent that a news release from KGW Radio discussing the award shall be printed in the RECORD.

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

NEWS RELEASE

KGW Radio, a Division of King Broadcasting, has been named a recipient of a George Foster Peabody Award for their Public Affairs series "Open Door." Called the "Pulitzer Prize of Broadcast Journalism," the Peabody awards are given each year to honor the most distinguished and meritorious public service by radio and television stations, networks and individuals. KGW Radio, one of the 22 recipients of the Award, is the only local commercial radio station in the nation to receive a 1972 Peabody Award.

"Open Door," a ½ hour weekly religious/youth program, is directed by Bud Frimoth, Pastor of Sunset Presbyterian Church and produced by the KGW Public Affairs Department in conjunction with the Greater Portland Council of Churches.

Written by young people, the weekly program reflects the themes of today's youth (i.e., isolation, war, feelings) interwoven with contemporary music. The series fuses the emotional intensity of youth with a probing view of their atttiudes toward the world they live in.

Beginning in October, 1970, "Open Door" has broadcast 113 programs. During that time, 30 to 40 young people have participated by writing, directing and producing the show. The program is heard on KGW Radio at 10 a.m., Sunday and is also aired in Seattle on KING Radio.

"Open Door" joins an outstandnig group Award. Other winners include Alistair Cooke for his "America" series, NBC for "Search For the Nile," Bill Monroe for news reporting on the "Today" show and ABC for its coverage of the Summer Olympics in Munich, West Germany. Formal presentation of medallions and certificates will take place in New York City on May 2.

THE WATERGATE AFFAIR

Mr. TOWER. Mr. President, on April 28, 1973, the Dallas Morning News carried an interesting column by its senior political analyst, Mr. Robert E. Baskin, concerning the Watergate affair. I feel Bob Baskin has placed this whole unfortunate episode in perspective, and request that the full text of his column be printed in the RECORD.

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

ATMOSPHERE OF GLOOM NOTICED IN WASHINGTON

(By Robert E. Baskin)

WASHINGTON.—You come out of the countryside of Texas—as we did the other day—and into the heady atmosphere of Washington and you find that this is a strange and baffling nation.

We spent the Easter weekend in West Texas before coming to this great city of marble monuments and frenzied oratory. It was like lunging from daylight into a grim darkness.

Out in West Texas we made it a point to inquire everywhere we could about the reaction to the Watergate affair. Somehow we had got the notion that this was the burning issue of our time. It's not anything like that in West Texas.

Most of the reaction we encountered was of a "so-what" variety. There was a strong feeling evident that Watergate was primarily a political controversy and that it did not have serious moral or ethical connotations.

Arriving in Washington on a cold, clammy day, we found just the opposite view of Watergate.

Washington is a city of desperation. It is also a city of many frustrations. The Nixon administration is responsible for much of this, but it should not be condemned out of hand for this syndrome.

MUCH UNHAPPINESS

In the bureaucracy, for example, there is much unhappiness and unease because of the president's deliberate effort to cut down the size of the federal establishment. This contributes to a wave of leaks about what is going on in the federal government—some of it perhaps true and some of it merely calculated vindictiveness.

But above this, and as a result of the Watergate affair, we are witnessing a wave of hysteria in Washington. There is an unparalleled attack upon the presidency—the office, the man and the system.

One of Washington's more conservative columnists this week denounced Nixon in strong terms and spoke of the "disintegration of the presidency." This is hard language, by any standard.

There is no question that an assault of major proportions has now been mounted against Nixon and his administration. At this moment it is highly effective in Washington and on the East Coast. But whether it has relevancy to the citizens out beyond the Appalachians is quite another matter.

Washington in many respects is a sick town. The Watergate story is feeding upon itself in an ugly sort of way. And this is doing neither the country nor the government any good. If there has been wrongdoing, let it be decided through customary legal channels.

DREDGED UP

But as it now stands the indictments against Nixon and his cohorts have been returned by others than constituted authority. These indictments have been severe, and they do not relate solely to the events of 1972. Now we are having dredged up for us Nixon's campaigns for the House, the Senate, the presidency, (in 1960) and the governorship of California.

This is not fair play. We have largely forgotten Harry Truman's days with Pendergast, Lyndon Johnson's 87-vote victory in 1948 and the theft of Illinois and Texas by the Kennedy people in the presidential election of 1960.

Watergate, of course, is a sordid affair, and it is essential that the full facts about it should be brought out.

But the hysteria that reigns in this town at this moment should be of major concern to the country. The government is virtually at standstill until this unfortunate political episode is ended. If Richard Nixon is the astute politician that we believe him to be, he will shortly take drastic steps to clear up this matter.

INDOCHINA—COMMENTS OF THE FOREIGN MINISTER OF SWEDEN

Mr. PELL. Mr. President, there has been some concern expressed by the administration concerning the view of the Foreign Minister of Sweden's comments on Indochina.

For the sake of clarity and for the interest of my colleagues, I ask unanimous consent that the remarks of the Swedish Foreign Minister in his Parliament on April 26, 1973, be printed in the RECORD.

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

REPLY BY THE FOREIGN MINISTER TO A QUESTION IN PARLIAMENT APRIL 26, 1973

Mr. Takman has asked me about the Government's attitude to the U.S. bombings of Cambodia in view of the Paris Agreement of 27 January 1973 and about the steps which the Government has taken to make known its attitude to the continued aggression of the United States in Indochina.

The provisions of the Paris Agreement dealing with Cambodia are to be found in Article 20 which stipulates the following. The parties shall respect the 1954 Geneva Agreement, which recognized the independence of the Cambodian people. The parties shall further respect the neutrality of Cambodia. They undertake to refrain from using the territory of Cambodia to encroach on the sovereignty and security of one another and of other countries. Foreign countries shall put an end to all military activities in Cambodia, totally withdraw from and refrain from reintroducing troops, military advisers and military personnel, armaments, munitions and war material. The internal affairs of Cambodia shall be settled by the people of that country without foreign interference. There are corresponding provisions for Laos.

In the opinion of the Government it is of decisive importance that the parties to the Agreement observe these provisions.

The provisions of the Paris Agreement pertaining to Cambodia and Laos are also confirmed in Article 8 of the Final Act of the International Conference in Paris. With the stated aim to strengthen and guarantee the peace in Indochina the participating parties acknowledge in this Article the commitment of the belligerent parties to respect the independence, sovereignty, unity, territorial integrity, and neutrality of Cambodia and Laos as stipulated in Article 20 of the Paris Agreement.

The continued American bombings should also be seen from a general political and humanitarian point of view. The situation in Cambodia after the signing of the Paris Agreement has been characterized by continued fighting between the parties in the civil war, which for a long time have been receiving material support from foreign powers. It is naturally difficult to assess the extent of this support. But in the Government's view it is not acceptable that a great power with superior military resources intervene in a civil war in a small country. The bombings appear all the more provocative since they indiscriminately hit the civilian population as was previously the case in Vietnam.

The Government reacted very sharply when Cambodia in 1970 became a theatre of war due to the American extension of the Vietnam war. The Government naturally takes an equally critical attitude towards the renewed military activity in Cambodia and Laos. The views which influenced the Government's attitude towards the Vietnam conflict remain unchanged in the present situation.

A lasting peace in Cambodia and Laos, based on respect for their neutrality, which was confirmed anew in the Paris Agreement and the Final Act, can only be guaranteed by a settlement between the national forces.

Mr. PELL. Mr. President, apparently the last five sentences of the penultimate paragraph have caused anger in the executive branch of our Government. These sentences read:

But in the Government's view it is not acceptable that a great power with superior military resources intervene in a civil war in a small country. The bombings appear all the more provocative since they indiscriminately hit the civilian population as was previously the case in Vietnam.

The Government reacted very sharply when Cambodia in 1970 became a theatre of war due to the American extension of the Vietnam war. The Government naturally takes an equally critical attitude towards the renewed military activity in Cambodia and Laos. The views which influenced the Government's attitude towards the Vietnam conflict remain unchanged in the present situation.

I must say that I agree with these sentences and would only hope that we would cease waging war or, rather, intervening in a civil war in this small country.

I would also hope that the oversensivity in the executive branch would not continue indefinitely and that we might have more normal relations on the ambassadorial level with Sweden, a nation probably more akin to us, except for Great Britain, than any other country in the world and with a standard of living highest in the world except for our own.

THE 25TH ANNIVERSARY OF THE STATE OF ISRAEL

Mr. HATHAWAY. Mr. President, this week the State of Israel celebrated its 25th anniversary, marking a quarter century of social and industrial progress that is remarkable for a country which came into being such a short time ago. Those of us who have watched this growth have been all the more impressed because it has taken place in the midst of adversity which has accompanied the Israelites for over 35 centruies.

A nation or a state does not happen because documents are signed or pronouncements made. Nations are built, and those of us living in the middle and latter half of the 20th century are the fortunate witnesses of what Israel has already accomplished and the hopeful observers that it will soon be able to live in peace, its boundaries peaceful and secure, its position as a leading world nation acknowledged.

Mr. President, I join with the well-wishers throughout the world in offering congratulations to the people of Israel and the Jewish people throughout the world who have all, in their own way, built Israel.

POLITICIANS AND THE PRESS—REMARKS BY CLIFTON DANIEL

Mr. MUSKIE. Mr. President, several weeks ago, one of our Nation's most distinguished news executives, Mr. Clifton Daniel of the New York Times, addressed a group of Washington editors and press spokesmen on "Politicans and the Press."

Mr. Daniel's remarks were structured around the Times' decision to publish the Pentagon papers. Never in his 40-year

career in journalism, Mr. Daniel tells us, has he felt the press "so persistently questioned and challenged as it has been lately." Never has he felt the challenge "to be so ominous."

Part of this challenge, Mr. Daniel points out, comes from a government which characterizes members of the press as "sensationalists who dispense elitist gossip," and one which overclassifies Government documents with little concern for the public's right to know.

In his address to the Public Relations Society of America, Mr. Daniel explains how the Times views its responsibilities under our constitutional system to "publish information of interest and importance to the people, in the performance of their rights and duties as citizens, voters, and taxpayers." I ask unanimous consent that Mr. Daniel's address be printed in the RECORD.

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

THE PRESS AND THE POLITICIANS

(By Clifton Daniel)

Most Americans don't believe in freedom of speech, freedom of the press, and freedom of assembly.

To be more precise, they don't believe that those rights, as defined in the First Amendment to the Constitution, are absolute. Most Americans would be willing to see them restricted.

They claim the right of free speech for themselves, but not necessarily for other people.

What's my evidence?

Last year I received from Louis Harris and Associates—the Harris Poll—some unpublished data from a series of questions put to 1,609 persons—a national cross-section—in 1970.

They were asked, "Do you agree or disagree that every citizen in the United States should have the right to express any opinion he wants to"—freedom of speech.

Ninety-one per cent agreed.

"Do you agree that every citizen should have the right to print any point of view he wants to"—freedom of the press.

Seventy-three per cent agreed.

"Do you agree that every citizen should have the right to hold a meeting on any subject he pleases"—freedom of assembly.

Sixty-six per cent agreed.

But in the same year, 1970, when the same questions were asked in a different context, when they were applied to the conduct of other people, the answers were conspicuously different.

The C.B.S. News Poll, which interviewed 1,136 adults, found that 76 per cent of them believed that "extremist groups should not be permitted to organize demonstrations against the government, even if there appeared to be no clear danger of violence."

Fifty-four per cent "would not give everyone the right to criticize the government, if the criticism were thought to be damaging to the national interest."

Fifty-five per cent felt, that, even in peacetime, "newspapers, radio and television should not be permitted to report some stories considered by the government to be harmful to our national interests."

In brief, a majority would restrict the rights to demonstrate, criticize and report, even though these rights are clearly and unequivocally guaranteed in the First Amendment.

Let me recall the words of the amendment:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

I call attention especially to these words, "Congress shall make no law . . . abridging the freedom . . . of the press," because that's what I'm here to talk about—freedom of the press.

Never in all my career in journalism, which is now in its 40th year, have I known freedom of the press to be so persistently questioned and challenged as it has been lately.

Never have I felt the challenge to be so ominous.

It seems especially menacing because, in part, it emanates directly from the White House.

It began, this official challenge, with Vice President's Agnew's famous speech of November 13, 1969, in Des Moines.

That was the speech in which Mr. Agnew charged that broadcasting was in the hands of a "small and unelected elite" whose views "do not . . . represent the views of America."

Such attacks on the news media subsided during the 1972 Presidential campaign.

Supporters of the President observed that Senator McGovern was, if anything, getting a worse press than Mr. Nixon.

Actually, only 17 per cent of television viewers thought T. V. reporting of the 1972 election was biased against the administration. That was the finding of a poll taken for T. V. Guide.

After the election, however, the challenge to the press was renewed, this time by Clay T. Whitehead, director of the White House Office of Telecommunications Policy. He said station managers and network officials "should correct the so-called professionals who confuse sensationalism with sense and who dispense elitist gossip in the guise of news analysis."

But when I speak of the challenge to freedom of the press in America, I am not thinking only of the government, only of Clay Whitehead and Vice President Agnew. I am also thinking of that 55 per cent of the people polled by C.B.S. who favor government censorship of the press.

They don't use the word "censorship." They may not even be aware that they are advocating it. They simply ask questions such as this one about the publication of the Pentagon Papers, the secret history of our involvement in the Vietnam War: "Who gives you the right," they ask, "to decide which government documents should be made public? Who elected The New York Times?"

That is a hard question. It deserves an honest answer. I shall try to answer it here and now.

The New York Times was elected, so to speak—the press in general was elected—by the Congress that recommended and the states that ratified the first ten amendments to the Constitution in 1971.

The press was not elected to classify and declassify public documents. It was elected to seek out and publish information of interest and importance to the people, in the performance of their rights and duties as citizens, voters and taxpayers—especially information that the authorities might improperly withhold from the people.

The press was elected to scrutinize, publicize and criticize the acts of public officials.

Freedom to publish was guaranteed without restriction.

Freedom of the press, as defined by the First Amendment, means freedom of the press. It does not mean freedom if, or freedom but. It means freedom period.

It is because I interpret the First Amendment in that absolutist sense that I tend to be dubious about so-called shield laws—laws to protect newsmen in their refusal to disclose confidential sources and confidential information.

Defining freedom of the press, as these laws would do, could result in limiting freedom of the press—that is, abridging freedom of the press, which the Constitution forbids.

That is my personal view. Most of my colleagues, through their professional associations, seems to be in favor of shield laws, state and Federal.

Freedom of the press, in their view, and in mine, means freedom to gather news as well as publish it.

That aspect of freedom was seriously eroded by the Supreme Court decision last June in the case of Earl Caldwell of The New York Times.

The court held that newsmen have no Constitutional right to withhold confidential information from grand juries, although lawyers, doctors and priests do have such a right.

Four newsmen have already gone to jail to protect their sources. Many more are prepared to go.

While news-gatherers and news sources must be protected from official harassment and intimidation—whether by statute or the Constitution, they must act within the law.

The First Amendment is not a license to rob or steal.

The New York Times did not steal the Pentagon Papers. I do not know, in fact, exactly how The Times obtained those documents.

They came into the possession of Neil Sheehan, a reporter with long experience in the problems of Vietnam. Daniel Ellsberg says he gave the Pentagon Papers to the press.

Whether Dr. Ellsberg misappropriated the papers and violated the law in making them public—those are issues to be decided in the case now proceeding against him in Federal Court in California. I cannot anticipate the verdict.

In actual fact, government secrets can be had for the asking—or even without asking.

When the Department of Justice tried to prevent the publication of the Pentagon Papers, The New York Times was prepared to go into court and demonstrate that public officials routinely give out classified information for their own purposes, and that secret documents are habitually used in the writing of books by former Presidents and lesser officials.

It is not generally known, I believe, that there is no law providing for the classification of government documents, and there is no law against disclosing government secrets—except in espionage cases.

Documents are classified by Executive Order—that is, on the authority of the President, and the system of classification is notoriously capricious. Parts of the Pentagon study, for example, were based on articles from The New York Times. Indeed, several of the volumes contained page after page of footnotes citing The Times, all classified "Secret."

Equally capricious is the system of declassifying documents—as the government has acknowledged. After the Pentagon Papers case a review of the procedures was ordered, and they were supposedly liberalized by a Presidential order last June 1st.

When he issued Executive Order 11652, President Nixon said it was designed—and I am quoting—"to lift the veil of secrecy which now enshrouds altogether too many papers written by employees of the Federal establishment."

"The full force of my office," the President said, "has been committed to this endeavor."

The full force of the President's office has not been conspicuously effective. Since June 1972, The New York Times has formally requested declassification of 51 sets of documents, all at least 10 years old, and many going back 25 years or more.

In four cases, The Times succeeded without appeal, although one declassification

took ten months. Another case succeeded only after an appeal and a re-appeal. Two more cases are pending.

"That gives us a batting average so far of 5 for 49, or .102—not good enough even for the minor leagues," as Harding Bancroft, executive vice president of The New York Times, told a group of three Senate subcommittees last week.

The Pentagon Papers manifestly would never have been made available under such a procedure.

The issue that confronted The New York Times in the Pentagon Papers case was not how the documents were obtained, but whether to publish them once their existence was known.

The issue really was whether the press was justified in suppressing the Pentagon Papers, knowing that they contained information that the public was reasonably entitled to have—the story of how successive administrations were led deeper and deeper into the Vietnam war, while Congress and the people were deliberately deceived.

The decision of The New York Times to publish was not taken lightly. It was agonizingly and endlessly debated among the paper's highest executives and editors. The verdict was not instantaneous, obvious or automatic. The newspaper's own counsel, Lord, Day and Lord, advised against publication, and, when the Federal government filed suit to halt publication, three days after it had begun, Lord, Day and Lord declined to defend The Times.

There were several factors in favor of publication:

The Pentagon Papers dealt with a public issue of the greatest importance—the conduct of the war in Vietnam.

They contained information that the public was entitled to have, but, which, in many instances, had been deliberately withheld or misrepresented.

The Pentagon Papers were history. They did not touch on current operations. They did not disclose future military plans or policies.

In its suit to stop publication of the Pentagon Papers, the government contended that "grave and irreparable" injury would be done to the national interest.

If irreparable harm did result, there has so far been no evidence of it.

None of our operations in Vietnam, Laos and Cambodia was compromised. Nobody—not even the suspicious Chinese, Russians and North Vietnamese—has refused to deal with us because we allegedly cannot assure the secrecy of diplomatic negotiations and communications.

Nevertheless, for 15 days in the last two weeks of June, 1971, The New York Times and The Washington Post were enjoined by the Federal courts from publishing anything further about the Pentagon Papers.

It was the first time in American history that the Federal government, in peacetime, had exercised prior restraint on the publication of news—in other words, had imposed censorship on the press.

It took 15 days for the case to work its way through the courts to ultimate resolution by the Supreme Court itself.

On June 30, 1971, the Supreme Court announced its decision—a 6-to-3 vote in favor of freedom of the press, as defined by the First Amendment.

As Justice Brennan remarked, "the First Amendment tolerates absolutely no prior judicial restraints of the press predicated upon surmise or conjecture that untoward consequences may result."

Why should that be so? Why did the authors of the First Amendment grant such an absolute right of publication?

Because, as Justice Black said in his opinion in the Pentagon Papers case, "only a free and unrestrained press can effectively expose deception in government."

It is common knowledge, Justice Douglas said, that the First Amendment was adopted to stop the practice of punishing people for publishing things that were "embarrassing to the powers-that-be."

"The present case (against The New York Times and Washington Post) will, I think, go down in history as the most dramatic illustration of that principle," Justice Douglas added.

I myself would say that the decision in the Pentagon Papers case was the greatest victory for freedom of the press in America since John Peter Zenger was acquitted in 1735 of libeling the British royal Governor of New York.

A victory—and yet. . . .

While a majority of six members of the Supreme Court voted against preventing the publication of the Pentagon Papers by injunction, three of those six indicated that they might vote differently if the issue were presented to them in another form and under other circumstances.

Indeed, the initial verdict might have been different if there had been four conservative Nixon appointees on the court instead of just two.

Then there is that majority of 55 per cent in the C.B.S. News Poll who felt that, even in peacetime, "newspapers, radio and television should not be permitted to report some stories considered by the government to be harmful to our national interests."

How can they—how can you—be convinced that freedom of the press—absolute freedom of the press—is worth preserving, that it belongs not merely to newspaper publishers, but to all the people, and that those four newsmen who were imprisoned in 1972 went to jail to defend your liberties as well as their own?

Let me seek some simple and homely words.

Freedom of speech, freedom of the press and freedom of assembly are parts of the same whole.

The loss of one diminishes the others. The loss of them all is the loss of liberty itself.

Show me a country where a citizen is not free to speak out against the government—whether in a newspaper, on the airways, or in a public square—and I will show you a nation in chains.

Why do you suppose that the first two people arrested in the effort to suppress the Hungarian uprising in 1956 were journalists? And why do you suppose that the first demand of the students who were in the vanguard of the uprising was for freedom of the press?

Why do you suppose that the first action of Alexander Dubcek, who tried to establish a more liberal regime in Czechoslovakia in 1968, was to grant more freedom of speech and assembly? And why do you suppose that the first demand of the other Communist countries, which invaded Czechoslovakia and deposed Dubcek, was that the press and radio be controlled and public dissent forbidden?

Why do you suppose that, when President Marcos imposed a military regime on the Philippines last September, he closed down all but one newspaper and all but one radio station, and had 16 newspapermen arrested?

Why do you suppose that the heavy hand of tyranny always falls first on the ears of communication?

Those who would deliver the press into the hands of the government—those 55 per cent—they may not realize it, but they are handing over their own freedom with freedom of the press.

I agree with the man who said last June, "Fundamental to our way of life is the belief that when information which properly belongs to the public is systematically withheld by those in power, the people soon become ignorant of their own affairs, distrustful of those who manage them, and—eventually—incapable of determining their own destinies.'"

That man was Richard M. Nixon.

BANKING AND CONSUMERISM

Mr. HARTKE. Mr. President, this is an age of consumerism, and few areas of our society will be exempt. People are demanding to know more about the products and services they consume. They have a right to this knowledge.

Banking is one area of our society which has yet to feel the consumer pinch. To be sure, many banks are no longer keeping strict "bankers' hours," but there are far more important concerns to the consumer which have yet to be met.

The Hartke Consumer Savings Disclosure Act (S. 1052) seeks to inform potential and existing depositers about their savings accounts so that they may make wise decisions about the placement of their savings in an institution, and so that they may check a bank's calculation of earnings. The principles of truth in savings are no different than those already adopted in the Truth in Lending Act.

An article which appeared in the January 1973, issue of Banking magazine discusses the consumer thrust as it relates to banking. Within that article there is a checklist of potentially questionable banking practices. The second item listed pertains to the subject matter of S. 1052:

Savings Accounts—Are savings account plans stated in a manner that allows easy comparison among competing bank plans? Are savers clear about the penalties for premature withdrawal of principal? Do they understand statements about methods of computing interest?

Mr. President, the answer to each of these questions is an unequivocal "No." Unless the banking industry wakes up to this lack of comprehensible knowledge, the consumer movement will catch up with them.

I ask unanimous consent that the text of the article to which I have referred be printed in the RECORD.

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

HOW TO ANTICIPATE CONSUMERISM'S COMING THREAT TO BANKING

(By Philip Kotler)

(NOTE.—This article was adapted from an address being delivered at the National Marketing Conference of the American Bankers Association in New Orleans, Jan. 14–17. The full text will be available as part of a forthcoming ABA publication, "Banking in the Age of Consumerism.")

Bankers are used to the normal shocks of doing business. A sudden economic downturn dries up lending activity. A competitive bank carries out extensive remodeling and draws scores of customers away. A new computer installation ends up costing the bank twice as much as it budgeted. These are the normal shocks of doing business.

But shocks of a different character have been occurring recently. A poor people's group charges that banking practices and services discriminate against the poor. A militant black group wants the bank to stop making loans to certain slum landlords. Some elderly people called the Gray Panthers demand free checking accounts and safety boxes from a Philadelphia bank. Some debtors refuse to pay bank loans because the original merchants sold them shoddy goods. Other customers complain that a certain calculating custom makes them pay more interest than is formally specified by the bank.

These last shocks are just random episodes today, but they may be "the handwriting on the wall." They have the common denominator of constituting a protest against some current banking practices and standards defining the relationship of customers to the bank. Their message implies that bankers are considered to be guilty of unfair or inadequate treatment of certain consumer needs, rights, and interests. These episodes will increase in number.

1. WHY THERE HAS BEEN LITTLE THREAT UP TO NOW

The banking industry has largely escaped serious consumer criticism until now because of *structural* and *performance* factors in its favor.

The major structural factor in its favor is that the banking industry does not produce a tangible product. A tangible product raises questions of public safety and health. Is the product safe to handle and to use? Is it packaged well? Is there full information on the label about its ingredients and its freshness? Are product changes designed to add value or hasten obsolescence? These and other questions do not have their clear counterpart in a service industry.

A second factor is that advertising and promotion, another powder-keg factor for consumerists, has stuck relatively close to the truth in the banking industry. In the world of soap, toothpaste and cigarettes, advertisers take great liberties in "sexifying" and "statusizing" their products to make up for a lack of real differentiation. Claims and implied benefits border on the extravagant and are broadcast with such frequency and intrusiveness as to create a basis for consumer criticism. Bank advertising, with few exceptions, has not been guilty of the same promotional vices as many consumer products.

On the performance side, to the everlasting credit of the banking industry, there has been a steady improvement in services and customer orientation.

This is not to say that all banks have reached a mature concept of marketing. Many banks claiming to practice the marketing concepts are at best confusing it with one or another phase of what we might call pre-marketing.

The typical bank, like other service industries that "discover" marketing goes through four stages in moving toward a full and mature concept of the marketing process.

First, they think of marketing as equivalent to promotion. The job of the new marketing man is mainly to get out some good advertisements and promotions. If he is good at his job, new customers will be drawn to the bank. The bank will then discover a new problem. Once drawn to the bank, many of the new customers will be turned off by the personnel.

When banks recognize the shortcomings of employees in dealing with the public, they move into a second pre-marketing stage—that of personalizing the bank. They train the employees to be customer-oriented; they modernize the banks' interiors to be lighter and more inviting; and they take other steps to make the customer feel welcome to, indeed loved by, the bank. This works wonders for the first banks that try it, but soon all banks begin to personalize their services as a competitive necessity and this soon loses its distinctive advantage.

Banks then search for a new key to the marketing orientation and discover it in the concept of innovation. Banks undertake better research of their customers' evolving financial needs, looking for profitable service opportunities. They began to introduce credit cards, alternative savings plans, personal tax services, and other new services. Other banks are drawn to do the same. Finally, a few banks recognize that not all innovations are profitable and that indeed they lack information on the profit on their various services.

The realization that market targets and sales resources can be handled in a better way leads to the fourth and present stage of bank marketing—the marketing-system stage. The idea takes over that bank marketing calls for integrated systems for marketing research, analysis, planning and control. Instead of simply seeking to achieve a little more sales and profits each year, banks begin to undertake the development of detailed plans establishing reasonable sales and profit objectives based on measured potentials, programs for securing this business, detailed sales quotas for various officers, and marketing controls to make sure results are coming in on target.

The evolution of bank marketing through the successive stages of promotional, personal, innovational, and managerial marketing has helped create substantial consumer value in real and in felt terms. Banks have done a good job, avoiding thereby a lot of potential consumer criticism.

My thesis is that, on the contrary, consumerism and other "isms" will increasingly catch up with the banks, and their marketing will have to pass into a fifth stage in the movement toward a mature marketing orientation—that which I would call the societal marketing stage.

The following section explains why I believe this will occur.

2. WHY THE THREAT IS INEVITABLE

"Three characteristics of the industry could eventually draw banks into the storm center of consumerism. They are: (1) the possibility of depersonalization of banks; (2) the central position of banks in the economy; and (3) certain questionable banking practices."

Depersonalization

Banks give considerate and meticulous service to their individual wholesale customers because of the amount of money involved. But they find it hard to give generous attention to individual needs of their retail customers. Yet the bank is of central importance to the retail customer's financial welfare. The bank holds his money. The bank holds the key to the safe and productive use of this money. Customers want to feel that the bank is on their side and eager to help them use their money right. Customers get anxious when the bank fails to cater to these feelings.

As banks get larger and more complex, the danger increases that the customers will feel anonymous and helpless *vis-a-vis* the bank. As the bank adopts more technological devices to improve its operations and cut its costs, the danger increases that the customers will feel confusion or experience unintentional errors. The worst thing that can happen is for customers to start feeling that the banks are manipulating them or are being careless with their money.

This is an era when people are pressing to humanize their institutions, to cut them down to scale, to make them responsive. The major problem of retail banking is to find a way to operate economically on the one hand and deliver a genuine feeling of individual customer concern on the other. A few of the large retailers such as Sears and Penney's have learned how to be personal with their millions of customers. Certainly their methods would repay careful study by banks.

The central position of banks

Because banks occupy a central position in the economy, they cannot avoid being a major target for many social causes. The social movement known as consumerism is only one part of a broad protest movement against the quality of life in American society. There is an affinity among consumerism, environmentalism, welfarism, racism, and feminism.

It is hard to know where consumerism ends and these other social movements begin. They attract many of the same people. Banks are a natural target for their criticism.

Because of their wealth and critical position of influence in the economy, banks are a natural target for all sorts of protest groups. These groups may seek consumerist issues to attack banks as part of a strategy to wrest other concession.

The operational complexity and centrality of banks are facts that banks have to live with. A third factor—traditional and evolving practices—is more subject to the discretion and control of banks. Banks can alter those practices which are most likely to provoke consumer criticism.

What are these practices? They are summarized on the checklist (p. 21).

As one can see from scanning the list, the issues vary tremendously in seriousness. The banks are largely free from criticism in their handling of checking and savings account services. But there are also other areas, some of which are potentially dangerous.

3. WHAT TO START DOING ABOUT IT NOW

What should banks be doing today in order to be in the strongest posture when they face their critics tomorrow? It is possible to distinguish five hypothetical positions they might take, ranging from the most conservative to the most reformist.

My feeling is that the banking industry at this stage should at the very least organize a better monitoring system of its publics to anticipate possible problems, and at the same time should start revising those practices which contribute most to the irritation of critics.

A monitoring system

The design of a public monitoring system must begin with the attempt to distinguish all the conceivable publics surrounding the banking industry.

A bank faces an unusually large number of publics.

First there is a set of "input" publics, among them support publics (such as shareholders), supplier publics (material, machine, and service suppliers), and government publics (federal, state, and local publics). Their inputs are processed by the bank through internal publics consisting mainly of bank directors and bank staff. The bank's "outputs" are carried by agent publics such as mass media, financial intermediaries, and retail outlets. The final outputs are consumed by client publics (individual customers, small business customers, and large business customers) as well as by general publics (local community public, mass public, business community, activist groups, and competitors).

Thus, there is a considerable number of publics to monitor. Not all of them have the same importance to the banking system. The allocation of monitoring time and resources must be based on the relative potential impact of these varying publics on the banks. The banks must ask themselves what are the needs, perceptions, interests, and intentions of each of these groups as they might affect the banking industry.

The anatomy of a bank's publics does not fully suggest the dynamic interrelations that might exist among these groups. The most basic relation is that between the bank and its client public. The client public defines the basic reason for the bank's existence. Passing between the bank and its clients is a steady flow of money and services. The other publics would normally be quite peripheral to the essential relation between the bank and its clients.

However, suppose some of the clients grow dissatisfied with one or more aspects of the bank's customer services. It might not even the fault of the bank's management so

much as how the bank's staff carries out management policies. What recourses does the client public have? It has at least five.

First, the client public can attempt to negotiate its differences directly with the bank's management. If this fails, the client public can attempt to enlist the sympathy of the general public through editorial letters, demonstrations and so on. The client public can also attempt to enlist the support of federal or state banking authorities or legislators. Or the client public can seek the support of various action groups who may be only too happy to bring pressure on banks. Finally, some of the client public can switch their business to other banks or institutions, a most potent ultimate resort in a competitive society.

Thus, overlaying the simple transactional relation between the bank and its clients are at least four other publics who might be drawn into the transaction if the clients are dissatisfied or if their interests are seen by someone as not being served in the best possible way. It is essential, therefore, for the banks to monitor the feelings of their customers and also the interests of other publics as they may be affected by the bank's operations.

Segmenting the bank's publics also provides a way to estimate the potential seriousness of any potentially questionable bank practices. Different publics will be bothered by different bank practices in different degrees.

Information collected on issues and publics is vital to the banking industry's continued health and adaptation to new and evolving private and public needs. The banking industry, along with other industries, is coming under new public scrutiny regarding the industry's economic and social contributions to society. The old days, when the industry was considered innocent until proved guilty, when its products, services, and methods were not questioned unless there appeared to be a violation of the antitrust laws, are on their way out.

The consumer movement, instead of a threat to banking, is in reality an opportunity for the industry to reexamine its practices and, what's more important, to examine its soul. Such self-examination may lead to a feeling of pride that a good job is being done. Or it might lead to awareness of deficiencies that need correction.

CHECKLIST: POTENTIALLY QUESTIONABLE BANKING PRACTICES

Checking accounts

Are the fees and conditions surrounding checking accounts fair? Do fees based on minimum balances discriminate against the poor? Is it fair for banks to extend free checking accounts to certain groups and not to others?

Savings accounts

Are savings account plans stated in a manner that allows easy comparison among competing bank plans? Are savers clear about the penalties for premature withdrawal of principal? Do they understand statements about methods of compounding interest?

Loans

a. Will the public accept increased bank interest rates as a fact of supply and demand rather than a conspiracy of the moneylenders to take advantage of the borrower?

b. Do traditional lending standards discriminate unfairly against the poor in the sense that those who need money most have the least chance of getting it and have to pay the most for it? Should banks be required to develop assigned-risk pools to finance loan to the poor?

c. When money is tight and banks have to refuse loans to some part of the market, are the standards they use fair?

d. Is the interest-rebate system that uses the "rule of 78" adequately explained to borrowers and worth the cost of potential customer dissatisfaction?

e. Should banks have the right to extend loans at prime interest rates to the officers of companies which deposit at their bank?

Collections

a. Is the practice of some banks of sending harsh notices to delinquent accounts an insult to borrowers? Is it as constructive as trying to elicit the borrower's cooperation in refinancing his debts?

b. Is the garnishment and repossession system operating fairly to all parties concerned?

c. Should the borrower have the right to refuse to pay a bank loan when the merchandise he bought was shoddy and he is seeking redress from a recalcitrant retailer?

Investments

a. Should the banks refrain from making loans and investments to merchants and landlords widely believed to be dealing unfairly with ghetto consumers? Should the bank take some responsibility in trying to get these businessmen to clean up their practices?

b. Are the banks investing enough in banking facilities in low-income areas to give comparable banking services to the poor?

c. Should the banks refrain from making loans and investments to organizations whose operations are not seen by all to be serving the best interests of society—e.g., polluting companies, war industry companies, companies doing business in South Africa, underworld organizations?

Miscellaneous services

a. Are the standards used to distribute credit cards fair to all groups, particularly low-income individuals and families? On the other hand, are banks sometimes too aggressive in distributing credit cards to certain groups who will be tempted into more impulse buying?

b. Is it fair that the banks do not pay interest on money being held in escrow?

Service quality

a. Are certain aspects of the banking business becoming so depersonalized that some reaction is bound to set in? Is there a danger that save-by-mail plans, night depositories, and other devices will sharply reduce the human contact people have with their banks?

b. Are billing errors being held below the rate which would cause an organized consumer reaction?

c. Is it easy for unhappy customers to complain to the right person in a bank? Are their complaints handled swiftly and fairly?

d. Are bank personnel remaining friendly? Are banks able to recruit, train, and motivate competent personnel?

e. Are banking hours set up for the convenience of the bank or the customers? Should banks increase or shift their open hours?

Information and promotion

a. Is the information available to consumers on competitive offers regarding checking accounts, savings plans, and loans comparable enough to allow them to make an easy judgment as to where to find the best terms given their criteria? Or is the information confusing and in some cases misleading?

b. Are banks' advertisements informative, honest, and in good taste?

c. Are banks guilty of encouraging impulse buying, especially by individuals not in a position to do it responsibly? For example, how about "loan sales"?

d. Are banks dealing fairly with consumers in offering gift premiums?

e. Are banks providing, on a regular basis, useful information that will enable users of bank services to achieve "optimization" in financial transactions?

POSSIBLE POSTURES OF BANKS CONFRONTING CONSUMERISM

1. Do nothing: Defend current practices.
2. Organize "we care" campaign to improve bank's image.
3. Monitor moods of different publics toward banking.
4. Organize consumer advisory boards, national and local.
5. Revise all practices apt to be questioned.

THE CALIFORNIA DESERT

Mr. CRANSTON. Mr. President, the fact that the 16 million acres of California desert lie so near the rapidly growing major population centers of southern California makes it an important recreational and educational resource. While the desert seems vast enough to provide space for everyone and every activity, its resources are, in fact, quite limited. The total ecosystem of the desert is extremely fragile, easily scarred and slowly healed. With recreational activities in the desert on the increase, we must make decisions now to determine how we will use the desert before its resources are lost forever.

I recently introduced a bill to establish the California Desert National Conservation Area, S. 63. This bill would require the Department of the Interior to develop a plan for preservation and administration of the California desert. On April 22, the Los Angeles Times, printed an editorial entitled "Making a Mess of the Desert." This article shows a sensitive awareness on the part of the Los Angeles Times to the need for constant vigilance to protect our natural resources.

Mr. President, I would like to call this editorial to the attention of my colleagues, and I ask unanimous consent that this article be printed in the RECORD.

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

MAKING A MESS OF THE DESERT

The first Europeans who came in mass by land to Southern California wasted no time crossing the inhospitable California desert. Now, two centuries later, we 10 million Californians of the crowded and urbanized coastal plain are pouring back into that desert. And we are making a mess of it.

Once the desert was considered a trackless wasteland, a hell, a place to scurry across and not to halt and ponder its empty mountains, its sand, strange animals and exotic vegetation. It is trackless no longer. The entire desert, stretching from Mexico to Death Valley and from the Colorado River to the Los Angeles area, has been invaded by urbanized Californians. We go by car, motorcycle, dune buggy and off-road vehicle, looking for recreation, space, beauty and clean air. We crowd the roads on weekends. Where no roads exist, we make our own. The litter and destruction we leave behind is awful to behold.

Most of the desert is public land. The federal government, which owns 12 million acres of it, is concerned that, carelessness and vandalism will, unless checked, destroy a fragile national treasure. The responsibility to protect the public's land from the public lies with the Department of Interior's Bureau of Land Management.

But the bureau—understaffed, underfunded and still uncomfortable in its new role of preserving waterless land it once sought to give away—finds itself unable to cope. Five years ago an estimated 5 million persons visited the desert each year. The count is now more than 9 million, and it is increasing at about 25% a year. Worried bureau officials have besieged Congress for help. They want their annual budget increased. They want the present desert ranger force of eight men increased to 72 and given enforcement authority that they now do not have. And they want legislation to protect the resources of a desert that is in danger of being loved to death. So far, Congress has refused. Desert legislation died quietly last year. Now a new package has been introduced in Congress. It warrants approval.

U.S. Sens. Alan Cranston and John V. Tunney have introduced a bill (S 63) to designate the threatened desert as the California Desert National Conservation Area and to provide protection and administration. Rep. Andrew J. Hinshaw (R-Mission Viejo) is sponsoring a companion bill (HR 6451). The two bills direct the Interior Department to prepare a long-range management plan by 1978 and an interim management and development plan to control desert use while the master program is being completed.

Providing the money and authority to properly guard and control the desert will require additional federal funding. Priority for such funds should rank high. The alternative is an expense that the public cannot in good conscience permit. Time is running out on the desert and, as the bureau warned more than a year ago, "If uncontrolled use of the California desert is allowed to continue, widespread deterioration is inevitable and irrevocable."

IN COMMEMORATION OF THE TRUMAN LEGACY

Mr. SYMINGTON. Mr. President, today marks the 89th birthday of the No. 1 citizen of Missouri. The U.S. Postal Service has chosen to honor the memory of the late President by issuing a stamp bearing his portrait in ceremonies at the Truman Library in Independence.

The Postmaster General, E. T. Klassen, will preside today at the ceremony, and Margaret Truman Daniel will represent the Truman family.

It is appropriate that the first issue of this 8-cent commemorative stamp again focuses attention on the library to which Mr. Truman dedicated so much of his time and effort in the years following his presidency.

As the Kansas City Star noted in an editorial shortly after his death, President Truman never regarded the library as a personal monument. Quoting from his memoirs, they pointed out his hope for the library's role in advancing public knowledge of the Presidency:

> I encouraged the building of the library only because it was to be a center for the study of all the Presidents and the Presidency as well as the history of the United States.

Each passing year of the past quarter century has added understanding and a deepened appreciation for Mr. Truman's accomplishments. He had brought to the office of President not only the experience of administering a metropolitan county government and serving as a U.S. Senator, but a deep appreciation for the history of his country, which he had studied throughout his life.

When suddenly faced with his new responsibilities, his instinct for decisive action and sense for orderly administration promptly moved his administration to a new world role of leadership for the United States.

Upon leaving office, President Truman felt a strong sense of responsibility to preserve the record of his administration, and those of other Presidents, so that those who followed him would share his appreciation for the study of the decisionmakers in our Nation's past.

The Harry S. Truman Library truly is a "memorial to a man and his 8 momentous years in the White House, although, in keeping with his wishes, the scope is larger. The room devoted to the American Presidency contains some of the most important documents in the history of the Republic, dating from George Washington to the present day."

In recognition of the accomplishments of this great Missourian and President, I ask unanimous consent that the editorial, "Heritage of Truman Library," from the January 14, 1973, Kansas City Star be printed in the RECORD.

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

HERITAGE OF TRUMAN LIBRARY

Although Harry S. Truman, the most distinguished citizen of Mid-America, has died, his library and museum will remain a permanent legacy to the area where the 33rd President spent a large part of his life. The names of Hyde Park, Springfield and Abilene have taken on a special significance in American history because of the Presidents who were closely associated with those communities and who were finally buried there.

Independence has the same status. From the start Mr. Truman presided over every detail in the planning and construction of the library that bears his name. He never regarded it as a personal monument. In his memoirs Mr. Truman wrote: "I encouraged the building of the library only because it was to be a center for the study of all the Presidents and the presidency as well as the history of the United States."

Try as he might, Mr. Truman could never completely escape the inevitable. Essentially the Truman Library is a memorial to a man and his eight momentous years in the White House, although in keeping with his wishes the scope is larger. The room devoted to the American presidency contains some of the important documents in the history of the Republic, dating from George Washington to the present day.

Mr. Truman wanted to create a capsule of history in the Middle West. He saw no reason why most of the nation's treasures should be concentrated along the Atlantic shoreline in libraries, museums and public shrines that were remote to most of the people. As a result visitors can read Thomas Jefferson's letter requesting funds for the Lewis and Clark expedition. Nearby is Woodrow Wilson's proclamation of war against Germany in 1917 and the final version of Franklin Roosevelt's message to Congress Dec. 8, 1941.

The people responded as Mr. Truman knew they would. From 1957, when the library opened, through Jan. 1, 1973, almost 2½ million visitors passed through the heavy glass doors to inspect the rare documents on display. Hundreds of scholars have spent thousands of hours poring over the 9,804,000 manuscript pages, the 59,619 photographs and 41,687 books stored there. Since Mr. Truman's death an additional 100,000 people have visited the library and the courtyard grave.

The library keeps growing. In his will Mr. Truman specified that his remaining personal papers would be deposited there permanently. The late Dean Acheson, who served as secretary of state from 1949 to 1953, made a similar provision. The Acheson papers are yet to arrive. When they do, they should bring an extra dimension to the Truman files of the same period.

Based on the experience at Springfield and Hyde Park, it is reasonable to assume that the crowds will continue to arrive in Independence into the distant future. Today there are other presidential collections in the center of the nation. But Harry S. Truman's was the first. His dream and his legacy of the Truman Library put Mid-America on the historical map of the United States.

CBS REPORT: THE VIETNAM VETERANS' DILEMMA

Mr. HARTKE. Mr. President, the Senate Committee on Veterans' Affairs, which I am privileged to chair, continues to be greatly troubled by the plight of this Nation's 6 million Vietnam veterans. These brave young men have encountered serious problems returning to civilian life for several years without public notice.

We have worked hard on behalf of the current generation of veterans. Last year, educational and employment opportunities were improved by the Vietnam-Era Veterans' Readjustment Assistance Act (Public Law 92-540). So far this year, the Senate has passed S. 284, the Veterans' Drug and Alcohol Treatment and Rehabilitation Act, and S. 59, the Veterans' Health Care Expansion Act. But, we must do more.

The CBS Evening News this past month carried a five part series by Bruce Morton on the unique readjustment problems facing our country's newest veterans. The matters investigated included educational benefits, unemployment, and less-than-honorable discharges.

I believe the transcript of these stories, which were aired between April 4 and 10, 1973, will be of interest to my colleagues and I request unanimous consent that they be printed in the RECORD.

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

THE VIETNAM VETERANS' DILEMMA

CRONKITE. Most of the almost six hundred former POW's have been hailed as returning heros. They've been offered gifts and good jobs. But for tens of thousands of other Americans, the welcome home has been a different story, as we see in the first of a series of reports by Bruce Morton.

MORTON. There are over six million veterans of the Vietnam years. Over three million men served in Indochina. About one out of ten was wounded. Fifty-six thousand died. It was the longest war, but not everybody went. Some people stayed in school; some started families, joined the reserves. Having money for school or marriage helped. The men who went to Nam and came back aren't just like everybody else.

MURRAY POLNER, Ph.D., Historical Sociologist: The saddest part that most of us recognize is that what we did was create a whole class of new expendables here. And the most vulnerable kids from the most vulnerable families, the lower-middle income and the working class families, white and non-white, had their kids conscripted or conned into being—enlisting by the wagonload.

(Band music: The Caissons Go Marching Along)

MORTON. After World War II, the bands played. The troops came home together—winners!

MILITARY PUBLIC ADDRESS. May I have your attention in the (indistinct) area. Detachment 5—loading for departure . . .

MORTON. They came home from Vietnam one at a time, as soon as their 365-day tours were done. Every man carried a calendar.

PILOT. . . . take this opportunity to welcome you aboard, and—for myself and the rest of the crew and Universal Airlines—we're very happy to have you with us on your return flight to the States.

MORTON. They came home to silence.

LONNIE GENTRY, Lima, Ohio. It's difficult just to zip right out of Vietnam and 72 hours later be standing on Main Street. It's kind of like a dream.

MORTON. Some liked the dream. For others, it turned sour. Many came back distrusting the military and carried that over into distrust of the Veteran's Administration, the establishment's offer of help. Some found government programs for veterans being cut back. Others found the GI Bill wouldn't pay their way through college. Still others found they couldn't use their military skills, and couldn't get a job.

They came back to the world and didn't like it. Max Cleland, ex-Captain, Georgia State Senator, triple amputee: one vet who's made it.

CLELAND. Well, your basic plight is that he's participated in a combat situation, where much of the reason for that participation has been taken away. And it causes him some problems with his own identity when he gets back, and this affects his potential for employment, his potential for a full life, because he will always be thinking about that experience and he can never totally reject it, nor totally accept it.

Atlanta veteran K. C. MARKS. I was in Vietnam when Dr. King was killed. I think probably that had more to do with my own personal bitterness than anything else. It was, I feel, at that particular time that I began to question: why was I here, why was I fighting this white man's war?

Veteran JIM DUGGAN, East Alton Ill. I don't have any use for 65-year-old men sitting in high places making judgments on pieces of territory and getting young people killed and old people killed. I don't think there's any sense in it.

Veteran ARTHUR COHEN, Newark, N.J. Okay, you go fight for this country. You come back, you pay your taxes in this country, and you still can't find a decent job.

Veteran LARRY MILLER, Alton, Ill. People many times do seem rather leery of you when you report that you're a Vietnam veteran. And their questions are: Well, have you ever taken drugs?

New York City Veteran EZEKIEL CHAPLIN. What I'm keyed up about is what happens after you get back. You understand? You know, you're just like a top—top of a soda bottle, you know. When you take it off, you throw it away. You don't need a top, you know. You only need what's in the bottle. So the bottle is empty and they don't need you, you know. You're just wasted, period.

MORTON. Not all Vietnam veterans agree with Ezekiel Chaplin that they are wasted men. Many—no doubt a majority—came comfortably home. But others—a million, two million—of those six million veterans did not. And it seems, although there are no statistics, that the men closest to the war felt the waste most strongly. They find frustrations here: stone walls—a country full of people who don't know where they have been. For them, the end of the war has not brought peace with honor.

Bruce Morton, CBS News, New York.

THE VIETNAM VETERANS' DILEMMA—PART II

WALTER CRONKITE. Many Vietnam veterans whose education was interrupted by the war are having difficulties readjusting to civilian life. Tonight, in the second of a series of reports, Bruce Morton examines the GI Bill and how its value has changed.

MORTON. The government spends a lot of money changing civilians into soldiers. Now, some veterans ask, will the government spend what it takes to change them back again?

If a Vietnam veteran complained that his GI bill doesn't give him the educational benefits the World War II bill gave his father, he'd be right, though Veteran's Administration head Donald Johnson disagrees.

JOHNSON. I think that if you will look at the figures that the $220 is slightly better than what his World War II father received. In the cost of education, the cost of living today, all factors involved, it is slightly better.

MORTON. But the old bill paid tuition, even at a high-priced place like Harvard. The new bill pays $220 a month for everything; tuition, room, board, books. It doesn't come close to what Harvard costs.

World War II VETERAN. In the old days, of the $75 a month that I received and the tuition. I wound up with about $1400 a year, and I could go to the best college in the land, Harvard, and still have $100 a month pocket. Today the Vietnam veteran gets about $1980 a year and he just can't cut the mustard. He can't even pay half the tuition, let alone his subsistence.

MORTON. After World War II, the veterans came home together in masses, and went to college that same way—a quiet revolution in American education. At Harvard, at Notre Dame, the class of 1948: over 50% veterans. The class of '72: less than 2%. Vets must seek lower-cost education, state universities, community colleges; good in some states, crowded in others. And the vets who need the most schooling are getting the least.

ANGEL RODRIGUEZ, Rutgers veteran program. When monies are needed to develop programs for veterans, we are seeing now that all monies are being impounded and cut off from these programs.

MORTON. Angel Rodriguez had some poverty program money to recruit veterans at Rutgers. The money ran out. He worries because, while almost half the veterans who had some college go back for more, only about one high school graduate in seven returns to school—less than one high school drop-out in ten.

UCLA has a crash program for drop-outs. Three months, a high school diploma, a push toward college. It works!

HANK MARTY. Being finished here, you know, it's an accomplishment that I've never had before, you know, achieving something in school. And it's kind of a thrill to me.

MORTON. But very few schools do this. Government funding comes to less than $6,000,000 nationwide. Last year, Congress appropriated $25,000,000 to pay schools which increase their enrollment of veterans. Administration officials called this bribing schools to sign up vets. They haven't spent the money and want Congress to repeal the program. The National Association of Collegiate Veterans has sued to force the government to spend the money.

JIM MAYER, National Association of College Veterans. Vietnam veterans may be a priority with a number of people in government. The basic question is: When it comes down to spending money, will the money be spent? But when it comes to the decision of whether to spend a lot of money, too many people—in my mind—from the government are saying no.

MORTON. And there's one other problem. Every veteran we talked to, who was in school, said his checks came irregularly and late.

LARRY BLUE, East St. Louis. And you start going to school—I went to school in September; I got my first check in December. I got to pay $150—No, $180 tuition, $40 a month for rent, got to buy books, got to eat. Man, look here!

MORTON. The Armed Forces Journal says the Veterans' Administration central office had a quarter of a million non-payment complaints in 1971. Administration officials not in the VA said they thought a new computer system had corrected the problem, and were concerned that it has not.

Bruce Morton, CBS News, New York.

THE VIETNAM VETERANS' DILEMMA—PART III

CRONKITE. Since 1970, more and more Americans have become aware of how difficult it is to get a job. Vietnam veterans were—and are—no exception. And not only are they finding it's no advantage to have served in the Armed Forces, but many are learning it can be a handicap.

In the third of a series on the plight of veterans, Bruce Morton reports on employment.

MORTON. You may learn your job in the service. The question is: Can you work at it once you're out? The answer is often no. There are so many veterans on welfare in New York City they have their own welfare center with some 4500 Vietnam veterans on the rolls. They mostly don't like it here.

EZEKIEL CHAPLIN. This is my first time here, which is now rock bottom. I don't have no place else to go. You understand?

MORTON. For *most of* the war, unemployment among Vietnam veterans was actually worse than among other young men. Now the rates among vets and non-vets are about even. Veterans Administration head—Donald Johnson.

JOHNSON. More effort, I think, has been exerted for this veteran than any other war in finding jobs. And the response from the private sector has been tremendous, as is illustrated, I think, by the latest unemployment figures among veterans.

MORTON. With small ups and downs, between 250- and 400-thousand Vietnam vets have been unemployed at any time over the last few years. About 300-thousand are unemployed now. And the Administration wants to cut back two programs—Public Service Employment and Manpower Development—which have given jobs to 100-thousand more. So *they* may be looking for work. Still, it's not all government. Max Cleland—Georgia State Senator and Vietnam veteran.

CLELAND. We have been taken out of the mainstream of our economic life, our educational life, and you come back and—whereas your peers have moved on—they have maybe two or three years in seniority ahead of you in school or in the job that you're interested in. So we find that it's not really a plus at all, as far as economics and employment is concerned.

MORTON. Some military skills aren't transferable to civilian life. There's no market for marksmen. But a lot of military skills are transferable, if you can find an employer who'll give you a chance.

Ex-medic Lonnie Gentry drives an ambulance now—$95 a week. He learned other medical skills in the service, but couldn't find anyone who wanted them back home.

GENTRY. In the past, perhaps, you've been in charge of an emergency section for many months. And you come out and you halfway expect to get a halfway decent position in an emergency room somewhere around the country or wherever you desire to work. And you can't get it. And you *won't* get it—because you are not certified.

LARRY MILLER. A person has three or four years' experience driving one of these rigs, then comes home and tries to get a job as a truck driver. No! You can't. The best we can

hope for, in many cases, not in every case—but in many cases, is to get the guy enrolled in a school to learn how to drive a truck that he already knows how to drive.

MORTON. Some veterans think—and some surveys show—that employers distrust Vietnam vets, see them as My Lai baby killers or junkies. Chris Kelley talked with Howard Walton about one job interview.

WALTON. It seemed like: "If it—you know, if you don't think I'm going too far, man, you know, just let me see your arms, you know. Not that I'm saying that you're lying to me, but—Well, when we go for the physical, they'll know it anyway, 'cause, you know——"

KELLEY. He asked to see your arms?

WALTON. Yeah.

KELLEY. Did you show him your arms?

WALTON. I did.

KELLEY. Have you ever used drugs?

WALTON. Never.

MORTON. A Vietnam veteran's group borrowed this bus so some veterans could go apply for factory jobs. Companies are supposed to tell the State Employment Service about jobs, and it gives veterans a preference. But a lot of companies just don't bother. These men got there too late.

The government and businessmen have sponsored job fairs, but most vets who came unemployed left unemployed. This job fair in Chicago ended in a shouting match. A government Jobs-for-Veterans program, a public relations campaign, contacted 900-thousand employers. Fewer than one percent replied. And a lot of veterans say the jobs they do get are dead-end: $2.00 an hour and nowhere to go.

Alton Ohio Veteran BILL VARBLE. One of the great problems is that if a man cannot get a decent job, if he finds that, you know, he has no other outlet, then sooner or later he's going to try to change it—in maybe the only way that he really knows. And maybe that's going to be violence, because he has had some training in this area.

MORTON. Bruce Morton, CBS News, New York.

THE VIETNAM VETERANS' DILEMMA—PART IV

CRONKITE. For ex-servicemen seeking jobs or benefits, discharge papers could make or break their chances. Tonight, in the *fourth* of a series on Vietnam veterans, Bruce Morton examines the problems encountered by some of the tens of thousands of men with less-than-honorable discharges.

[BAND MUSIC—The Caissons Go Rolling Along]

BRUCE MORTON. For some veterans, the units stood down, their war ended, and that was that. Honorable discharge. Hello world.

But others carry paper scars.

VETERAN. I had three and a half good years served there, and right at the end, you know, when—then, then I got busted, and they gave me a general instead of an honorable.

MORTON. John Revenbourgh works at a veterans' service center, and he's talking to this veteran about his less-than-honorable discharge, what the vets call "bad paper". There's a lot of bad paper around. Most people get honorable discharges, of course, but not all. About a hundred and eighty-eight thousand Vietnam vets got less-than-honorable discharges—not dishonorable, usually; those are rare, awarded after a court martial. Most bad discharges, about six out of seven, are undesirable discharges, given administratively, no court martial safeguards like lawyers or rules of evidence. Ray Bonner, once a lawyer in the Marines now working on bad discharges with Ralph Nader's law group.

RAY BONNER. The bad kind of discharge can only be awarded by a court martial, and based upon my experience as a lawyer in the service, I think the court martial system is pretty fair. I cannot say the same about administrative process by which an individual receives an undesirable discharge.

MORTON. These St. Louis University law students working with the ACLU in Washington help vets with bad paper get their discharges reviewed. But the process is slow, at least six months, if nobody's lost your records, and usually the review board refuses to change the discharge. A man with an undesirable discharge can apply for veterans' benefits, the GI Bill, for instance, but the way the Veterans' Administration interprets the law, he usually doesn't get them. Ninety-three percent of recent bad paper applications lost.

It's hardest on black veterans. A Defense Department report says they get a higher proportion of undesirable discharges than whites with similar aptitudes and education.

The military used to give bad discharges for drugs, so that a man with a drug problem couldn't get treatment from the VA. Now they give a general discharge and are willing to upgrade old undesirable ones. Nader's law group is suing to force the Pentagon to notify each veteran who's eligible to have his discharge changed.

BONNER. What we have attempted to do is to get the Defense Department to demonstrate their good will and their good faith in this area by individually notifying all veterans who might be entitled to have their discharges reviewed, that is all veterans who received drug-related discharges.

MORTON. With a general discharge—and about two hundred thousand Vietnam vets have them—a man is eligible for veterans' benefits, but he can still be hurt. His discharge may carry a code number. Two hundred, for instance, means the military found him unsuitable. Three eighty-four is a drug offense. Employers know the code, and a man with that drug number on his form, even if it means just one brush with marijuana, may have permanent trouble getting a job. General discharges—bad discharges—almost four hundred thousand of them among Vietnam veterans. That piece of paper can haunt a man for years, and getting it changed isn't easy.

Bruce Morton, CBS News, Washington.

THE VIETNAM VETERANS' DILEMMA—PART V

CRONKITE. In the first parts of our series on Vietnam veterans, Bruce Morton has explored such things as jobs, schooling and GI benefits. Today, in our final report, a look at the Veterans Administration and its apparent generation gap with some of its clients.

[Music: "Give My Regards to Broadway"]

BRUCE MORTON. New York had a home-with-honor parade after 12 years of war in Vietnam: Old songs, old faces.

Veterans at parade [chanting in protest]. Vets want jobs, not parades!

MORTON. And some Vietnam veterans who felt out of step with this old-timey celebration. They take that feeling with them when they look for veterans benefits.

The Veterans Administration is the government's third largest bureaucracy. But most of its clients are older veterans of older wars. Three-quarters of its $12-billion budget goes to them. The VA turns some younger veterans off.

JIM DUGGAN (East Alton, Ill.). You take a number, and you stand in line, and you get a card, and you sit down, and you fill out the card, and you get in another line; and you get another piece of paper; you sit down and you fill that out, and you go to see a counselor, and she tells you to get back in line. It's very frustrating. A lot of times you quit; you say the hell with it. It is not worth it.

DONALD JOHNSON (Veterans Administration). Well, of course, this so-called alienation with the establishment is prevalent with some. However, we certainly have shown that they are seeking assistance from us, and, in addition, we are going out to them.

LARRY BLUE (Student, East St. Louis). Nothing wrong with the VA, but it just don't work. What—what it said is all right. What's on the paper is cool, but that's just like a—a '73 Cadillac with no motor. It looks good, but once you get in it, you know nothing's happening.

MORTON. That student at an East St. Louis community college doesn't like the VA. He was talking to a man from another agency, an experimental veterans' service center funded through this June by the State of Illinois. The theory? The VA is too remote, too old-fashioend, to reach young veterans suspicious of bureaucracy. So the state financed two centers—in mostly black East St. Louis and in Alton—staffed and run by Vietnam veterans trained to deal with the VA bureaucracy three hundred miles away in Chicago.

CURTIS THOMAS. We follow the concept of veterans working with veterans, instilling confidence, you know, in the veterans to come to us for service, and we're going to make contact with people that the VA office will never see.

MORTON. They work in pool halls.

VET COUNSELOR. Well, if you want to, like you can come down to the Veterans Service Center [indistinct] sometime, and we can put you back in the files, that you're not unemployed—that you're unemployed.

MORTON. The theory is outreach. Go find veterans. Try to help. Jobs. Schools. Whatever! John Welle from the Alton Center talked with a friend about help for a veteran with a drug problem.

JOHN WELLE. In staff meetings he says he can't find out everything about the case, but he says he'll give a brief tonight. He's going to give me a call tonight.

FRIEND. He will. All right. I think that all we can do is we can get the information together. I don't want to do anything until she says "This is what I want done." In other words, I don't want us to run in there and cause more trouble.

MORTON. And with another veteran who may know still others who need help.

WELLE. And another thing, if you see any other vets that you know that are having any kind of difficulty—finding a job, dealing drugs—if they don't want to—if they want to get off the heroin or whatever, you know, send them to us, will you, because we can help them.

MORTON. The veterans in Alton and East St. Louis think they're doing a job the VA cannot do. Some high Administration officials agree the massive VA isn't reaching out. They find the Illinois experiment interesting. The officials say most veterans have made it back into the world, which is true, but they concede that many haven't, especially the poorest, the least educated. They are back, these different veterans of a different war, still searching for a decent job, an education, searching, above all, one veteran in Alton told me, for respect.

Bruce Morton, CBS News, Washington.

WHAT IS WRONG WITH THE PROPERTY TAX?

Mr. MUSKIE. Mr. President, last Thursday the Subcommittee on Intergovernmental Relations held hearings on a relatively little known but growing problem of property tax administration—the use of mass appraisal firms by States and local tax jurisdictions to perform reassessments.

The use of mass appraisal firms is a direct result of the shortage, in most States and localities, of qualified professional personnel to perform the assessment function. When, as a result of court orders or legislative mandates, entire

counties, metropolitan areas or even States must be completely reassessed, public officials have no recourse but to turn to mass appraisal firms to do the job.

The availability of mass appraisal firms permits States to postpone the development of substantial in-house assessment capabilities, and although such firms are not in and of themselves bad, there have sometimes been conflicts of interest. One such firm in particular—Cole-Layer-Trumble of Dayton, Ohio—was a focus of our hearings last week and is the subject of an article appearing in the May 7 issue of the Nation.

In this article, the author, Peter Gruenstein, has provided a substantial accounting of the questionable activities of Cole-Layer-Trumble, the largest of all mass appraisal firms with past or present contracts in at least 20 States. The facts presented in this article argue strongly for Federal certification of mass appraisal firms—a step which I have proposed in S. 1255, the Property Tax Relief and Reform Act of 1973. I ask unanimous consent that this article, entitled "What's Wrong with the Property Tax," be inserted in the RECORD at the conclusion of my remarks.

In addition, I ask unanimous consent that testimony received during the subcommittee's hearings last week from Mr. Jonathan Rowe, of the tax reform research group, which was inadvertently omitted from yesterday's printing, be printed in the RECORD.

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

WHAT'S WRONG WITH THE PROPERTY TAX

(By Peter Gruenstein)

The Supreme Court's approval in the *Serrano* case of the property tax as a way to finance local education means that this most maligned of revenue raisers will be with us for some time to come. While there is no doubt that the vast majority of present local property tax system are steeply regressive and grossly discriminatory, much of the criticism leveled at them has been misdirected. It is one of the "least understood subjects of public and official discussion today," says Ralph Nader. "Indications are that the property tax could be a fair, equitable and progressixe tax. If the revenues currently lost through underassessment and maladministration could be regained, the burden on small taxpayers could be much less even under existing laws."

Mason Gaffney, an economist with Resources for the Future in Washington, agrees. Gaffney believes that the property tax is potentially more progressive than the income tax, for the reason that property is more inequitably shared in the United States than is income. Almost everyone has some income, but many own no taxable property; 10 per cent of the population gets 30 per cent of the income but owns 50 to 60 per cent of the real estate. Also, a good property tax can serve to plug income tax loopholes.

In other words, the property tax (which now raises more than $40 billion a year) is reformable, although local property tax systems are usually so riddled with incompetence, inefficiency, conflict of interest and sometimes outright corruption, that it will be no easy task. In fact, if the federal income tax were administered as poorly as the property tax, we would probably have lacked the funds to fight in Vietnam.

A large part of the property tax morass stems from unprofessional or dishonest assessments which produce tremendous tax breaks for large corporations and the wealthy. For example, a study made by Texas University law students found that oil-producing properties in Hector County, Tex., were underassessed by about 56 per cent as opposed to about 7 per cent for home owners. Union Camp, a large South Carolina corporation, sold to the state for $2,000 per acre land that was being assessed at $20 per acre. Even after the sale, adjoining Union Camp land that was not sold continued to be assessed at $20 per acre. In Appalachia, rich coal lands are being assessed at $10 per acre or less, even though they sell for $200 to $500 per acre on the open market.

One of the most disturbing trends in the assessment of property has been the rise of large national appraisal firms—companies with which municipalities contract to reassess all the real estate within their jurisdictions. By far the biggest of the fifteen or more such firms is Cole-Layer-Trumble, based in Dayton, Ohio. In a number of cities where CLT has been hired to do reassessments, allegations of gross inefficiency, discrimination and conflicts of interest have been leveled at the firm. Its corporate history and recent troubles provide a fascinating glimpse into the property tax mess.

In April 1970, American Appraisal Co. (AAC) bought out CLT and formed a holding company called American Appraisal Associates (AAA), with AAC and CLT as subsidiaries. Individual companies hire AAC to make private appraisals of their property; such valuations can then be used to fight a property tax assessment or to determine depreciation or insurance rates or help to set terms for sales, mergers, loans and collateral. Another AAA subsidiary, Stone and Youngberg, advises local governments on how to finance various projects such as water and sewer systems. The potential for conflict of interest among the three subsidiaries is blatant.

For example, might CLT, when making citywide assessment of property, be tempted to give a break to a corporate client of AAC? Might it be inclined to accept a prior appraisal made by AAC of one of its corporate clients property (which may have been purposely assessed as low as possible) rather than make its own higher assessment and risk the indignation of the client? Suppose CLT does make its own assessment of an AAC client and the client challenges the new figure, how hard will CLT fight to sustain its valuation? What about potential clients? Will CLT tend to be more lenient with corporations than with ordinary home owners, hoping that grateful companies will subsequently call on the services of AAC? Similar questions can be asked about the activities of Stone and Youngberg which, for example, advises its municipal clients on how to finance a new sewer system. Will the system be financed by issuing bonds (which corporations like) or through a user fee (which corporations, as the largest users, tend not to like)?

Ettore Barbatelli, president of the AAA holding company, maintains that there is no conflict of interest. In a letter dated February 15 he stated:

"American Appraisal Company and CLT operate completely separately from each other. They do not communicate with each other, have no access to the other's records, no knowledge of the other's clients. They do not exchange information; each uses separate and different valuation procedures because of the nature of the work; they do their own pricing and research; they take separate records, and have separate staffs that are not co-mingled in any way. Each company manages itself, elects its own slate of officers, has its own Board of Directors, and fashions its own policy."

On January 18 Barbatelli told the Nashville *Tennessean*, "There is absolutely no relationship or interchange between [AAC and CLT]." Not quite so.

The day the merger between CLT and American Appraisal Company was completed, CLT sent a memo to its clients, stating:

"This merger combines our services in the governmental appraisal field with the most outstanding company providing full valuation service for private business.

"In our first discussions with officials of American Appraisal . . . it developed that each company had the same goals and objectives for business development in our respective fields . . . We feel that the alliance of the two companies will enable us to better serve our clients *through the exchange of technical knowledge* and will enable us to offer you total valuation services" (emphasis added).

On February 21, William Gunloch, president of CLT, and Barbatelli, who is president of AAC as well as the holding company, admitted that one AAC employee was transferred to CLT and then back to AAC. Even more revealing was a memo dated November 30, 1970, from AAC in Pittsburgh to CLT in Columbus, Ohio, thanking the public assessing company for providing "sales and field data" to the private company. Six weeks later, CLT in Pennsylvania gave AAC in Columbus appraisal data for an Alcoa plant in Westmoreland County, Pa.

Barbatelli's statement that "each company manages itself, elects its own slate of officers, has its own Board of Directors, and fashions its own policy," is at best misleading. Five of the ten CLT officers and directors own stock in the holding company and thus have a direct interest in the success of American Appraisal Company (which accounts for 44 per cent of the holding company's receipts of more than $40 million). The five CLT officers and directors have almost $6 million invested in American Appraisal Associates and seven of the twenty-seven officers of the holding company have $257,210 invested in the success of CLT.

But CLT's *conflict-of*-interest problems are more than potential or theoretical. On January 16, the Nashville tax assessor, Clifford Allen, charged that twenty-one gas stations owned by major oil companies had been given assessments by CLT, which had been hired to do citywide reappraisals. That was as much as 60 per cent below fair market value. (Since all twenty-one stations had been bought after 1970, it was easy enough for Allen to determine their minimum market price.) Said Allen:

"This appraisal company had the purchase prices staring them in the face when they made the appraisals. These are not mere isolated mistakes made by some inexperienced appraiser. Rather, they are typical of the low appraisals which this out-of-state firm has placed on properties owned by the major oil companies throughout the country. They follow a consistent pattern and deliberate policy, obviously established by those in a policy-making position, to favor the big oil companies with low appraisals."

Allen, a past president of the International Association of Assessing Officers, also charged that a third of the 35,000 to 40,000 Nashville properties sold in the previous three years were appraised either too high or too low. (General assessment standards allow a deviation of 15 per cent from the purchase price of property sold within the previous three years.)

On February 13, Allen filed suit in federal court to enjoin CLT and the holding company from engaging in monopolistic practices, and requiring the conglomerate to disclose the names of its corporate clients in Nashville. The class-action suit charged the conglomerate with conspiring to give large Nashville corporations tax breaks at the expense of home owners, farmers and small businessmen. Allen was prompted to go to court by a strong suspicion that at least some

of the corporations favored with low assessments were AAC clients. While continuing to maintain there was no conflict of interest, AAC declined to list the names of its Nashville clients.

Allen's charges stemmed partly from the experience of his principal appraiser, William S. Nichol, who was assigned to work full time on CLT's assessments. In a sworn deposition taken for the suit, Nichol states:

"There are innumerable other parcels of rural property in the out-lying sections of the country, which are miles removed from any access to public water, sewers and other necessary public utilities that have been appraised by Cole-Layer-Trumble Company on pure speculative values, in violation of the express provisions of its contract and Sections 67–605 of the Code, at 100 to 200 per cent higher than the amount paid for such properties within the past one, two and three years by their new owners.

"By contrast, CLT's appraisals on large industrial and commercial properties are almost consistently low. This is true not only of the properties recently acquired by the major oil companies, twenty-one of which are appraised at more than 56 per cent below what the oil companies paid for them, but also with respect to innumerable other properties owned by large, national corporations such as make up the clientele of CLT's affiliate, the American Appraisal Company, Inc.

Nichol cited several examples of such corporate favoritism: a Sears-Roebuck store, built in 1969 at a reported cost of $2,661,000, was given a CLT appraisal of $1,755,030—a depreciation of $905,970. (Sears's concern for favorable assessments is suggested by the fact that each year it throws a party for the assessors at their national convention.) A J. C. Penney store was assessed in 1972 by the local Board of Equalization at $5,009,000; CLT appraised it at $4,309,890. A representative of the Oscar Mayer Meat Packing Plant in Nashville admitted in sworn testimony before the Tennessee Board of Equalization that the plant cost $11 million to build; CLT appraised it at $7 million.

When Nichol cited these underassessments as examples of poor CLT work, he had no idea which Nashville corporations were clients of AAC. Under court order, the firm in March released the names of its Nashville clients. J. C. Penney, Oscar Mayer, American Oil Co., Shell Oil, Chevron, Exxon and Mobil Oil were among those on the list.

CLT also ran into trouble on a $1 million reappraisal study in Westmoreland County, Pa., just east of Pittsburgh. On December 22, 1972, several tax groups, including Ralph Nader's Tax Reform Research Group, asked the Pennsylvania Attorney General to investigate the "irregularities" of the CLT assessments. In 1971, the tax groups charged, Richard Mellon Schaife purchased 178 acres in Westmoreland County for $589.55 per acre. CLT appraised the property at $132.65 per acre. Yet another 312-acre tract of Mellon property was appraised at 64¢ per acre. The former chairman of the assessment board in Ligonier Township, Westmoreland County, charged that CLT had increased appraisals on Mellon property by only 2 per cent, while non-Mellon property in the township was being appraised at an additional 40 per cent. A Chrysler plant, whose construction cost was $50 million to $60 million, was assessed by CLT at $10 million.

Troubled by the apparent irregularities, the Westmoreland County Comptroller and District Attorney ordered a study to be made of CLT's appraisal actiivties. The report concluded, among other things, that in many cases, CLT had simply copied the county's old assessment records; failed even to look at some buildings it was appraising; used nonprofessional employees who had been given only a few days of training in assessment practices; used assessment formulas invalid under Pennsylvania laws; broke various provisions of the contract; and failed to return maps and provide progress reports to the county. The Pennsylvania Attorney General's office is now investigating CLT's Westmoreland reassessments.

When Newcastle County in Delaware decided to update nineteen-year old assessments, it contracted with CLT for the job. The chief county assessor, David R. Reed, became suspicious of CLT's assessments of downtown office buildings and discovered that "apparently, some of the offices have taken tremendous cuts," according to the *Wilmington News-Journal*. According to Reed, who had worked twelve years for CLT before becoming Newcastle assessor, among the buildings which had been devalued were several owned by the Dupont Co. Less than three weeks later, a CLT official admitted that its sister subsidiary, American Appraisal Company, had performed work in Delaware for Dupont and other Newcastle County companies. (Dupont was also listed as an American Appraisal Company client in Nashville.) A month later it was reported that Dupont had persuaded CLT to reduce its original assessment of its property by $4 million. When assessor Reed asked CLT for data on which the reduced assessment had been made, the firm refused. In usual practice, such data are routinely made available to the public officials who contracted for the assessment study in the first place. The Newcastle County government has hired a new firm to assess the CLT assessments.

In the 1960s, West Virginia undertook a reassessment of all of the properties in the state. Cole-Layer-Trumble was engaged to do more than half of the work, including the industrial properties in Mercer, McDowell, Wyoming and Harrison Counties. As part of its work, CLT appraised properties owned by Consolidation Coal Company in these counties at $39.7 million. A year later, however, CLT reduced the coal company's assessed value by $12.3 million. The new assessments were distributed to the four county assessors without the knowledge of the state tax commissioner and other top tax officials. The state tax department learned of the new "Consol" assessments when one of the four county assessors called the state office and said he couldn't understand why the assessment had been reduced $3.6 million in his county when Consol had just built an expensive new plant. The state then decided to reassess Consol's property in the four counties, using its own assessors. The $12 million cut was restored.

A Fulton County (Atlanta), judge on April 9, 1971 voided all CLT assessments there on the basis that there was "potential discrimination. . . . There exists innumerable inequities and a lack of uniformity growing out of the reappraisals, between properties of the same classification."

In Cleveland, city officials were deluged with 48,000 complaints from homeowners after CLT completed a reassessment. Many complained that inexperienced college students were making the on-site assessments. (CLT said this was common practice.) One woman's chicken coop was inaccurately appraised at $10,048. In Hamilton County (Cincinnati), the president of the county commissioners called the CLT assessments inequitable after more than 10,000 complaints were received.

It is difficult to generalize about mass-appraisal firms because very little is known about them. Some certainly have better records than does CLT; others probably have worse. Reassessing an entire metropolitan county—especially when it has been many years since the last assessment—is no easy task. Even when the appraisals are done well, the taxpayers are very likely to be irate when their property assessments jump 30 to 40 per cent in one leap.

Yet, there is little question that something is radically wrong with the mass-appraisal system used by most cities. Jonathan Rowe, the Nader Tax Group's property tax expert, believes that cities should avoid mass-appraisal firms and do the job themselves. He notes, for example, that in many states mass-appraisal firms may not be subject to conflict of interest criminal statues, freedom of information statutes, or other laws designed to protect the public. Attributing much of the unpopularity of the property tax to infrequent assessments, Rowe wants states and local governments to develop a permanent, in-house assessing capacity, so that reappraisals of property can be made far more frequently, perhaps every year.

Unfortunately, few politicians in Washington have taken a serious interest in property tax reform. The extent of the Administration's interest was some noises about a Value Added Tax (in essence, a national sales tax), the receipts of which would have been used to reduce the property tax burden. The silent majority's reaction to the regressive VAT was deafeningly negative and the proposal was withdrawn. Sen. Edmund Muskie (D., Maine) began hearings last spring on property tax reform in his Inter-Governmental Relations Subcommittee. At the urgings of Rowe and others, he has agreed to hold hearings on mass-appraisal firms some time in the future. Muskie and Sen. Charles Percy (R., Ill.) have introduced legislation that would subject the mass-appraisal industry to federal regulation.

Muskie and Percy have also introduced legislation in the Senate, entitled "The Property Tax and Relief Reform Act of 1973," which, among other things, would provide grants and interest-free loans to state and local governments willing to make their assessment procedures more open, honest and professional.

A system of intelligent federal incentives to get local governments to reform their property tax structures makes sense. Unfortunately, most members of Congress and the Administration seem uninterested. "Nixon is always criticizing liberals for wanting to throw money at the problems," states Rowe, "and yet, how does he propose to revitalize state and local governments? By throwing revenue-sharing money at them. The mass-appraisal quagmire illustrates that it is going to take much more than federal money."

STATEMENT OF JONATHAN ROWE BEFORE THE SENATE SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS, MAY 4, 1973

Mr. Chairman and members of the Subcommittee. Thank you for inviting us to testify on S. 1255, the "Property Tax Reform Act of 1973," which the Chairman has introduced. I head the property tax reform project of the Tax Reform Research Group, which is associated with Mr. Ralph Nader's Public Citizen Inc. With me is my colleague, Barry Greever, who also has been working on property tax matters, and especially on problems arising from mass appraisal firms.

I will address the Chairman's bill generally. Mr. Greever will focus on mass appraisal problems.

At this time last year, members of both political parties were proposing wholesale, across-the-board cuts in property taxes. This year the focus has shifted to more carefully targeted relief, and to reform.

The reasons are important. First, it is becoming clear that taxes on property, in some form, will not be wished away. Second, the Supreme Court has refused to uphold a school financing case which would have been a spur to property tax reform. Third, it is clear that not everyone *needs* property tax relief. Many wealthy homeowners and renters—let alone commercial and industrial taxpayers—reside in low tax havens and could well afford to pay more. Cutting *everyone's* property taxes would lavish benefit on those

who don't need it, while depriving those who do.

But most important people are realizing that there is nothing inherently wrong with a tax on property. Property is wealth, and such a tax need not be regressive or unfair. The problem with taxes on property today is the way they are structured and applied.[1]

Actually, two kinds of reform are necessary. One concerns property tax structure—the property that is taxed, the size of taxing jurisdictions, rate structures, and the like. Closing property tax loopholes could relieve excessive property tax burdens even more than closing income tax loopholes could help take the income tax burden off the wage earner.

The second kind of property tax reform is more modest. It concerns administration—enforcing the tax laws as they already stand. This means making asessment and tax collection effective and fair making sure that taxpayers have convenient ways to appeal unfair assessments. Above all, it means providing taxpayers the information they need to evaluate their local property tax administration.

The Chairman has introduced legislation, S. 1255, which combines carefully targeted relief with the second, more modest type of reform—the better enforcement of existing law. Under this legislation, the Federal government would provide half the cost of state programs to relieve excessive property tax burdens of the low income and elderly. In return, the states would have to administer their property taxes openly and fairly. They could still structure their property taxes in any manner they wished. And they would have very broad leeway in choosing how to administer these taxes. The Federal government would require, in the main, only a set level of uniform performance, however, the states chose to reach that level.

The goals of this legislation are responsible and progressive. The bill would encourage long-needed overhaul in the way property taxes are applied. And reform in administration could lead as well to reform in the way the property tax burden is structured.

Last year President Nixon announced a different plan. He sought to cut everyone's property taxes in half, and to replace the revenue with a national sales tax. Whether or not he has abandoned this wasteful and regressive plan, we do not know. But this week Treasury Secretary Shultz submitted a more limited relief plan to the House Ways and Means Committee. Under this Administration plan, the Federal government would provide property tax relief only to persons over 65; households up with to $25,000/year adjusted gross income would be eligible. The plan would do nothing to help or encourage the states to clean up and improve their methods of taxing property. Nor would it help overburdened property taxpayers who are not over 65. The first question is whether this Administration plan is "cost-effective"—whether it targets the most aid to those who need it most. We are mindful of the needs of the elderly. But a $25,000/year income hardly classifies one as needy. In 1971, less than 6% of all taxpayers filed tax returns showing income of $20,000 or more. It is true that the Administration plan would phase out relief at income levels over $15,000 a year. But people with incomes $15,000 and over still represent the top 15% of all filing tax returns.

Do persons over 65 making that much really need relief more than middle-aged breadwinners making much, much less?

There are other serious defects in the Administration Bill.

1. It steps in with relief only after property taxes exceed 5% of income, at all levels of income covered. The Chairman's bill, by comparison, steps in faster where need is greater. When household income is under $3,000, relief is triggered when property taxes exceed that income by 3%. When income is between $3,000 and $7,000, the bill would relieve property tax burdens over 4% of that amount.

2. It falls prey to the "Reagan Effect," where very wealthy individuals report little or no income. Under the Administration bill, the measure of income is "adjusted gross income"—AGI. (Plus certain items like social security and interest from tax-free municipal bonds.) But AGI can conceal more income than it reveals. It does not show income from the very tax preferences the wealthy use to bury their gains: one half of capital gains, percentage depletion, intangible drilling costs, excess depreciation on real estate, the bargain element of stock options, exempt earnings from foreign sources, interest on life insurance savings, and the like. In other words, the Administration proposal would grant additional benefits to wealthy taxpayers already profiting from income tax "loopholes."

The Chairman's bill moves toward a more realistic measure of income. But it seems to leave much discretion to the Secretary of the Treasury in deciding whether or not certain key items—such as capital gains—are included.

The bill should specifically include gains of every kind in its measure of income. This is a time to be closing loopholes, not extending them. As suggested by economist Henry Aaron, the bill should contain wealth, or net worth, limits as well as income limits, as do the circuit-breaker plans in Maine and Colorado. This would prevent relief from being wasted on wealthy households that contrive to report low incomes.

3. The Administration bill lays down an inflexible 15% as the amount of rental payments it considers as property taxes. Such a rigid amount is neither realistic nor fair. The percentage of rental payments that goes for property taxes varies from state to state and from locality to locality. It even varies for property of different value. By contrast, the Chairman's bill recognizes the need for flexibility. It allows the states to set any level between 15% and 30% as the amount of rent it deems paid for property taxes.

4. The Administration bill shuts out from relief people who receive family assistance or who benefit from any state, federal or local housing subsidies. It is arbitrary and unfair to single out for punishment people who receive assistance of these kinds, especially when the Administration bill shuts its eyes to income from the tax "preferences" listed above. Why should wealthy persons who get hidden welfare through the income tax laws remain eligible, while persons who receive an open welfare payment be cast out?

Actual need should be the only criterion.

5. The Administration bill sets up a separate federal system of property tax relief. The Chairman's bill, by contrast, works through, and strengthens, state relief/reform programs.

The most important question, however, is that of reform. It would be simply wasteful to bail out local property tax systems without giving them a beneficial nudge towards reform. The aim of federal property tax relief, and of this Subcommittee, should be to make state and local governments stronger and more effective. The Chairman's proposal, by encouraging reform, would do just that. The Administration proposal, relief without reform, does just the opposite. It would increase reliance on Washington.

True, that is probably the easier way, politically. But as the President has so often reminded us, the path that is politically the easiest is not always the correct one.

One result of relief without reform would be to tempt state and local governments to increase assessments on the elderly, knowing that the U.S. Treasury would pick up the tab. The elderly would then become mere conduits for extra revenue sharing from Washington. Thus assessment fairness tests, such as those in the Chairman's bill, not only help strengthen state and local government. They protect the federal treasury as well.

But most important, the Administration bill cuts most American property taxpayers out of what should be theirs. It is not only the elderly, or even the elderly and low income together, that deserve a better property tax shake. *Everyone* who pays property taxes deserves relief from unfair and arbitrary property tax administration, just as much as *some* need help meeting property tax bills. For decades, studies have deplored the glaring defects in the way property taxes are administered and applied. These defects affect *all taxpayers*. They open up the tax to the under-the-table dealing with which it is rife. Problems with mass appraisal firms, for example, are just a symptom of these basic defects.

Relief alone will just diffuse much of the pressure now building for reform.

The Administration cannot say that making property taxes open and fair is strictly a state and local matter. The federal government already has hand and foot in the property tax system—among other ways through the $2.7 billion in property taxes it allows homeowners to deduct from taxable income. The new Administration proposal is still further federal interference of exactly the wrong kind. In effect, it would be an expensive federal crutch for shoddy administration. If anything, it would delay needed reforms.

Is the Chairman's bill the best way to encourage the desired revamping? The bill would establish an office in the Department of the Treasury called the Office of Property Tax Relief and Reform. This office would make certain that the state relief programs meet the broad guidelines that the bill lays down, and that tax administration is sufficiently open and fair. Among other functions, the office would certify private firms that contract with state and local governments to perform property tax appraisals.

The bill stresses fairness of performance rather than specific practices the states must adopt. That is the right direction. Bureaucracy and red tape should be cut to a minimum—and then some. One way to do that is to strengthen those parts of the bill dealing with access to information.

The property tax can be, in large measure, a self-enforcing tax. Taxpayers need only the tools to do the job. These tools include complete, accurate, property tax information, and effective, convenient forums in which to challenge inequities.

To an extent, the Chairman's bill, S. 1255, would help provide these tools. But there is more the federal government can do to encourage effective citizenship in the property tax arena, and to help state and local property tax administrators as well.

1. *Corporate Property Data:* The federal government should collect from corporations detailed accountings of their real estate holdings, including location and value. Such properties are major sources of local property tax revenue; information about them would be of great benefit to both assessors and taxpayers.

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[1] Many recent articles explore this point, e.g.:

Gaffney, Mason, "In Praise of the Property Tax," *The Washington Monthly*, February 1973.

Gaffney, Mason, "The Property Tax is a Progressixe Tax," paper available from Resources for the Future, 1755 Massachusetts Ave., Wash. D.C. 20036.

Peterson, George E. and Solomon, Arthur P., "The Property Tax and Populist Reform," *The Public Interest*, Winter, 1973.

"How to Cut Property Taxes", *The New Republic*, January 27, 1973.

Corporate real estate information is important for other uses, as well:

(a) Investor Protection. Such recent episodes as the Penn Central bankruptcy and the Equity Funding scandal show the need for much fuller reporting of corporate assets generally—of which real property holdings are an important part.

(b) Aid Land-Use Control. Before we can decide how to use our land, we need to know who owns it, how they are using it, and how they plan to use it in the future.

(c) Plot Trends in Housing, Agriculture, Resource Development, and Other Important Areas of Economic Activity.

The SEC, the Census Bureau, the IRS, the Office envisioned in the Chairman's bill, or some combination of agencies, could assemble this data on corporate real estate. Or the bill could require states to compile aggregate property holdings for large taxpayers.

Such disclosure is practical and tested. The SEC already requires a degree of corporate asset disclosure, so does the IRS. The State of Minnesota requires corporations to report all their farm holdings. In Wisconsin, corporate income tax returns have been made available to the public.

2. *Sales Price Data:* The federal government should reenact the nominal property transfer tax which lapsed in 1968. It should apply this tax, moreover, to the full sales price, not just to the equity transferred (price minus mortgage) as was the case before. Property transfer tax data appeared right on the deed of sale. Reenactment of the tax would provide valuable information to assessors, and would give taxpayers a way to check the accuracy of property tax assessments.

3. *Census of Governments:* Since 1957 the Census Bureau has included in its Census of Governments a volume called "Taxable Property Values." This volume gives detailed state by state breakdowns of property tax data, including total assessed valuations, and average assessment levels, for each type of property.

This volume could be a key tool for both assessors and local taxpayers in making the property tax work. The first "Taxable Property Values" study in 1957 helped spark the landmark, two-volume ACIR study, *The Role of the States in Strengthening the Property Tax*, from which in large part, current reform proposals and efforts have sprung. The property values study is a federal effort that can make the federal system stronger and it should be expanded. The property values study should be done more often—each year at best—so that taxpayers have up-to-date information on property values and assessments. It should show the "dispersion ratio" along with the average assessment level for each type of property and at different levels of property value.[2] Moreover, it should do so not just for each state, but for taxing jurisdictions within each state as well.

Most important, the Census should include assessment studies of the highest value properties, since these are the most important revenue providers. Currently, the Census excludes all property worth over $500,000, since there are so few sales of such property to compare with assessments. But the Census could check assessment levels of this high-value property through spot appraisals. States like New York do so in comparing local assessment levels for school aid purposes.

These spot appraisals can be of great benefit to local taxing jurisdictions. For example, in 1968 a state appraisal showed that the Reynolds Aluminum plant in Massena, New York, was underassessed by at least 60%. Previously, the town had accepted figures Reynolds itself provided because it could not afford to make an appraisal of its own.

Despite the importance of these Census Bureau studies, essential parts of the program are being slashed this year for budget purposes.[3] This is wrong. The administration has oft repeated its commitment to strengthening the governments that are closest to the people. The Census of Governments is one means to that end.

And it is a low-cost means. The estimated cost of the *entire* 1972 Census of Governments—of which the Property Values Study was just one part—was only $1.4 million. By contrast, the Commerce Department spent twice that amount, an estimated $2.8 million merely to offer a "Business Research and Data Service" for major industries.

4. *Coordination of Existing Federal Government Appraisal, Property-Holding, and Value Data.*

The Advisory Commission on Intergovernmental Relations, in its recent study, "Financing Schools and Property Tax Relief—The Report in Brief," lists at page six existing federal programs which could provide valuable data to property tax administrators and taxpayers. I submit this brief summary for the record. The Chairman's bill should specifically instruct the Office it would set up to coordinate this data and make it widely available. This could help cut the costs of property tax administration. And it could weed out overlapping federal information programs as well.

5. *Develop Specific Ways for the IRS to Share Data on Property, Especially Intangible Property, with the States.*

Recent studies[4] have shown that we could cut property tax rates an average of one-third nation-wide, by restoring modest taxes on intangible property—stocks, bonds, and the like. Originally, the property tax included such property. But most states have stopped trying to tax intangibles because of enforcement problems. Now, however, the IRS has data on all dividend and interest payments of over $10. And federal law specifically provides for the sharing of such information with the states. The IRS should devise specific ways to effectively share this data, so that states can, if they choose, tap intangible property as a way to ease the property tax burden of homeowners and renters.

PROPERTY TAXES AND LAND USE

The Chairman's bill also directs the contemplated Office to develop plans to "coordinate state and local real property tax policy with the requirements of sound land use planning." Property taxes and land use are a major problem. In cities, underassessment of land and over assessment of buildings encourage decay, blight, and acres of vacant lots and parking lots. On urban fringe areas, sprawling suburbs and real estate manipulators drive up property values and force small farmers to sell their land.

The Committee should avoid the false start many states have made in dealing with this problem. And it should consider steps it can take now without waiting for the hoped-for report from the office the Chairman's bill would establish.

Many states have passed laws to allow special low assessments for "farmland" and open spaces. Backers usually sell these bills to the public as ways to preserve open lands and protect them from development. But for the most part, special "farmland" assessments have turned out to be just bonanzas for real estate speculators and developers.

Maryland was the first state to enact such a law. USDA and other studies[5] have shown that the market for farm tracts in fast-developing Montgomery and Prince Georges Counties, where farm land most needed protection, remained brisk. In 1965, nine years after the act was passed, one-third of all farm tracts there had been acquired in the preceding five years. About one-half had changed hands in the preceding ten. And it wasn't farmers that were buying this land. The sales prices ranged between $2,000 and $4,000 per acre—far more than genuine farmers could afford.

The *Washington Post* shed light on who was buying this land. Levitt and Sons and Boise Cascade had both bought up thousands of acres of "farmland" in Montgomery County, the *Post* reported. In one case, the family of Washington mortgage banker Floyd Davis had a 194 acre tract on busy U.S. Route 270 across from a shopping mall. The tract was zoned for commercial and industrial use and was worth at least $13 million. But the Davis family made sure a small part of it was farmed. So this $13 million tract received a special farmland assessment of $38,590.

The *Post* estimated that it was costing county residents up to $10 million to provide property tax breaks for landowners like the Davis family, Levitt and Sons, and Boise Cascade. That came out to $52 for the owner of a $30,000 home.

A recent study by the Center for the Analysis of Public Issues, Princeton, N.J.[6] reached a similar bleak conclusion regarding New Jersey's farmland assessment law. The Center found that 20% of New Jersey's land gets special low assessments. Other taxpayers in the state or paying $48 million per year to make up the difference. (The state, by contrast, has invested only $140 million over the past 11 years to purchase land under a "Green Acres" program.) In 50 New Jersey municipalities, taxes on a $25,000 home have gone up over $200.

Who gains? Again, big gains are going to large scale land developers. The study found, for example, that a land developing subsidiary of the Interstate Utilities Corporation, one of the nation's one-hundred largest corporations, was getting special low assessments on 5,000 acres in one county. Levitt and Sons, the land development subsidiary of ITT, saved over $40,000 on 500 acres in one

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[2] Studying assessment differences between different levels of property value would help lay bare the regressive assessments uncovered in a recent HUD study of 10 cities. These regressive assessments inflict undue property tax burdens on the poor and promote urban blight. (This study is now a Committee print, entitled "A Study of Property Taxes and Urban Blight.)

[3] In past years, the Census has shown the total assessed value of different types of property within each taxing jurisdiction. This study helped show how such of the tax load each type of property was bearing. Now, however, only information for about 28 jurisdictions will appear.

[4] Hagman, Donald, "VIT for Vat: Is a Valorum Intangibles Tax a Democratic Alternative for a Value Added Tax", 1972, Institute of Government and Public Affairs, University of California, Los Angeles.

Snyder, Lester B., "Taxing the Unlanded Gentry: A New Trend in Taxation of Intangible Property," *Connecticut Law Review*, Vol. 4, No. 2, Fall, 1971.

[5] See House, Peter, "Differential Assessment of Farmland Near Cities * * * Experience in Maryland Through 1965," (USDA-ERS, ERS-358 Oct. 1967).

Murray, Ray A., and Cissel, Edwin L. "The Transfer of Farm and Open Country Real Estate in Maryland, 1964–1965," (Agricultural Experiment Station, University of Maryland, College Park, Md., Misc. Pub. 753, 1970).

Walker, William Paul, "Farm Ownership Valuation and Taxation in Rural-Urban Maryland" (Dept. of Agricultural Economics, U. of Md., College Park, Md., December 1967, Misc. Pub. 639).

[6] "Misplaced Hopes, Misspent Millions—A Report on Farmland Assessments in New Jersey," The Center for the Analysis of Public Issues, 924 Nassau St., Princeton, N.J. 08540.

county. A subsidiary of the Atlantic City Electric Co., the study said, is getting a 90% assessment reduction for land already approved for development.

In state after state the story is similar. In California, "Dun and Bradstreet Sodbusters" like J. G. Boswell Inc., the Kern County Land Co., The Irvine Co., and the Southern Pacific Railroad are getting millions of dollars in property tax breaks under that state's "Williamson Act." These same landholders, it turns out, are cashing in on Federal Crop subsidy payments in a big way, as well. For example, the J. G. Boswell Co., which in 1970 received a Williamson Act property tax break of almost three million dollars, that year received the single largest Federal Crop Subsidy payment in the nation—almost four and one half million dollars. Giffen Inc., which received the nation's second largest farm subsidy handout, also gleaned a $183,000 tax break from California taxpayers. And far from preserving open spaces, the Williamson Act seems to be forcing development onto prime but unprotected lands close to cities.

A Rhode Island official responded candidly to this Subcommittee's inquiry about the state's farmland assessment law, ". . . . the law is largely ineffective in preserving open space, but it does provide a tax shelter for land speculators."

It is clear that property tax breaks for developers will not preserve farms and open spaces. Still, genuine small farmers do need property tax relief. And properly applied, such relief could indeed help preserve farmland. To that end, the Subcommittee could extend the relief under the proposed bill to genuine small farmers. To qualify for this relief, a state program should have to meet several minimal conditions. For example:

1. *Residency requirements:* relief should go only to farmers who actually live on their farms. Absentee landowners and corporations should not be eligible.

2. *Size limitations:* these could be in terms of acreage, value, and/or number of employees, depending on the kind of farm and its location.

3. *Effective deterrent to development:* this deterrent could be the recapture of all taxes that were forgiven, for at least the five most recent years, plus interest at the normal commercial rate; a stiff land transfer tax; an "unearned increment tax"; a "zoning-up" tax; and/or some similar measure. The goal would be to make sure the public really gets farmland and open space for its tax dollars.

Such programs could apply to non-agricultural land, such as forests and open spaces, with like safeguards.

Further steps are a subject for future hearings. But before embarking on solutions to the property tax/land use problem, the Subcommittee might well consider how the federal government is helping to create the problem to begin with. Property taxes on farmland and open spaces go up largely because land values go up. And federal programs and policies are partly to blame for the enormous increases in rural and urban-fringe land values. These programs and policies include:

1. Mortgage-guarantee programs which encourage people to build and buy homes in the suburbs.

2. Highway programs which send development sprawling further and further out into the countryside and inflate property values there.

3. Federal tax preferences for real estate development that encourage new building and discourage rehabilitation of existing buildings.

4. Federal income tax deductions for homeowner property taxes and mortgage interest, but not for taxes and interest borne by renters.

5. Capital gains treatment of unearned increases in land value.

6. Exemption of land value increases until sale. This encourages developers and speculators to buy up rural land long before they intend to develop it. Property values leap and small farmers then have to sell their land.

7. Provisions which allow tax-loss farming. These further sweeten the pie for developers and speculators. They can farm their tax losses until they are ready to sell or develop.

Reversing such Federal policies could save taxpayer money, recoup extra revenues for the Treasury, promote better land use. Most of all, it would reduce the need for the Federal government to step in to solve a problem it was helping to create.

A NUCLEAR JAPAN?

Mr. CRANSTON. Mr. President, whether Japan acquires nuclear weapons or not is a major question that bears heavily on the future of world politics.

Mr. Lowell Ponte, a columnist for the McNaught Syndicate in Redlands, Calif., has recently written a series of articles challenging the Nixon administration to talk more openly about how our missiles and atomic secrets sold or given to Japan might prompt her to become a nuclear superpower. He discusses actions taken by the United States against the background of the internal debate taking place within Japan.

Mr. President, the whole subject of Japan's possible nuclear armament deserves far more public discussion. I ask unanimous consent that Mr. Ponte's articles, together with a statement and a wire service story, be printed in the CONGRESSIONAL RECORD.

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

LOWELL PONTE STATEMENT ON JAPAN'S CHANGE OF DECLARED NUCLEAR WEAPONS POLICY

It is good that reportage of my newspaper column series (the fourth & final part running today) by many newspapers in Japan has impelled Prime Minister Tanaka to admit the possibility his nation may acquire "defensive" nuclear weapons.

Questions raised in my series, which began March 14 and was given—at their request—to the Japanese consulate in Los Angeles, remain to be answered.

(1) Is the Nixon Administration following a policy calculated to make Japan at least "eight months pregnant" with nuclear weapons potential? Certainly the secret atomic and missile technology being offered to Japan could take her to that delicate condition.

(2) Why has Japan clandestinely developed a missile similar to America's Minuteman II Intercontinental Ballistic Missile?

(3) How far does Japan consider her "vital territory" to extend? To South Korea? To Indonesia? Does she include such areas in her "self-defense" perimeter? The so-called "three arrows plan" leaked by their defense agency in 1965 suggests it lies well outside Japan's islands.

(4) Are statements by Japanese leaders, including today's by Mr. Tanaka, designed to help change Japanese public attitudes to make such weapons more acceptable?

NUCLEAR

TOKYO.—Prime Minister Kakuei Tanaka said Tuesday that he does not rule out the possibility Japan may arm itself with "defensive" nuclear weapons.

"We are not able to have offensive nuclear weapons," Tanaka said. "However, it is not a question of saying we will have no nuclear weapons at all."

Tanaka's aides said "defensive" weapons could include antiaircraft missiles and nuclear landmine devices designed to thwart an invasion.

Tanaka said the governmen. still follows its longstanding three-point nuclear policy—Japan will not build nuclear weapons, own them, or allow them on her soil.

Opposition deputies, opposed to all forms of Japanese rearmament, pressed for a clear definition of what "defensive" nuclear weapons meant.

"It is difficult to judge when weapons are offensive or defensive," said Ichiro Yoshikuni, Chief of the cabinet's legislation office. "However, nuclear land mines for defense against military forces that had landed in Japan would be in that class."

Takuya Kubo, the top civilian servant of the Japan self-defense agency, added nuclear air defense missiles to Yoshikuni's example of land mines.

The 1947 constitution forbids the country to engage in war and forbids the maintenance of armed forces.

However, that constitution was "reinterpreted" in 1950 by its chief architect, the late Gen. Douglas MacArthur, to allow Japan to maintain forces for defense of its islands.

Though some conservatives have long wished to amend the constitution to put the armed forces on the same footing as other countries, they have not been able to muster the two-thirds majority in both houses of Parliament that is necessary to make the shift.

The constitution does not mention nuclear weapons.

A NUCLEAR NIPPON?—PART I

(By Lowell Ponte)

The American Federation of Labor has raised a good question: Why is the Nixon Administration so eager to sell advanced missile secrets to Japan?

The AFL-CIO sees this as a pocketbook issue. The White House-approved sale of Thor-Delta rocket-launching hardware and know-how could bring a quick $100,000,000 in profits to the McDonnell Douglas Corp., but according to the AFL-CIO, it will hurt American workers.

As taxpayers it cost us plenty to perfect this technology, which now may be exported at bargain rates to foreign manufacturers who soon will be competing with us in the world missile market and costing us jobs.

But more than bread and butter is at stake. The larger question is: Why, since 1968, has our government pursued a policy calculated to make Japan a nuclear-weapons superpower in the near future? Why are we hurrying to share missile secrets and atomic secrets with the Japanese, and to transfer large amounts of weapons-usable radioactive materials into Japan's hands?

Our government runs away from such questions. The official position on the Thor-Delta system, for example, is that it will help Japan launch satellites beginning in 1975. In the words of State Department Spokesman Charles Bray, the system has "very little or no military potential."

Is this true? Suppose you gave someone a rifle but no bullets, knowing full well that he could produce his own bullets easily and quickly; only by stretching truth to its limit could you say the bulletless rifle has "no military potential."

We are selling them early variety of Thor-Delta, including a first-stage booster and second-stage rocket, but minus a guidance system. By itself this could launch a 300-pound pay load into orbit but would have "no meaningful military capability without a guidance system," our government assures us.

The trouble is, Japanese electronics are superb; they can easily provide a guidance system. Moreover, they have already devised an upper stage "Q" engine that will, at a minimum, increase Thor-Delta's pay load to 2,200 pounds—giving the rocket capacity to carry not only one nuclear warhead, but even multiple warheads.

And where might Japan get nuclear materials to make a warhead? A sizable amount comes from us directly. For example, on Feb. 26, 1968, our two nations signed an agreement for the cooperation in the peaceful uses of atomic energy which, among other things, authorized the transfer of 365 kilograms of Plutonium to Japan from our Atomic Energy Commission under weak and ineffective safeguards. The bomb used on Nagasaki during World War II required less than 6 kilograms of Plutonium.

Cooperation has grown, and last September Japanese Prime Minister Kakuei Tanaka emerged smiling from a meeting with President Nixon in San Clemente to tell waiting reporters his country and ours would probably soon be sharing many atomic secrets and even constructing a jointly run billion-dollar uranium enrichment plant in the U.S.

Few people quarrel with the ideal of atomic energy used peacefully, but few experts deny that any "peaceful" nuclear power reactor or enrichment facility is at least "eight months pregnant" with military potential. The Plutonium and enriched uranium associated with producing electricity could readily be diverted and converted into weapons. Likewise, a missile technology used to launch large satellites can provide the hardware for a military missile program.

We are systematically taking Japan to a condition "eight months pregnant" with military potential in missilery, in nuclear technology, and in radioactive materials. And Japan is cooperating with us enthusiastically.

But Japan is the one nation to have had cities destroyed by atomic bombs, and a large segment of the population opposes nuclear weapons. This March Japan put a plan to end all nuclear testing around the world before the 25-nation Geneva Disarmament Conference.

On the other hand, Japan has pride. She is the fastest-growing economics superpower on our planet. But in mid-February United Nations Secretary General Kurt Waldheim ended a five-day visit to Japan by scorning her bid for a permanent seat with the nuclear superpowers on the ruling UN committee, the Security Council. The extra status nuclear weapons give a nation were one factor in Japan's reticence to sign a nonproliferation treaty.

Japan's motives for getting her own nuclear arsenal, and President Nixon's motive for helping her do so, will be detailed in my next column.

A NUCLEAR NIPPON?—PART II

(By Lowell Ponte)

NEW YORK.—If Japan decided to become a nuclear weapons superpower, the atomic and missilery secrets now being offered by the Nixon Administration could give her that status almost overnight.

The White House's motive seems clear for making such offers: We want a strong Japan in Asia to counterbalance the influence of Chairman Mao's China as we pull back our forces from that part of the world. Who better could take our place than "the yellow Yankees" with whom we share so many values and interests?

Japan's motives for joining the nuclear club are harder to see in perspective, but, since Japan is now in the process of accepting our offer in laying the base for an atomic arsenal, we should consider the world from her viewpoint before judging this decision.

Japan's an island nation, and like that other island nation, Great Britain, she lacks the natural resources to support her people. Like Britain, she has survived and grown by trade of conquest.

The Meiji founders of modern Japan a century ago had a slogan: "Risk country, save army." That army became the vehicle for Japanese imperialism and trade; it made the nation rich, but then led it to defeat by attacking too powerful a nation, the United States.

Before World War II, Japan had no army at all, in the usual sense, just a "National Self-Defense Force" unable to wage war outside Japan.

Thus Japan's emergence today as the world's number three economic power—bested only by the resource-rich U.S. and U.S.S.R.—is a unique miracle in our planet's history. A century ago Great Britain had similar success, but her trade followed her flag and her navy, which was the most crushing military power of its age.

Sad to say, Japan's success is a fragile miracle. She thrives at the whim of a more powerful nation, and she acutely feels her weakness as a near-economic power.

To the proud Japanese it must have come as a slap in the face when, this February, United Nations Secretary General Kurt Waldheim scorned Japan's bid for a permanent seat on the UN's ruling body, the Security Council.

This scene had been played before, in 1970, when former Secretary General U Thant called Japan's bid "completely unrealistic."

But why is it unrealistic for Japan to sit on the highest council of nations? Is the only standard for membership the megatonnage of the nation's atomic arms? As Japan is insulted by UN leaders, and shamed when, without promised prior consultation, President Nixon winged to Peking, it must occur to some Japanese leaders that soon Japan's survival may depend on whether she can command the respect owed to members of the superpower club.

Japan could no more "win a nuclear war than could the United States. But atomic weapons can be used for a host of diplomatic purposes short of war. Experts admit they give a nation possessing them more status, more independence, a bigger voice in all international councils—in a word—clout.

Japan's vulnerability make such clout a necessity, for she cannot withdraw from the world as we could. A case in point, half her food comes from trade; trade is made possible by her industries, which convert raw materials from other nations; her industries run on oil. Japan imports 99 per cent of her oil, 90 percent of it coming via tanker and super-tanker from Africa and the Middle East by way of Indonesian territorial waters.

In the October 1972 issue of United States Naval Institute *Proceedings*—the journal that does some of the best analyses of Japan available—Capt. Richard Miller evaluates Indonesia as "Japan's jugular" and suggests an analogy: "If, in the future, almost the entire supply of oil for the U.S. had to come via the port of Tampico in Mexico, we Americans would feel rather insecure as regards the sources of our energy for the nation. This is not too unlike the situation facing the Japanese." Their only sure alternative, Captain Miller notes, would be to send their super-tankers around Australia; this would involve 6,000 miles of extra travel per ship each way, and add up to $6 billion per year to the price Japan pays for oil. Indonesia claims the right, on a whim, to close its waters to any and all foreign shipping.

Would Japan go to war over oil? In the November 1972 *Proceedings* Air Self-Defense Force Lieutenant General Masatake Okumiya, ret., said in passing, that "one of the greatest reasons" Japan struck Pearl Harbor was that an American and European embargo on Japanese oil supplies was incapacitating his country. But General Okumiya spoke in the context of showing that Japan might never gain security by having weapons of aggression, being too vulnerable to survive any hostility.

Would Japan acquire nuclear weapons if they provided the diplomatic leverage needed to protect her oil supplies? Perhaps. And an active nuclear reactor program would be of double benefit; it could provide a non-oil using source of electrical power, and as a byproduct it could turn out thousands of kilograms of weapons-usable radioactive materials yearly.

In assessing Japan's decision to "go nuclear," we must keep these things in mind: Japan is an empire without an army. She has life-and death interests extending far beyond her own territory. She relies for her security on a treaty with the United States, but now the United States is pulling back its influence and its military forces from much of Asia. National security for Japan will soon mean the amount of international diplomatic respect she could command—if not through a seat on the U.N. Security Council, then through other means.

Technological and political patterns have impelled Japan to make a fully nuclear commitment; these changes will be the subject of my next column.

A NUCLEAR NIPPON?—PART III

(By Lowell Ponte)

NEW YORK.—The Nixon Administration has used both the carrot and the stick in prompting Japan to become a nuclear superpower. On one hand, Japan has been offered secrets of our missile and nuclear technology, and possible cooperation in joint U.S.-Japanese atomic facilities.

On the other hand, the President slapped Japanese leaders in the face by winging to Peking without promised prior consultation. Through this and a thousand other gestures he has reminded them that without the status of nuclear weapons they may forever be treated as a second-rate nation.

Japan prefers to see herself as a first-rate nation, as she was at the height of empire three decades ago. As the third economic power of the world, Japan today again calls herself Nippon, "the land of the rising sun," a big and important country. If anything has led her to opt for nuclear weapons, it is this pride.

Nippon has the opportunity and the motive to "go nuclear," so one question remains: Can the technology and political climate allow for such weapons? Patterns evolving in both areas suggest an affirmative answer.

We often hear that, because she was the first victim of atomic war, Japan has a "nuclear allergy," that, because public feeling is dead set against these weapons, no politician would dare advocate them.

How, then, shall we explain public opinion polls in Japan showing that up to 45 per cent of the people favor Nippon having its own nuclear arsenal? More important, a wide range of polls show a huge majority of Japanese—especially the nation's future leaders now going to college—say Japan "inevitably" will acquire such weapons; at worst, Japanese are resigned to "going nuclear" and at best they are expectant.

Apparently it is as former U.S. diplomat to Japan John K. Emmerson says: "Unquestionably, as pride in country grows, aversion to things nuclear will also diminish."

But where Japanese leaders are concerned, respect for nuclear weapons was never absent. The ruling Liberal Democratic Party has resolved that Japan should not "produce," "keep," or "permit the introduction of" nuclear weapons in the country, but it has blocked all legislation that would make this resolution a permanent policy.

Quite the opposite, since 1957 it has been consistent Japanese policy that, if ever needed, the government would permit "de-

fensive" nuclear weapons in the nation. This position was affirmed in the government's Defense White Paper issued Oct. 20, 1970, and has never been rejected.

Moreover, the government has pushed ahead with development of a major nuclear reactor industry, nuclear centrifuge technology, and pleas for more nuclear information sharing with the United States. The loudest plea came in 1970 from head of the Japanese Defense Agency Yasuhiro Nakasone, a hawk by any standard, who wants Japan to adopt an "autonomous defense" posture. This spring the Nixon Administration will begin plans for just such nuclear information sharing.

Some people are comforted to note that Japan still spends a much lower percentage of her gross national product on defense than does the United States. These people overlook that much crucial Japanese military research never appears in defense budgets.

A case in point is the history of Japan's intercontinental ballistic missile. In the mid-1950s the University of Tokyo began a "weather research" program by building a pencil-sized rocket called, oddly enough, the "pencil." These "weather rockets" got a little bigger each year, and in 1966 the Aviation Magazine International pictured that evolution. By 1966 the Japanese had a "weather rocket" called the Mu–4 which was 72 feet tall and had payload, thrust, and other specifications comparable to our Minute Man II missile.

Gradually such rockets could no longer be justified as "weather" devices, so they became the Japanese "space program," and in 1970 the government turned the program over to Mitsubishi Heavy Industries, Ltd. This subject of nuclear Japan will be concluded in my next column.

A NUCLEAR NIPPON?—PART IV

(By Lowell Ponte)

NEW YORK.—To help iron out bugs in Nippon's missile program, the Nixon Administration is now letting McDonnell-Douglas sell many of our missile technology secrets directly to Mitsubishi Heavy Industries, Ltd., which is working on the Japanese "space program." This will of course be of inestimable help to Japan's rocketry.

In the budget of a space program, Japan is perfecting missile technology. In the budgets of a civilian nuclear power program, Japan is perfecting nuclear fission and fusion techniques. Neither program shows up in military budgets. The U.S. Government aids these programs.

And in Japan, while such programs go on, politicians raise their voices to speed the change in public attitudes. The Japanese Constitution renounces war as proper national policy, but last May 3 the chairman of the Liberal Democratic Party's constitution revision committee, Osamu Inaba, declared in his "Constitution Day" speech that "Not to make war is certainly the wish of the Japanese people . . . However, at this stage of history there is no reason for unarmed neutrality."

Two months before, on March 1, the secretary general of the Liberal Democrats Shigeru Hori, had warned that American leaders should not consider the U.S.-Japan Security Treaty a "restraint" on possible Japanese rearmament. If they did, he said ominously, "Japanese will be forced to rethink their position" on the security pact, the pact that puts a now-leaky and incredible American nuclear umbrella over Japan.

Opinion polls in Japan conducted by the government show that 81 per cent of the Japanese favored "defending the country by themselves" with but 4 per cent content to rely on American guarantees.

The government did not help this by leaking an early draft of the 1970 Defense White Paper saying Japan was in danger, being surrounded by "superior military powers." No wonder the public mind is changing.

In 1972 Japan began its fourth "Five Year Plan" to create a defense "system capable of effectively dealing with all armed aggression involving localized or minor warfare . . ." But "localized" has never been defined, and this too is significant.

In 1965 another leak let the world in on the Japanese Defense Agency's so-called "Three Arrows" plan, which ordered that in the event South Korea was invaded by the North with help from Maoist China, the prime minister was to go on television and address the nation, explain the crucial threat this posed to Japan, and call for defense "of the fatherland."

Some Pentagon planners secretly assume Japan considers Korea, Taiwan, and perhaps even her shipping routes through Indonesia all part of her vital territory and would react to attacks on them with whatever force she could muster, nuclear or otherwise. Japan sees herself as an "extended country," but how far she plans to extend is anybody's guess.

Only history will judge the wisdom of President Nixon's decision to push Japan towards nuclear weapons and missile capability, but we can judge some of its implications now. They are hazardous, a gamble.

Since they involve the security of the American people, as well as the world, they deserve a more open and honest airing than we have heard to date.

TRIBUTE TO THE HAMM BREWING CO., ST. PAUL, MINN.

Mr. HARTKE. Mr. President, I was recently privileged to address the National Convention of the National Association of Concerned Veterans, April 13, 1973, in Phoenix. This group of Vietnam-era veterans was founded in 1968 as the National Association of Collegiate Veterans, by a group of veterans attending school under the GI bill. The new name, adopted at last month's convention, reflects the organization's intention to represent the interests of all 6 million Americans who served in the military during the Indochina war.

Today there are some 30,000 dues-paying members of NACV in 130 chapters around the country. This is an impressive record of growth, all the more so because NACV has overcome a number of obstacles that other organizations, in less dedicated and capable hands, might have found insurmountable. Vietnam-era veterans face serious and unique readjustment problems. Unfortunately, too often some people would like to forget the Indochina war and would also like to forget those who fought that war. This has meant tough sledding for NACV.

It is encouraging to note the assistance provided NACV by the Theodore Hamm Brewing Co. of St. Paul, Minn. Since 1970, this public-spirited firm has provided NACV with yearly grants, which have been used in part to establish a NACV Washington office, provide outstanding members with scholarships, and establish additional chapters. Hamm's has established a college coordinator staff position to assist NACV chapters, and has aided in the development of new branches in its 38-State marketing area.

I believe that Hamm's should be complimented for two very important reasons. First, of course, it has assumed its responsibility to improve our Nation in a generous and timely manner. More uniquely, however, it has had the insight to assist the veterans of the Vietnam era by helping these brave young Americans to help themselves. The young veterans who need help the most are least likely to seek or accept it from institutions they distrust. Hamm's has recognized this, and by working to strengthen the National Association of Concerned Veterans, the Theodore Hamm Brewing Co. has exhibited, not only commendable generosity, but rare insight.

ECONOMIC DEVELOPMENT PROGRAMS

Mr. MOSS. Mr. President, the Congress today faces another in the series of confrontations concocted by the Nixon administration. Will we continue to have a Federal program helping depressed areas with their economic problems? Will the Federal Government lend a hand in aiding well-planned economic growth to create opportunities in areas other than the major expanding urban centers of the country? The President has said "no." By appling a pocket veto last fall to legislation that would have continued the programs of the Economic Development Administration and the regional development commissions, he has indicated that this effort is to be abandoned.

THESE PROGRAMS HAVE WORKED

The prime mission of the programs we are considering has been to create jobs and stable economic development. Studies done in 1970 indicate that the cost of creating such jobs has been roughly $2,200. Average income from each job created amounted to $6,500. In a very short period of time the taxes on such salaries will more than pay back the cost of creating these jobs. On an individual level and a community level, these programs have worked.

They have not been large enough, of course, to override the general trends of the economy. We cannot expect the expenditure of a few million dollars to counter the hugh variations in a trillion dollar economy. But at a realistic level, many successes have been accomplished.

The citizens of Utah recognize the importance of this development that has occurred at Park City with subsequent jobs and stimulation to the economy. This project first began through funds granted by the Area Redevelopment Administration for its planning and implementation. The ARA program was the predecessor of the present EDA program now under discussion here in the Senate.

In project after project, areas of the State of Utah have been opened up to development through the aid of EDA and the Four Corners Regional Development Commission. If EDA had not provided $2.6 million for construction of a road from Hanksville to Bullfrog Basin and $2.5 million for the road from Hall's Crossing, the development of the Canyonlands area of southeastern Utah would have been severely hampered.

The programs of EDA have been particularly sensitive to the needs of Indian tribes in depressed areas. One of the most

encouraging success stories has occurred with the Ute Indian Tribe in Utah. The Tribe had approximately 75 percent unemployment in the mid-1960's. Through the help of EDA and other self-help programs, that unemployment rate has been cut in half and has a chance of being virtually wiped out in the next year or two. The change began with EDA's funding of the Ute Bottle Hollow Development with a $1.2 million grant for a tourism complex in 1967. This area is now a model Indian development project. In addition, EDA and OEO have combined to provide funds for an Indian-owned and Indian-run business corporation, Utefab, which produces fabricated plastic laminated furniture. To allow for expansion of this corporation and other tribal activities, EDA has granted in the present fiscal year $470,000 for an industrial park and $251,000 for a multipurpose building. With these funds, the corporation, which has sustained a profit during each year of its operation, may well come close to eliminating unemployment among tribal members.

In recent months, the Utah Paiute Tribal Corp. has received a grant of $514,000 to begin business development projects at Richfield, Cedar City, and Kanosh, Utah. These are meaningful contributions and are perhaps the brightest spot in all of the developments relating to Indian tribes in the 1970's. If these programs die, Indian tribes throughout America will be faced with the bleak prospect of settling back into a future of welfare and joblessness.

I have attached an appendix to this statement listing EDA and Four Corners Regional Commission projects granted over the last 2 years to communities in my State. I believe it provides a good sample of the kind of helpful activities undertaken through these programs.

The impending cutoff of these programs could not be more untimely. The Four Corners Regional Development Commission has recently compiled a development plan for the entire area under its jurisdiction. These plans have taken too long, but they are now completed. The appropriate step would be to use the results produced by the cooperation of four Governors and the Federal Government. Instead, the administration would discard all this work. The planning that has occurred under EDA's multicounty district program would also be abandoned.

The President has been misled by advisers who have told him that the activities of these programs can be absorbed by other Federal agencies. These alternatives are not true replacements, for their activities do not cover the programs he would abandon.

The EDA provides direct grants, planning money, technical assistance, and loan funds to deal with basic economic problems in areas needing growth. The Small Business Administration's loan program is not equivalent to nor a proper replacement for EDA's loan program. SBA's program aids small businesses and cannot exceed loans of $350,000. EDA, on the other hand, can make larger loans to attract significant industry into an area. EDA provides direct loans, with the Government subsidizing some of the interest. SBA operates through the private market system. If EDA is eliminated, these loans will simply disappear. They will not be replaced by SBA activities.

Likewise, grants for the construction of basic support services for economic activities will find no direct replacement. Industrial park money will simply disappear, and the jobs that would have been created through such grants will vanish. Multicounty planning efforts, now funded through EDA's "district" program will collapse, in most cases.

The administration's rationale for cutting such programs is that the economic well-being of the country requires it. Yet expenditures in the Federal programs we are considering are designed precisely to enhance economic well-being. They are targeted into areas where economic problems exist and where inflationary cycles are least likely to be stimulated.

General community development programs, funded through community development revenue sharing under the Nixon proposal, simply will not place funds in economically distressed areas under an equivalent economic program. The selective and targeted approach of the regional development commissions and EDA will be disbanded into a scattergun approach that will not yield the consolidated economic gains of EDA.

I would prefer that reductions in this program not be made. But the committee bill makes such cutbacks, and I understand the necessity of paring down these programs in order to avert a Presidential veto. I therefore support the committee's position, but I urge my colleagues to avoid making any further slashes in these vital programs. If the President vetoes this bill, then it is an indication that he is totally unwilling to compromise with the Congress. This bill, H.R. 2246, as modified by the Senate Public Works Committee, provides authorization for $362.5 million over a 1-year period. The bill vetoed previously by the President authorized $1.2 billion. The Senate will have gone a long way toward meeting the President on this issue. I urge my colleagues to support the committee bill.

Mr. President, I ask unanimous consent that the material to which I have previously referred to be printed in the RECORD.

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

EDA grants for fiscal year 1973

[In dollars]

Ute Indian Tribe industrial park	470,000
Ute multipurpose building	251,000
Utah-Paiute Tribal Corporation (Richfield Cedar City, Kanosh)	514,000
Dixie Medical Center—St. George, Utah	400,000
Southeastern Utah Economic Development District, Price, Utah	39,000
Weber County industrial park	423,000

EDA grants for fiscal year 1972

[In dollars]

Nephi City water treatment lagoons	5,940
Goshute Indian Reservation tribal building	100,000
Fillmore County industrial park	230,000
Moroni City waste water facilities	668,918
Ephraim City industrial park	378,400
Ephraim City sewage improvement	128,000
Salina City water and sewer	369,600
Ute Indian Tribe water line	205,000
St. George City industrial park	430,000
Green River improvement project	385,000
University of Utah industrial services program	162,000

Four Corners Regional Development Commission projects for fiscal year 1973

[In dollars]

Salina water	123,200
Salina sewer	53,600
Price sewer	18,600
Cottonwood Reservoir	42,000
Leeds Dam	5,700
Beaver Westside ditch	20,000
Milford sewer	7,500
Minersville irrigation	49,160
South Lyman irrigation	41,000
Virgin canal	25,800
Delta airport	63,728
Cedar airport	20,500
Ute fabrication plant	150,600
Manti–Ephraim airport	7,780
Richfield sewer	5,665
Kingston water	37,800
Lost Creek irrigation	4,800
Brooklyn water	6,600
Newcastle water	14,200
Blanding vocational school	160,000
Dixie hospital	300,000
Oak City water	25,500
Henryville water	13,500
Hurricane sewer	5,665
Annabella irrigation	30,000
Payson water	54,748
Juniper oil demonstration project	3,500
Blanding water investigation	40,000
Goshute manager	28,340
Recreational multipurpose mapping	38,400
Kanosh manager (transfer lettering)	26,500
Duchesne water study	4,000
Hatchtown Dam study	21,000
Navajo developers	28,000
Paiute economic developer	21,380
Reducing fruit frost	43,400
High purity metals	30,000
Intensive agriculture demonstration project	30,000
Soy bean feasibility study	6,000

Four Corners Regional Development Commission Projects for fiscal year 1972

[In dollars]

Eureka water	28,500
Fillmore sewer	202,200
Moab airport	76,070
Jensen water	73,500
Helper water	20,040
Blanding airport	21,910
Washington County sewer	94,150
Meadow irrigation	3,600
Mount Pleasant irrigation	3,500
Minersville irrigation	200,000
Manti water	25,000
Wayne airport	10,680
Green River water	55,000
Beaver airport	14,490
Fillmore industrial park	138,000
St. George industrial park	200,000
Provo sewer line	78,900
Price hospital	60,000
Manti Ephraim airport	10,920
Price Vocational-ed planning	23,000
Emery County health study	13,300
Airport systems plan	22,140
Provo storm drain study	39,850
Feed lot meat packing study	15,000
Juniper oil demonstration project	14,700
Coddling moth experiment	8,850
Kaiporowits plan	21,000
Lead zinc study	13,500
Intensive agriculture demonstration project	14,000
Potato study	7,000
Utah County feasibility study	3,460

RETAIL FOOD PRICES—CONTINUED

Mr. MOSS. Mr. President, we now have come to expect the curious and bizarre each time an administration spokesman comes forth with a pronouncement on the economy. Just over a month ago, Mr. Butz, the Secretary of Agriculture, was proclaiming almost daily that a food price freeze would not work and that those who believed it would were "damn fools." President Nixon, however, apparently decided to rush in where angels fear to tread. He decided that a freeze would work and imposed a ceiling on meat prices.

The latest curiosity from the realm of Nixonomics is a speech delivered yesterday by Mr. Herbert Stein, Chairman of the President's Council of Economic Advisers. Mr. Stein presented himself as a bearer of good tidings and declared that the food price surge has finally "peaked."

At first glance, it would appear that Mr. Stein has brought us very good news indeed. For some time ago the administration predicted that the rise in food prices would continue at least until midyear. It would take that long, Mr. Nixon said, for supply to catch up with demand.

Unfortunately, however, Mr. Stein's statement on food prices does not mean what it as first appears to mean. When he says that food prices have "peaked," he really means that they will continue to rise slowly for several months, and then level out at a point much higher than the administration previously had predicted.

Back in February, the Agriculture Department had projected a 6-percent food price increase for 1973. But Mr. Stein was talking yesterday about a whopping 10.5 percent increase in retail food prices. This may be good news in the eyes of the administration, but it will hardly set the American consumer jumping for joy.

In a literary turn of phrase, Mr. Stein told the American consumer yesterday that "we never promised you a rose garden." Let me say that it has been clear for some time that Nixonomics would never take us anywhere near the rose garden. When reflecting upon the administration's economic policy, I think not of rose gardens, but of the Mad Hatter's tea party. I am reminded of a world where words have no meaning, clocks have no hands, and where no one can agree on how much food there is on the table.

SENATOR PROXMIRE'S FORTHRIGHT STATEMENT IS COMMENDED

Mr. HELMS. Mr. President, I have just become aware of a statement released today by the senior Senator from Wisconsin (Mr. PROXMIRE) with regard to the conduct of certain elements of the news media in the Watergate affair. I have read this statement, and I find it heartening. Our colleague's political position in regard to many of the President's programs is well known; yet he has the magnanimity to call for fairplay and for an acceptance of the President's word as the truth unless and until proved otherwise.

Our distinguished colleague rightly characterizes the press situation as "a reckless momentum of reporting innuendo and rumor." He says that as a result of this reckless momentum, "There is a very serious question that the people of this Nation will be able to find in their hearts the sense of justice and fairness which President Richard Nixon, like every other American, deserves to have."

As one with some background in the news business, I am deeply distressed by the lack of professionalism and balance in the handling of this case. I can think of no other story in which the papers seemed driven more by bloodlust than by the public interest. It is the fruit of a bitter enmity which has been growing unchecked throughout the Washington press corps during the past 4 years. No one can condone illegal activities. Certainly I do not. By the same token, no one can condone irresponsible and venomous reporting based upon half-truth and allegation. It does journalism no credit to use deceit and self-serving accusations as techniques to ferret out the truth. The emotional pressure may create a climate in which the guilty parties break down and confess; but at the same time this sort of sensationalism may destroy the rights and reputations of the individuals accused and deny them due process of law. If the Watergate case has any lesson, it is that the ends do not justify the means. The newspapers involved should go back and learn the lessons they claim, often piously, to be teaching.

I cannot agree with all the policies which our distinguished colleague from Wisconsin espouses. But I can wholeheartedly agree when he states, as he did today:

> Any responsible newspaper should regard as outrageous the printing of a secret allegation against even a convicted felon if that allegation were made by a witness as part of his bargain for immunity from his own prosecution. Doesn't the President have the same simple right that every other American has to be innocent until proven guilty. Doesn't a man who has spent more than twenty years in the pitiless glare at the summit of national political life deserve to be believed when he directly tells the nation that he had no knowledge of these matters until there is proof that he lied?

Just as I have indicated that I do not always agree with Senator PROXMIRE, I have also made it plain on many occasions that I do not always agree with President Nixon. Civilized men must often agree to disagree. But the senior Senator from Wisconsin has, in my view, gained in stature for his forthright statement at a time of heated political pressures and I commend him for it.

TESTIMONAL STATEMENT BY CONGRESSMAN CHARLES C. DIGGS, JR.

Mr. KENNEDY, Mr. President, I would like to place in the RECORD the remarks of Chairman CHARLES DIGGS, of the House District of Columbia Committee. Last Thursday, May 3, in ceremonies honoring Congressman DIGGS' service on that committee, the citizens of Washington, D.C. enthusiastically praised his skillful service.

Mr. DIGGS eloquently described his goals for the Capital City and he explained how the Congress can contribute to the fulfillment of those ideals.

For that reason, I request unanimous consent to print Mr. DIGGS' remarks in the RECORD.

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

REMARKS BY CONGRESSMAN CHARLES C. DIGGS, JR.

While tonight is very special to me in a personal sense, it also marks a momentous occasion in the history of this city.

On this day in 1802, a new world capital was incorporated.

Now, 171 years later, a new chapter is being written by the District of Columbia.

In just 38 months America will celebrate its Bicentennial, marking another milestone in the continuing quest for liberty.

I predict that the people of the district will join in that celebration, not as members of the "last colony", but having at last become full citizens with all the rights and responsibilities that home rule will bring.

No freedom is real, no emancipation is enduring which does not provide the power to protect the people's rights. Granting self-determination is not a question of charity; it involves the redistribution of power. For 171 years, Washingtonians have been bartered and manipulated. For 171 years, Washingtonians have been tokenized and homogenized. Now comes the changing of the guard, when Washingtonians will be the masters of their own fate.

In the evolution of power the only hope for Washington, the only hope for America, lies in the creative use of partnerships—parnerships built on mutual respect and mutual trust, permanent yet flexible alliances among all elements of the community.

The 1960s showed us that mistrust, hatred and prejudice breed violence, despair and injustice.

The 1970s offer a new challenge. Since the partnerships of the 60s have become strained under increasing pressures, new and more permanent bonds must be woven to secure the rights and responsibilities of citizenship.

Strong forces for change are on the move.

We are summoned to a fateful task—to ensure that the turmoil will signal birth instead of decay.

If we stand still we will be overtaken by events. We dare not entrust our lives to the uncertainties of chance. By reflection and choice, we must turn the impulse for change into an agent for orderly progress.

In this city people have patiently lived with hopes long deferred, with grievances long tolerated. They are now impatient with patience.

Their demands for change must not only be heard, they must be answered. No republic can long disregard disaffection at the seat of the central government.

Now is the time to strengthen the fabric of our society by making peace, justice and equity the cornerstones of order.

Rebellions will not end until democracy begins. We *have* the techniques. We *have* the means. Only the *will* stands between us and a rational society.

As Ancher Nelsen and his commission point out in their report, the colonial institutions which are being sullenly left on our hands will not begin to work just because newly strengthened brokers have assumed power.

We have to experiment with everything, not just popular representation and participation. That is simply the beginning point. We have to experiment with new forms of public safety and crime prevention: with pioneering forms of education; with innovative patterns of planing, housing, environment, health, transportation, tax and fiscal policy, and human relations. Washington

can help America save itself, as this country has saved others in places whose names we can hardly pronounce.

Let us not remain strangers to each other, either in this city or in this Nation. Let us not allow suspicion and cynicism to pervade our lives. Whites should not fear non-whites; the Cross should not fear the Koran or the Star of David; the old should not fear the young; the wealthy should not fear the poor.

Let us not barricade our suburbs and watch the cities die. Instead, let us strengthen the bridges that unite us. Society and government are both founded on principles of working together for a common goal.

The people of the District and the people who cross its boundaries daily must recognize their common interests: Bridges across the Potomac must be augmented by bridges of understanding and cooperation. The life of the city and the life of the suburb are intermingled: No geographer's line or river's current can separate them.

Neighbor is not just a physical term. It is a moral concept. It means our collective responsibility for the preservation of individual dignity and integrity.

The people of Washington must see self-government as an opportunity for a new urban experiment. It *is* possible to create better ways of developing cities than we have experienced. And we can find solutions not only for Washington but our other urban areas as well.

That is why I propose the establishment of the District of Columbia Institute For Research. The purpose of the institute would be to coordinate and supplement analytic and planning programs designed to be of benefit to the District of Columbia. It will assist in financing task force and consultant activities which could not be otherwise provided. It will provide a focal point toward which a variety of private resources would be directed. It would be an instrument which could be used by the academic community, national organizations, and others, to initiate in Washington those innovatixe and pragmatic urban concepts applicable to similar communities across the country.

As another step, yesterday I introduced in the House bills which would deal with the transfer of power in the legal and economic areas. One bill would establish a law review commission, made up primarily of local lawyers and public officials who will examine the archaic District Code and bring it in line with current needs. The other bill would establish an economic development bank for the District to encourage and mobilize public and private assistance in economic growth. This enterprise would involve the total community in finding the most constructive patterns of economic growth for the area.

This is a long, difficult, unromantic vista. We cannot perhaps expect any other major group in America to lead the way towards the humanity we all so badly need in our cities. Our exhaustion must be replaced with energy: our cynicism with hope: our resignation with determination and our destructive anger with constructive activism.

Our American cities are crime-haunted fortresses. Huge sectors of our youth and a multitude of others face recurring unemployment. Those of us who have steady incomes find our capacity to purchase diminishing. Neither the courts nor the prisons adequately deal with justice or reformation. The schools are unable—or unwilling—to educate many of our children for the real world. The uncontrolled epidemic of drugs threatens to wipe out the minds and strength of our young. Economic, cultural and spiritual depression stalk America and the price for survival often appears to be more than we are able to pay. As the glacier-like ghetto spreads, "runsmanship" becomes the newest sport. But it cannot go on forever. Arithmetic, time, the fourteenth amendment, the spirit of the age, and four-lane highways are against it.

But the most disgraceful, the most shameful and the most tragic problem is silence. In too many places we are a community of silent onlookers in the face of brutality and in the face of man's exploitation of man.

We have allowed race baiters, hoodlums, demagogues, anarchists, and misguided super patriots blandly singing "God Bless America" to disrupt domestic tranquility and threaten the very foundations of our society.

We must speak up and act, from the President down to the humblest among us, for the sake of the image, the concept, and the very existence of this country. The need is critical for honest, effective communications between all Americans. Communication is non-existent in many areas and satisfactory in none.

We are faced with a total crisis in the heart of America. Before the end of the seventies, this country must make a decision which will echo down the long corridors of time. It must choose how it will respond to the petitions of the dispirited, disinherited, and the disadvantaged. It must decide whether to fulfill the dream of America which was promised but never fully realized. Here again Washingtonians can play an important part. Just as I said in January, our national capital is a reservoir of unused, underused and misused human resources. In the international community, in representatives of national organizations, in the transit daytime community among the proud 800,000 who call Washington home, there are some of the world's most talented people.

ADDRESS BY AMBASSADOR TO INDIA, DANIEL P. MOYNIHAN

Mr. PERCY. Mr. President, it is with much pleasure that I call the attention of my colleagues to the text of an address made in Bombay on April 9, 1973, by our distinguished Ambassador to India, Daniel P. Moynihan. I am certain that my colleagues will share my delight in Mr. Moynihan's alternately light hearted and hard hitting remarks. We have every reason to expect that his presence in India will serve to strengthen relations between India and the United States.

I ask unanimous consent to print Ambassador Moynihan's remarks in the RECORD.

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

ADDRESS TO THE INDO-AMERICAN CHAMBER OF COMMERCE, BOMBAY, INDIA, APRIL 9, 1973

(By U.S. Ambassador Daniel P. Moynihan)

It is the seeming ineluctable lot of a new Ambassador to be asked repeatedly what he thinks of the nation to which he is newly assigned: what he thinks of its people, its food, its climate, and such like.

These enquiries are never addressed with any large expectation of eliciting information. It is assumed that the new comer hasn't got any ready answer, but that he will come through with some muffled courtesy. (Save possibly on the subject of the weather!)

For an American, however, this experience, on arriving in India, is just possibly different. It has, in any event, been for me.

First, to that omnipresent subject of the weather. I was raised on the sidewalks of New York, and I assure you that no Bombay summer, no Himalayan winter holds any terror for a son of Gotham. I may come to repent this imprudence, but it is bred into any true New Yorker. We have the worst weather in the world, interspersed with the best. As a matter of fact, we tend in general to have the very worst and the very best of everything. Ours is not what the Romans would have described as a *via media*. But then neither exactly is that India's way, which is almost the first fact that makes an American, or at least a New Yorker, feel at home here.

But there are many further facts, of which quite the most relevant is that to have grown up in the 20th Century United States, especially in the urban United States, is to have been continuously in contact with Indians: their dress, their food, their religions, their politics. Sometimes these are Indian visitors. Far more often they are merely Americans who happen to have come from India. We are now, as we have always been, a nation of immigrants, and increasingly our immigrants are from this part of the world also.

And so it comes easily to me to respond to the question, How do I like India. There is much that is different here, but also much that is familiar. On the occasion that I presented my credentials to your distinguished President Mr. V. V. Giri we sat down at one point for that inevitable and always welcome cup of tea and got to talking about what you might call family things. I mentioned to him my close acquaintance in the United States with the daughter of a great friend of his from the days of the liberation struggle. "A daughter to me!" the President exclaimed in his warm and generous way, and proceeded to talk about her and her family. And surely she is just that; but she is also one of the dearest friends and neighbors my wife and I have at home. There is scarcely a day that she is not in our house, or we in hers. Her husband is among the most distinguished of American scholars. At their dinner table the politics and culture of India are as normal-seeming subjects as the weather in Cambridge. I shall forebear to suggest which is the stormier: my point simply is that India is no distant land in America. To the contrary, it is the land from which many Americans have come. Its restaurants, its manufactures, its religions, its culture (perhaps especially its music) are part of our way of life.

To be sure, the Asian presence generally in the United States is now very noticeable. On Thursday of this week I had the honor to address the Indian National Defense College in New Delhi; a superb group of officers, who treated me with great courtesy, and then subjected me to some very tough questioning. So tough, that I decided to question them back. My subject was domestic developments in the United States, and so I ask *them* what ethnic group did they think had the highest combined educational-occupational status in the United States. It took quite a while before a bright brigadier came up with the correct answer: Chinese. After that it was not so difficult to elicit the correct answer for second highest: Japanese. (One colonel trying to be friendly had ventured the answer "Irish." I replied, that the Irish were first only in civic-mindedness, a notoriously ill-paid profession.)

It would be difficult now to state with accuracy just how many Americans are of Indian descent, but some notion may be had from the fact that there are 300,000 persons with Indian passports, which is to say persons not yet American citizens, or not intending to become such, residing in the United States. The number of Indian "immigrants" has been rising steadily. This year our consular officials will grant some 20,000 immigration visas—five times the number of just five years ago—and some 34,000 visas of other kinds.

Anyone much associated with American universities will know that Indian students and scholars are very much part of that community. But I was surprised to learn that

Indian students make up the *largest* single contingent of foreign students in America. I would have sworn that Canada, with which we share thousands of miles of a virtually nonexistent border, would have provided the largest number of "foreign" students, for there is a great moving back and forth between Canadian and American universities; but no, the largest group comes from India.

It is moreover a most distinguished group. Seven thousand are pursuing post-graduate study at the Master's and Doctoral levels, most of them in engineering and sciences. Similarly, there are about 900 Indian scholars teaching or doing research in the United States. This is the third largest group of foreign scholars, exceeded only by those from the United Kingdom and from Japan.

This statistic of 11,000 Indian students in the United States contrasts with the figure of only 1500 Indian students in the United Kingdom and 350 in the Soviet Union, two great industrial nations, each with close ties to India.

I need hardly say that your students and scholars are welcome in America. They enrich our lives: we hope that we enrich theirs. May their numbers grow.

I could wish the return flow of Americans to India were more vigorous than it has been in recent years. In all of India there are only some 2004 resident Americans, which is to say Indian residents in the United States out number their counterparts by 150 to 1. In 1972 there were fewer than 300 American students here, a fact which I must say surprised me.

Even so, there are some 55,000 tourists who come to India each year from the United States. If the management of the Taj Mahal Hotel will allow me to mention their competition, I came to Bombay in part to help dedicate the new Oberoi-Sheraton Hotel, an event which brought a great deal of pleasure to me and, as Finance Minister Chavan's remarks would suggest, to the Government of India as well. There are, of course, many Indians who in return visit the United States as tourists. All in all, I think we can say that we have here an exchange relation of great importance both to the economy and to the cultures of our two nations.

The most important of these exchange relations is, of course, that of trade. Here, however, I pass from subjects that are well known and understood both in the United States and India, to matters not so well known.

It is not so well known, in the United States, for example, that the United States is India's largest trading partner. In 1972 we bought 17.5 per cent of India's exports: more than any other nation.

I am sure this fact is well known in India. However, I would not be surprised if it were less widely known that the proportion of Indian trade with the United States has been growing. During the past decade, as India's overall economic growth rate averaged about 3.7 per cent, and overall trade grew by 4.5 per cent, exports to the United States have grown by about 5.4 per cent per year, which is to say almost half again as rapidly as the Indian GNP. Further, India now enjoys quite a *surplus* in its trade with the United States.

We may all hope that this exchange of goods and services and people will grow and grow and grow. There is no one thing more impotrant for the future relations of our two countries.

The United States wishes this exchange to grow. Just Wednesday, Honorable Peter M. Flanigan, the President's advisor on foreign trade matters, told a committee of our Congress that the Administration's forthcoming trade bill will definitely contain a request for authority to extend generalized preferences to countries such as India, and that the Administration intends to extend such preferences.

We must be clear on one thing, however. The United States finds itself in a deficit position with respect to foreign trade with which it must be concerned. We cannot import if we do not export. And we cannot export if tariff or non-tariff barriers are raised aaginst our goods and services. There have been too many such barriers in the world, and the time is past when anyone would wish to see them perpetuated.

Any nation which enjoys a surplus in its trade with the United States must expect us now to be actively and concretely concerned to obtain equal access to their market, even as they have equal access to ours. We cannot accept the "least favored nation" status to which we have often been relegated by some governments, animated either by fiscal or political considerations. We can no longer accept the non-tariff barriers which keep us out of such markets.

I might add, and I hope I will be understood, that we are not any the less complacent about what might be termed "non-tariff barriers" to the free flow of persons between our country and others. Each nation has an absolute right to establish any rules it wishes with respect to such matters, but the time has come when we must take note of what rules are formally or informally established.

But let me not dwell on what to you, as international traders, will be self-obvious facts. Let me dwell on what a new and more open international trading world can mean to India.

Here are some numbers. In 1972 the Gross National Product of the United States was 864,000 crores. In 1973 it will be some 950,000 crores, a growth in one year of 86,000 crores. I am told the GNP of India was some 47,600 crores in IFY 1972–73. This Indian GNP includes, of course, exports to the United States. In 1972 our total United States imports—which is to say the exports of other nations—came to some 41,700 crores. If we assume that U.S. imports will grow by about 10 per cent, commensurate with roughly the same growth in GNP, in 1973 U.S. imports will be some 45,900 crores.

In other words, this year the United States will import an amount of goods roughly equivalent to the GNP of India.

Now India in 1972 sent us 319 crores of goods, or 0.8 per cent of our total imports. Our total imports are now likely to grow by 4,200 crores. If India merely maintains its share of this growth, that is to say 0.8 per cent, its exports to the United States in 1973 will grow by 34 crores to 353 crores.

If, however India, were to double its share of the growth alone, that is to say receiving 1.6 per cent of the growth, it would add 67 crores to the 1972 level of exports to the United States.

I stress these figures because they are, as it were, available to India without displacing any present traders with the United States. While the American economy is growing, the growth of one nation's exports need not be at the expense of another nation's.

But consider this possibility. If India were to double its share of the American import market, rising to 1.6 per cent—surely not a vast proportion—its sales to the U.S. in 1973 would approximate 720 crores, an increases of 401 crores over 1972.

These are not imaginary numbers: we are not talking about play money. This growth is going to take place, and many nations are going to benefit from it. One of these nations ought to be India. And on the basis of a decade of solid performance, one of those nations *can* be India. All that the United States asks in return is equal treatment and equal access for our side of the exchange. I have no doubt that this will be forthcoming, and that year from now a meeting such as this will gather in even more auspicious circumstances.

Thank you.

SWEDISH PARLIAMENT TO DEBATE ATOMIC POWERPLANT DANGERS

Mr. GRAVEL. Mr. President, I have just been informed by Dr. Hannes Alfven at the Royal Institute of Technology in Stockholm that on May 15, the Swedish Parliament will open debate on the hazards of atomic powerplants. Pressure in Sweden for a nuclear power moratorium appears to be increasing, as it is in this country.

The Swedish Parliament is apparently ready to face some of the serious security and health problems which accompany nuclear electricity.

In contrast, the U.S. Congress has not debated the wisdom of developing civilian atomic power since 1954.

It is time for Congress to recognize that civilian nuclear powerplants are definitely not the same as nuclear submarine reactors.

Just one successful attempt at sabotage on a civilian nuclear powerplant, or one severe accident, could ruin agriculture and water supplies in an area as large as the State of California, force the evacuation of some major cities, industrial centers, and defense installations, cause massive unemployment and economic chaos overnight, and take a grisly toll in cancer and birth defects in years later.

Civilian atomic powerplants are the only kind of generating plants whose vulnerability to sabotage makes President Nixon's statement on March 6, 1973, all too true: This country could be destroyed by terrorists.

It is easy to understand the innocent hope of the 1954 Congress that nuclear submarine reactors could be adapted and enlarged for civilian use on land, but 19 years later, the effort has outrageously compromised national security and public safety.

Therefore it is urgent for the 1973 Congress to reexamine the many obsolete assumptions about the *so*-called peaceful atom. I ask my colleagues to give careful consideration to S. 1217, a bill to phase out the operation, construction, and export of civilian nuclear powerplants by 1980. Safe, available replacements for all present and projected atomic power are described in my introductory remarks in the RECORD of March 14, pages 7741–7742.

BOBBY SEALE FOR MAYOR?

Mr. KENNEDY. In the 1960's, our cities sweltered in the heat of discontent and riot. Every American was disturbed by the acts of violence that erupted from the frustration of years of discrimination. That was the time when we had to search ourselves for answers to the questions these rioters and protesters raised. It was also the time when an organization called the Black Panther Party was created. Born from the civil rights movement of the 1960's, the Black Panther Party was thought to be much more reactionary than traditional organizations like the NAACP or SCL. Like it or not the Panthers taught many meaningful lessons during this violent era.

When our young protesters were told to work within the system, many of them listened. And Bobby Seale, the former chairman of the Black Panther Party, is one of those who heeded that appeal. He is an example of what the discontented youths of the 1960's can do and are doing in the decade of the 1970's. Presently, he is campaigning to become the mayor of Oakland, Calif.

In the Washington Post, May 7, 1973, Roger Wilkins graphically describes the goals that Mr. Seale has set for himself. He clearly demonstrates that Bobby Seale understands the impact political institutions have upon America's communities. The problems of housing, education, and jobs can be solved easier by becoming politically aware and participating in the political process.

I am happy to see Mr. Seale make the change. I hope that his example will steer even more of our youth and discontented to begin the work within the system, to begin to work for America. Together, we can truly make America the type of country our forefathers had intended for us to be.

I believe every Member of the Senate will profit from reading this article and I ask unanimous consent to have the article printed in the RECORD.

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

BOBBY SEALE FOR MAYOR?

(By Roger Wilkins)

There is something poignant now, in looking back at the young black leaders of the 1960s—some of whom were feared and despised as no Americans since the days of Dillinger. There was Julian Bond of Georgia—out of the Student Nonviolent Coordinating Committee and an outspoken opponent of the war—now a respected member of the Georgia State legislature and one of the hottest items on the lecture circuit. There was Andrew Young of the Southern Christian Leadership Conference, now the first black congressman from the old Confederacy since reconstruction. And now, there is Bobby Seale running for mayor of Oakland. Bobby Seale for mayor?

Seale is a complicated man. When he was a child his father batted him around a little and when he grew up he became a stand-up comedian and a sheet metal worker. He spent some time around a college, but most of his wisdom came from the streets. When he got serious about the problems of poor blacks, he took a job with the Neighborhood Youth Corps and worked with the children of Oakland. That was in the mid-1960s—a time when the police and members of the poorest black communties were rubbing each other raw.

Black youngsters all over the North, watched television and saw Dr. King and others gassed and hosed and bitten by police dogs. Occasionally, they would hear of someone being killed. They heard of great civil rights advances too, but they still slept four to a bed. There were not enough jobs for their fathers and what jobs there were did not bring in enough money. There were still rats in the kitchen, miserable schools and the food and the clothing were thin. Hopelessness turned to profound alienation when it looked as if no efforts, no matter how large, would change a thing. The alienation became the rage that set the cities aflame. Whites became fearful and the police viewed themselves as the line between black anarchy and the retention of civilization. Young blacks viewed the police as the bearers of the scepter of white oppression.

That was as true in Oakland—a desolate Cleveland West—as it was in most other American cities in those days. It was in that environment that Seale went to work for the Youth Corps to try to do something for the young black poor. It was like trying to move mountains with toothpicks. "Many of the brothers," he later wrote, "really dug the poverty program and the way I ran it." But he thought the young people should learn more than the poverty program could teach them and he listened to Huey P. Newton, who said, "They should be taught by people who are really concerned with the brothers and not by those old-time racists who are trying to control them and misguide them away from unifying black people and serving black people." Newton and Seale agreed that a new black organization both of and from the black community should be created to protect and serve that community.

To accomplish that end, they sat down one day and Newton dictated and Seale copied down the Ten Point Platform and Program of the Black Panther Party for Self Defense. That document called for many things, but mainly it called for freedom, food, an end to the robbery by whites of the black community, for decent education, for housing and for an end to police brutality. It ended with the declaration of independence. Then, Huey said, "Who'll be chairman?" Bobby answered that it didn't matter to him, so Huey said, "You be chairman and I'll be minister of defense." And, so an organization was born that they thought would teach young people self reliance and service and would serve as a shield against white oppression.

Inevitably, the police came to the core of their consciousness and the gun became the symbol of their toughness and their seriousness. But, guns couldn't put butter on the table, black people in jobs or good houses on the streets where they lived. The rage grew into a kind of intellectual hysteria and the iron discipline of the early days in Oakland couldn't hold as the idea spread across the country. The movement attracted some of the most idealistic of the young street-wise intellectuals, but it also attracted some thugs. The gun as organizing tool and rallying symbol, mixed with the frustration and the rage, brought death to some of them and ultimately became the undoing of the old Panthers. Some of them were killed and others went to jail. They were feared and hunted and Newton and Seale became folk heroes to tens of thousands of young blacks all over the country.

Finally though, Huey was sent to prison and Bobby was indicted for conspiracy to riot in Chicago and for murder in New Haven. The Chicago indictment was unjustified. He didn't even know his "co-conspirators" and had only been in town long enough to make one speech. He screamed in the courtroom for his constitutional rights, was bound, gagged, shackled and cited for contempt. Ultimately, the case against him was dropped. In New Haven, in a case growing out of internecine Panther warfare as the organization was crumbling, the jury couldn't agree to his complicity in a murder and the judge decided that there would be no second trial. The old Panther organization was virtually crushed in a series of police raids in cities across the country in the winter of 69–70. Newton got out of prison because of defects in the case against him.

Conditions hadn't changed, but the two old Panthers had. They still cared about the poor, but they put away the gun and began in earnest a series of service program in Oakland. Much of the rhetoric was gone and some of their most inflammatory colleagues were either in prison or in exile. These two young men had started a movement that had engaged the imagination of a whole generation of black youngsters—had engendered a spirit of revolution and violence that far outstripped their own original ideas or even their actions. But in the end, the politics of the gun and revolution by the black "lumpenproletariat," as Seale calls the black street people, had failed.

Through all of that, and for all of his rhetoric, Bobby Seale always seemed very human. I never thought he was a killer and he always argued that the Panthers were not racist and I believed him. Now, he's turned down from the politics of frustration and rage and is working within the system. He probably won't win the runoff with the incumbent mayor, but suppose he does? The conditions that produced the intellectual frenzy of the 1960s still exist. What could Mayor Seale do about them? The central question still remains: what are idealistic young blacks who hate the oppression suffered by their mothers, fathers, brothers and sisters to do? The gun, at least as it was used by the old Panthers is not the answer. Nor is the individual explosion of a Mark Essex on top of a motel in New Orleans an answer. Nor are heroin and alcohol. Elective politics only works when there is a substantial base of white support for what the successful black politician is trying to do. The hostility of the Nixon administration has shattered that.

So, the lessons of the failures of the old Panthers have been learned. They and other activists have been turning to conventional politics. Oppression of blacks continues and the systematic destruction of the hopes and futures of tens of thousands of black children all over the country goes on space. If the turn to conventional politics doesn't work, then what? It is a question to haunt the nights of the sturdiest spirit.

PREDATOR CONTROL

Mr. McCLURE. Mr. President, perhaps the greatest dilemma in dealing with environmental questions is finding and maintaining a true balance between man and his surroundings, be it cityscape, suburb, or the outer edges of true wilderness. And in any of those environments, there are habitat pressures that squeeze one species on another, but man is the only species that can manage those pressures both to his advantage and to the advantage of feral animals. He can create a balance. There are those among us who have forgotten that man is indeed part of "the environment;" that man's needs for survival are equally important as those of any of the wild animals which surround him. These people have not begun to understand that concept of balance.

I am pleading a case for predator control, and I have no doubt that anyone who takes such a position will be forever branded in some quarters as a staunch "antienvironmentalist."

If I were making an appeal for control of the rat populations that plague our cities, there would be no such brand, no such charge. There is no hue and cry from those who live in our city ecological systems demanding that all antirat programs be banned. There is no standard charge that there is something inherently evil in controlling the Norway rat. There is no effort to slur or discredit the motives of those who take the position that rats do untold damage to man. Yet the rat is a real part of an ecosystem, and there are concerted efforts to control the species, because, quite simply, this animal has encroached on man's habitat.

I am, however, making an appeal for control of coyote and feral dog popula-

tions, which, unmanaged, have wrought terrible damage on the sheep ranches of Idaho, Wyoming, Nevada, Montana, and Utah.

No one I know likes the idea of using chemical compounds to control predators. Farmers and ranchers have long seen the potential environmental dangers of careless use of toxic agents, but after 15 months of the absolute ban on this method of predator control, we have learned a grim lesson: the balance has been tipped disastrously. Our sheepmen have paid dearly, and soon the effects of that painful tribute will be felt by the housewife through the upward spiral of lamb prices.

I have received scores of letters which spell out in human terms the economic suffering brought about by the administration's ill-conceived predator control policies announced by the President, February 8 of last year. And no one can be more eloquent in illustrating the depth of the hardships than the sheepmen themselves. I have copies of several of these letters, and ask unanimous consent that they be printed at the end of my remarks.

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

(See exhibit 1.)

Mr. McCLURE. Mr. President, John Keithley of Midvale, Idaho wrote simply:

I have advised my son to go into business. . . . This means the end of an agricultural enterprise (family) which began on this ranch in 1873. I will be the last generation to work this place. Why? I was forced out of the sheep business by coyotes.

Buck Howland of Cambridge, Idaho, tells us of an equally painful situation in which he was forced out of sheep raising—in his case, a 70-year family business.

The loss from predators and dogs was the greatest reason for my decision.

Buck wrote me that—

On three different instances in the past few years, there has been a loss of 60, 17, and 16 losses in one night, known to be coyote kills.

Other south Idaho sheepmen, like Tommy Hubbard, Cecil Kellar, Wayne Schlehuber, Melvin Munk, must now try to convert range use for cattle, but even then, the same dangers exist.

Munk, of Rockland, Idaho, who has been forced to convert his range warns—

If the coyote numbers continue to build up, they will also endanger the cattle industry.

Obviously, the ban on the use of chemical agents to control harmful predators must be lifted, or an option found that is equally effective.

The alternative is continued hardship for the West's sheepmen and cattlemen, a hardship that will surely be felt in America's retail marketplace.

I would also like to bring to the Senate's attention something that demonstrates a paradoxical situation which we constantly encounter: In many instances, the Federal Government has exempted itself from harsh regulations it fosters and enforces. It has come to my attention that USDA's Beltsville Agriculture Research Center near Washington, D.C., has a situation much akin to the one suffered by sheepmen in the West. The research center has seen considerable sheep kills in the last 2 years, due to wild or free-running dog packs. I understand that in one kill, researchers found an entire experimental group of purebred sheep slaughtered by wild dogs. I further understand that to deal with the situation, baited poison is among controls used on these predators.

I would ask that if this holds true, why can the Federal Government use this method of predator control on Federal lands, when Idaho sheepmen and cattle ranchers cannot?

EXHIBIT 1

IDAHO WOOL GROWERS ASSOCIATION,
December 21, 1972.

Hon. Senator JAMES MCCLURE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCCLURE: We are sending to you a number of letters from sheepmen in Idaho who have either gone out of the business of sheep raising or have been seriously damaged due to the predator problem. As you know, sheep losses are mounting due to predators—particularly coyotes—and there doesn't seem to be any solution in sight to control these predators.

The presidential executive order banning the use of toxicants dealt our industry a severe blow. This was increased by the order of Secretary Ruckelshaus in banning the shipment of toxicants. We were also seriously damaged with the closing down of our bait station in Idaho which had operated for a long time in Pocatello.

I have the original of each of these letters in our files in the Boise office. You will note that many of these are small growers, but a number of them are also the larger sheep operators. In the case of Simplot Livestock their numbers are down some 7,000 head; and according to John Basabe, Manager, it will be impossible for them to stay in this business unless these losses can be held within reason.

Some environmentalists may question the accuracy of the statements made in these letters. We can assure you that these are the feelings and sentiments of the sheepmen listed. We have many others who are in a like position. It seems that the sheep industry is fighting for its very existence in our state.

Over 80% of the sheep in Idaho are grazing on public land, and the argument presented by some environmentalists that only 3% of the livestock in the nation are grazed on public land do not hold for our western states.

We are hopeful that something can be done to save the sheep industry—especially in the western states.

These letters are provided to you that you might have some first hand information from bona fide sheepmen in Idaho for your reference file.

Thanks for your consideration and help.

Sincerely,
IDAHO WOOL GROWERS ASSN.,
L. M. WILLIAMS,
Executive Secretary.

FIRST BANK & TRUST OF IDAHO,
Malad City, Idaho, December 12, 1972.

Mr. L. M. WILLIAMS,
Idaho Wool Growers Association,
Boise, Idaho

DEAR LEN: Thank you for your letter of November 17, 1972 concerning coyote and predator controls. We are definitely concerned with the present predator control because it is vital to the survival of our great sheep industry.

We have a number of loans with the larger sheep men in the State of Idaho and the death losses from predators is becoming a major problem. If the present trend continues, we will be forced to liquidate their accounts in order to protect our interests, but we will be reluctant to pursue this course of action.

I have been in the sheep industry for over 40 years. Each year the problem has been more acute. Our expansion loans to sheep men have been limited in order to evaluate the future of the sheep industry.

We are strongly in favor of the Idaho Wool Growers supporting a predator control program to eliminate one of the major problems to our sheep men.

We feel the sheep business is an important industry and any contribution or help we can give please contact our bank in Malad.

Very truly yours,
LAWRENCE JONES,
President.

NOVEMBER 28, 1972.

Mr. Little is deceased; so most of our sheep were sold in 1961. However, I kept 100 ewes (just because I liked them). These I tried to keep near the ranch house, but after about 8 years I gave up.

Coyotes came from all direction. Each year they ate over ½ the lambs and an old ewe now and then. So I gave up.

MYRN H. LITTLE.

My daughter is married to Bill Brailsford Jr., and they lost some 375 lambs to coyotes this past season. So they are very concerned.

NOVEMBER 21, 1972.

Thank you for your letter of November 16 concerning our sheep losses because of predators.

In the last two years we have lost approximately 4,000 ewes and lambs because of coyotes. This year alone we lost approximately 2,500.

The coyotes have gotten so thick now we cannot operate any more.

JOHN BASABE.

DECEMBER 12, 1972.

After 40 years in the sheep business, it was a hard decision to sell our sheep, but the predator and labor problems required us to do so.

We feel that coyotes and predators were a major problem to our sheep business, resulting in considerable losses. I am strongly in favor of a strict predator control program and I would be glad to render any help I can to promote this cause.

LAWRENCE JONES.

DECEMBER 7, 1972.

A notarized statement from Highland Livestock Co. of Emmett by Robert Naylor which he provided to the Forest Service showing his losses from lambing to shipment August 15 and from August 15 to November 1.

During this period he lists a total of 780 head of ewes and lambs. They were divided as follows: losses to cougar—89 ewes and 81 lambs; to bear—39 ewes and 56 lambs; to coyotes—57 ewes and 206 lambs; and to poisonous plants—11 ewes and 87 lambs. This covered the period to August 15 when the lambs were shipped.

There were 5,100 ewes with lambs, 1,400 yearling and dry ewes, and 7,500 lambs with the 5,100 ewes. Total 14,000 head and 7 bands—after the lambs were shipped there were 6,900 head in 4 bands and from August 15 to November 1 they listed 16 ewes to bear, 110 to coyotes, and 28 to poisonous plants.

The notarized statement of this statement had been provided to Forest Service and a

copy is on file in the Idaho Wool Growers Association office.

The Boise National Forest is the range where these sheep are grazed.

IDAHO WOOL GROWERS ASSOCIATION,
L. M. WILLIAMS,
Executive Secretary.

DECEMBER 8, 1972.

This is in regard to your request for information on why I was forced to go out of the purebred sheep business.

I had questioned the wisdom of going out for a period of some years, but as the family had been in this business for at least 70 years it was a hard choice to make.

The loss from predators and dogs was the greatest reason for my decision. This season's health problem helped make the decision to quit.

On three different instances in the past few years there has been a loss of 60, 17 and 16 loss in one night, known to be coyote kills.

In 1971 I lost 40% of my lambs by coyotes, and when the trouble started again this spring, that was the biggest factor in my decision.

These losses have helped influence L. D. Warfield and Andy Lay to quit. Three of my neighbors, Frank Shirts, Cecil Kellar and Wayne Schleuber have been hit hard this fall. The last I heard Wayne had lost 40.

I lost a few calves this spring from coyotes and the worry now is whether this business will be unprofitable in the future if something is not done to stop the increase of coyotes.

BUCK HOWLAND.

NOVEMBER 20, 1972.

In answer to your letter, we went out of the sheep business because of the coyotes. During the last week we had the sheep, we lost five sheep to them and they were right over the hill from the house. We wrote to the Predator Control when we sent in our check, and complained that nothing was being done in this area, and they sent a trapper out, who looked over the situation and as far as we know, did nothing. At least nothing was accomplished. Until there is an outbreak of rabies in the coyotes, we don't expect anybody to do anything to help the situation, because of this new government protection of them. Our neighbor has kept his sheep and took the losses. He said he had 200 lambs this spring, and at last report several weeks ago, had only 80 left. During the last two weeks, we have seen three coyotes, and they are starting to move in close to the house in the winter and spring. We can see no future for the sheepman in this area until something is done, so we went out of the business.

TOMMY HUBBARD.

NOVEMBER 20, 1972.

I was forced out of the sheep ousiness by coyotes. I was running 500 purebred suffolks at my peak. We were advised by the Government planners to fence our range and run loose to cut labor and become more efficient. This we did.

Predators were under control and it worked good. Then gradually the predator control was eased and our losses started to climb. In my last year of operation I lost 20% of the ewes and their lambs. I now have a great investment in sheep tite fenced range I have no use for.

To say the least I am very bitter about the good (?) advice I received on how to run a bunch of sheep. I got taken every way.

JOHN C. KEITHLEY.

P.S. I have advised my son to go into business with a MBA which he is in the third year of school. This means the end of an agriculture enterprise (family) which began on this ranch in 1873. I will be the last generation to work this place.

NOVEMBER 20, 1972.

My sheep operation has been greatly reduced because of the coyote problem in the Rockland Valley.

I can no longer send the lambs out with the ewes in the spring. I have to wean the lambs and feed them in the feed lot. This is an added expense and additional labor.

This fall I had to bring the sheep in off the range early because of losses to coyotes. Even when I had the sheep in the fields the coyotes still worked on them. I finally had to bring the herd in every night to the house.

I am now feeding the herd hay at the home place because the coyotes are so bad and numerous. This is an extra month of feeding that I just can't afford.

I am sure that next spring will be much worse unless some poisoning is done this winter.

I will be unable to turn even the ewes out next spring. This will force me to sell the sheep and convert the range to cattle at a loss of grazing capacity.

If the coyote numbers continue build up they will endanger the cattle industry. They are already running in packs of 4 to 5 and I know of two cattle ranchers that have lost calves (new born) from coyote packs. The ranchers are Farold Nelson and Melvin Nelson. Both are interested in helping and getting help to reduce the number of coyotes.

MELVIN R. MUNK.

NOVEMBER 24, 1972.

Another convention has come and gone and a very successful one it was. I really enjoy attending to hear the latest about the business even though I no longer have any sheep. After having had a ranch flock for over 40 years the coyotes, at least, succeeded in putting us out of business. When coyotes kill 20% of a lamb crop along with 5 or 6% of the ewes with costs being what they are it is time to change. The change to cattle is not without its problems with predators also. We lost 4 calves killed by coyotes last spring.

Lew, I hope the association can influence someone to understand the seriousness of predators. There are those who think they can live on blue sky, clear water, bare ground and love without any improvement upon mother nature's methods. Perhaps the worm will turn we hope.

VARD CHATBURN.

NOVEMBER 23, 1972.

I was glad to get your letter of the 16th and to know that my old friends are still fighting for the good cause of predator control or balance of nature. I was doubly glad for the letter as I was in the hospital with a heart attack. I am better and home now.

Lew, there is no question, the coyotes put me out of the registered sheep business. Coyotes got about one third of the lamb crop in 1968 and 1969. I also had a loss of about 10% of young ewes. Incidents of coyotes killing young ewes occurred regularly. In a 3 nights period 6 ewes were killed or put another way $360 of breeding stock was killed. The government trapper caught 9 or 10 coyotes in about 2 weeks including the "professional coyote" that killed the six ewes. We had used 1080 bait in the right season, so there was no way left, but to quit.

Coyotes are increasing without the sheepmen to control them. The result here now is no pheasants to enjoy or hunt and almost no deer. But of course the environmentalist will not believe the truth or are too dumb to try.

Other sheepmen to quit are Jerry Balderson, Pete Gilman, Glen Peterson, John Stover and many others all of the Council area.

In meetings with the local people of planning interest we find multiple use and balance of nature results in the best return to all. Such fantastic ideas as "save the coyote" certainly gives sanctuary to a killer of good game and livestock and defeats the "true environmental desire of the majority". Let us get the facts from the local people and save Idaho from a "wilderness mess".

ANDY LAY.

NOVEMBER 21, 1972.

I am somewhat reluctant to provide the following information since it is difficult for me to believe what has happened during the past year in the way of ewe and lamb losses, it seems like a nightmare. Consequently, I can appreciate the inability of someone that has not been near these losses to be able to digest and realize what has and is happening and to believe what I have experienced.

During 1971 I concluded our lamb losses to predators to be fifty and the ewe losses thirty-five. Although not severe it was the largest loss to predators that I had experienced in my association of twenty years in the sheep business. As a young boy, in the '30's I had heard my father talk about losing 50 to 100 lambs to the band of coyotes, but I did not get the impact of it until I had my own experience in 1972.

Prior to turning out on the grazing lands this spring I had prepared myself to expect to lose 150 lambs to predators. During the months of April and May our losses from all causes were 550 lambs or 12% of our lamb crop. In past years our maximum loss has been about 150 lambs, and most years less than 100.

I calculated the loss causes of the 550 lambs as follows:

(1) 150—disease, poisonous plants, malnutrition, etc.

(2) 50—tularemia (Experienced a heavy tick infestation)

(3) 350—predators.

I am satisfied that a portion of the losses within the 150 were from predation also but I have attempted to be conservative about the predator losses and not exaggerate the issue.

During the past 20 years we have purchased ewe lambs each year for replacement purposes and this year I did not purchase any lambs. My mind and my heart wouldn't allow it. I have been working and planning towards solutions for some of our problems in the sheep business such as labor and the economics by range improvement and fencing but the predator problem at this point is more than I can overcome with the knowledge and ability that is available to me.

MAURICE GUERRY, Jr.

NOVEMBER 28, 1972.

I understand from Andy Lay that you are gathering information on predator losses. You may be able to use these figures. They are the result of a 1971 survey among the producers in the Upper Country Pool.

There were 8,000 head of sheep owned by 60 producers, 8 of whom reported no losses and 8 more did not respond.

The total loss from all causes was 707 head broken down as follows: Coyotes 304, Dogs 97, other predators 30, and all other causes 276.

As you can see the coyote loss alone in our small pool amounted to well over $6,000 in 1971. This also came at a time when our pool sold its wool for the lowest price in our history.

I hope you will be able to use some of this information.

CHAD GIBSON,
Extension Agricultural Agent.

DECEMBER 1, 1972.

Yes, I went out of the sheep business due to the number of lambs I lost for a period of three years.

The way it looks here in our locality we will have no deer herd for the same reason if something is not done to control the coyote. I hated to have to sell my sheep because I liked to raise them, but I guess

some people like coyotes and the damage they do.

RAY MCCAMMON.

DECEMBER 3, 1972.

Yes, we did sell the sheep on the account of the coyotes. There are a lot of them and you would have to be right out there all the time.

You have to have the cows in close while calving, or they'll get the calves, too.

They have gotten a dozen of my fryers this year, too.

Mr. Chaince Gidel who lives down closer to Orofino, the coyotes got a baby calf last winter and it wasn't far from the house.

We were riding after cattle and two coyotes were after a mother deer and fawn. We took after them and got them off from her. The poor deer's tongue was hanging out. The fawn just dropped right down by a log. The mother turned and ran right after the coyotes with us. It was really something, but the coyotes are really hard on deer too.

Sure would be nice to get rid of them.

Mr. and Mrs. GLEN PHILLIPS.

THE NEW WORLD FRONTIER

Mr. MUSKIE. Mr. President, several weeks ago, Mr. P. A. Gorman, chairman of the Board of the International Paper Co., spoke before the Colby Institute of Management at Colby College in Waterville, Maine. I ask unanimous consent that his remarks be printed in the RECORD.

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

THE NEW WORLD FRONTIER

(By P. A. Gorman)

It is a great pleasure for me to be here this evening. As you may know, my company has been deeply involved with the State of Maine and its forests for a long time. For as long as we've been a company, in fact. Personally, I know of few places that can claim the beauty and grandeur one finds in this state.

I am particularly pleased to be able to talk to you here on the campus of Colby College. Colby exemplifies a meeting ground which combines the needs of youth, of business and the environment. Its growth as an educational and cultural center is proof of its service to youth. These annual management seminars—now in their 22nd year—have been serving the business community well. Colby's dedication to the environment is amply demonstrated not only by its extensive arboretum and bird sanctuary right here on campus, and its Colby Marston Bog project in the Belgrade Lake area, but also by the fact that it has been one of the first colleges in the nation to offer a major in environmental studies.

The conjunction is symbolic. Our environment and our economic structure cannot be separated, and the strategic directions that both must take should be forecast by the needs of our people at least 30 years from now. Colby students of today will be more at the heart of that populace than others of us here in this room.

Today we are somewhat in the position of Alice, lost in the woods of Wonderland, who chanced upon the Cheshire Cat.

"Would you tell me please," asked Alice, "which way I ought to go from here?"

"That depends on where you want to go," replied the cat.

"I don't much care where," said Alice.

"Then," said the cat, "it doesn't matter which way you go."

Which way we go—particularly with regard to the environment—does matter. It matters a great deal. And what matters most is that we decide where we want to go—or perhaps more accurately, where *we must go*. We're dealing with the strategic side of tomorrow.

We are facing a new world frontier, where nations compete vigorously with each other not to capture territory or men's minds as in the past, but to earn the favor of the world's industrial and consumer purchasers—a frontier where we, as Americans are importing nine out of ten home radios, fifty percent of our nails, and, among other things, one out of six of our new cars.

Competing on the new frontier has become a complex process, indeed: a process deeply involving each nation's own standard of living for its people, its economic policies, the effectiveness with which it allocates its natural and human resources, and the efficiency with which it converts those resources to goods and services to which others attach value.

One very potent force within this new world frontier is the matter of environmental concern. Within the last decade people throughout the world, and in this country especially, discovered that, in the drive for a constantly higher standard of living, our physical environment has been degraded. So, with some confusion, we all set out, in multiple directions, to "do something"—clean the air, save the forests, eliminate all potential hazards.

The issue has been clouded with emotion. As Herbert Stein, chairman of President Nixon's Council of Economic Advisors, said recently: "Decision makers are constantly struggling against sentimentality, prejudice and myopia. People start from the presumption that since a better environment is a good thing, anything that improves the environment is a good thing, regardless of the cost."

But environment is not just scenery. It involves the relationships between the physical world and man's social, economic, technical and philosophical patterns. A change in any part affects all the others.

I think it is time we slowed down a little to be sure of where we are going, what we're going to get, what it will really cost, and who will pay for it on this new world frontier, we need to examine not only the original dollars required to meet our goals, but also the long-range effects on our social and economic structure—and where, if at all, we may have to compromise.

Because this overall question is enormously complicated, I would like to address myself this evening to just two aspects in which this state and my company have parallel interest: First, the reduction of contaminants in our air and waterways; and second, the conservation and development of our forest resources. I believe we are trying to go farther and faster with the first than is advisable, and not nearly far or fast enough with the second.

There is no question that there has been a degradation of the physical environment, and in some areas a serious degradation, from an outpouring of more material into our air and waterways than nature can process and absorb on its own.

Certainly further degradation must be stopped. Here in Maine, this has long been recognized. Corrective action by both the people and the industry of this state has managed to reverse the trend in many of Maine's principal waterways.

Nationally, the petroleum industry is spending an average of $1.5 million each and every day on environmental protection. In the past two years, the chemical industries spent more than $1.5 billion for pollution abatement. The hard pressed iron and steel industry during the past 5 years has poured more than three billion dollars into ecology betterment. Electric power companies spent $650 million anti-pollution dollars in 1971 and upped the figure substantially in 1972.

The forest oriented industries have been a leader in this effort. International Paper alone—has spent or committed some $145 million for this purpose.

Totally, the nation's pulp and paper companies have spent over $1 billion for environmental controls, and another $1 billion is planned.

Industry, of course, is not alone. Governments at all levels are involved. And this is only the beginning.

The Council on Environmental Quality has estimated that between 1971 and 1980, a total cost of $92 billion will be needed in capital investment by industry and governments to meet air, water and solid waste requirements. Additional cumulative operating costs of these facilities will bring the total cost to $194 billion by 1980—and, of course, the operating costs at a rate of $10 billion a year continue indefinitely.

These estimates were in 1971 dollars. Inflation has already raised the figures and will again. Even these staggering amounts may be too low, since nobody knows exactly what future standards should be, or if the proper technology can be developed within this time span.

Who pays for all this? Until now, it has been mostly industry. But let me quote William D. Ruckelshaus, head of the Environmental Protection Agency:

"So far, there has been little real public dislocation. It is easy to be in favor of clean air and water as long as there doesn't appear to be a price to pay. We are now coming to the point where the public is going to have to start paying."

Ultimately the public, you and I, are going to pay for it in higher prices for goods and higher taxes for government facilities. Maybe it won't seem very much each time if a child's school pad goes from 19 to 23 cents, a can of paint goes from $7 to $8, gasoline rises two or three cents a gallon—or even if we have to pay ten percent more to the IRS or the village tax board every April. Multiply these little things by the hundreds for every individual, and then the cost of environmental improvement really hits home.

And there, I think, we are at a crucial moment. In many areas, we do not know whether the environmental benefits will justify the costs. In many cases, we do not know what the environmental benefits will be, regardless of cost. In many cases we have leapt to a conclusion before we looked carefully at these matters. We have legislated or regulated before all the facts were known. The implications for this new world frontier of ours are enormous.

Speaking very literally, every emission, even including the breath we exhale, can be considered a pollutant. I submit that too little research has been done to define, in terms of our current society, at what point any material really becomes a pollutant.

Today it's been generally accepted that the greatest single cause of air pollution is the automobile, and that auto emissions must be reduced. The Air Resources Board of California—the state that has the longest experience with adverse effects of automotive pollution—said in a 1969 report that if we can again achieve the air quality of the early Forties, that would be quite acceptable to human health and comfort. To reach that standard, the Board said, the three principal auto emissions would have to be reduced by approximately 83%. But Washington, responding to emotional pressure from a vocal minority, mandated a 95% reduction.

As far as I know, no case was made for the health necessity of the additional increment. Studies made by government agencies as well as private consultants indicate that the extra 12% "improvement" nationally will add another $4 billion every year to motorists' out-of-pocket costs, and possibly create some driving hazards. Costs of this

kind, it must be noted, hit proportionately hardest at those least able to afford them. Remember that this, and similar expenses in other areas, will be in addition to the approximately $200 billion I mentioned earlier for basic facilities.

In our own case, we have found that a 95% reduction in air and water contaminants from paper production is technically feasible, although meeting that standard is shaving our already slim returns even further. The removal of each additional one percent becomes increasingly prohibitive. Removing the last five percent—and neither the necessity nor the desirability of a so-called "zero discharge" has been demonstrated—would certainly price essential products out of the market.

Financial resources of any business and even of governments are limited. We are really talking about a large-scale reshuffling of our economic resources. If we must be prepared to spend hundreds of billions to improve the physical environment, we must be equally prepared not to spend an equal amount for other purposes, and to accept the social dislocations that may result. I am sure that few people have yet considered what they may have to give up in return.

They fail to recognize the truth—that people—and only people—pay for all of this. The people pay in higher prices, or higher taxes or lower dividends, or a combination of all three. Therefore, before we rush to change our lives, before we spend these vast resources, I believe we should spend a small fraction of them to determine, definitely, and accurately what the real dangers might be, at what point they really become dangerous, and the best way to stabilize below that point. Then, let's do what is necessary, based on knowledge, not fear or emotion.

On this new frontier, we cannot just wander. Unlike Alice, we'd better know where we have to go—and if necessary, pause long enough to learn the best way to get there. Otherwise, we may lose our way.

If on this aspect, we have been moving forward with too little knowledge, in another area we have a great deal of knowledge and we seem to be moving back from it. That is the question of how to get the most effective use of our forest lands—for the benefit of the whole society.

Good healthy forests are vital to our civilization. They will always be necessary to generate the oxygen that keeps our atmosphere in balance, to help maintain ground water systems, to provide recreation for people and a haven for wildlife—and to supply to our people vital products for which there are no substitutes. Obviously, they must be maintained. And our experience shows they very definitely can be maintained while meeting the nation's growing needs for forest products.

This country uses a great deal of wood. In 1971, consumption of timber products in the United States, according to the Department of Agriculture, was about 13 billion cubic feet. Luckily, unlike most other major natural resources, the forests are renewable, and new growth is running about 8% ahead of the amount cut. Were everything to remain static—our population and our usage—there would be no problem.

But population and per capita use are growing. Assuming a continuation of current trends, the annual demand for forest products by the year 2000 is conservatively projected to reach 23 billion cubic feet, an increase of 75% over current levels. Can that need be met?

Since it takes at least 25 years to grow a merchantable tree, we are already late in making the decisions that will affect the timber supply at the end of this century, only 27 years from now.

We have a choice of two main directions. We can limit the demand or we can increase the yield.

The U.S. Forest Service has said that if we continue at our 1970 overall levels of forest management, total domestic supplies of softwood-sawtimber will fall 20 billion board feet short of projected demands by the year 2000.

Almost half of the total annual timber harvest goes into home-building and construction. Available housing now is below the amount considered necessary. To meet a reasonable standard of housing for our increased population, perhaps twice as much lumber, plywood and other wood construction materials will be required annually as was produced yearly in the Sixties. There are no currently known effective substitutes for wood in housing, not technically, economically or ecologically.

We could decree that the new housing rate of the future is to be no greater, or perhaps even less, than that of the past—and if that means intolerable crowding of people, so be it.

We could also decree that total consumption of paper must not pass current levels, that per capita use must decline. In this civilization we are surrounded by paper from our birth certificate to our death certificate. We might ask which uses of paper the public will choose to give up first—newspapers, magazines, school books, grocery bags, business records, bathroom tissue, stationery? But would these actions be the real answer to the problem?

Of course, we probably would not have to ration anything. Supply and demand interaction would raise the price of forest products sufficiently high to limit demand.

Recycling has been offered as a possible solution. The technology is not now available except in limited areas. The economics are not yet practical. They both may become more so in the future. When they are, they may take some of the pressure off the supply problem. But recycling would offer little help in construction and other wood uses.

The situation is compounded by the possibility of far less forest land being available in the future.

Currently 51% (392 million acres) of all land classified as forest in the country is owned by federal and state governments. Only about one third of that (142 million acres) is available for commercial tree production.

Other forest land is being nibbled away. In recent years, up to one million acres of forest has disappeared annually due to conversion to farms, highways and other uses, as well as to the steady expansion of urban areas. The expansion of the wilderness system being advocated by preservationists, and apparently getting a receptive ear in some segments of government, could represent a major loss.

The wilderness system established in 1964 by Congress included last year some ten and a half million acres. Another four and a half million acres have been classified as "primitive areas" with essentially the same restrictions. And right now, 100 million acres more—or 13% of the total forest of the United States—are being considered for permanent withdrawal as wilderness.

I think it is time for reconsideration of this concept.

Putting a man into solitary confinement does not prolong his life—nor that of a tree. Consider some of the restrictions of the wilderness concept. No roads of any kind; no vehicles of any kind; no structures of any kind; no access—and therefore no way of fighting fire or disease and insect infestation. The Forest Service has said that because of access problems in the Federal commercial forests, more wood is lost to fire, insects and disease in the area under its jurisdiction than the entire amount cut for commercial purposes. In totally restricted wilderness, that problem is compounded. Even aside from those hazards, trees age and die, and instead of being put to productive use, must be left to decay pointlessly.

This is not conservation—this is waste.

Nor can it be justified as a trade-off for recreation. With no roads, no eating or sleeping facilities, no sanitation, no replenishment of supplies, no assistance if help is needed, potential visitors to the wilderness are limited to those with the taste and the stamina for hardship. This discriminates needlessly—it eliminates most families with children, most people over thirty, most urban dwellers untrained for the wilds. In short, while our supplies grow tighter, the wilderness advocates are asking that some 15% of our total forest land base be restricted solely for a very narrow aspect of recreation for the benefit of less than one percent of the population. Perhaps never before in history have so few done so much to deny access to so many.

In addition to withdrawal of forest land from productive use, pressures are being generated to reduce the current levels of timber cut in federal commercial forest. This is perhaps the most significant single influence on the current timber supply, and underlies in large measure the rapidly rising cost of construction lumber. Even with the events of this past week, we are a long way from managing our nation's forests productively. And now proposals are cropping up to restrict the amounts and techniques of harvesting even on private lands.

If we continue down this road, not only can we not meet the needs of the next generation, we cannot even continue to adequately supply our current population.

Luckily, there is another road . . . to increase the yield to levels that will supply our future needs adequately. It is already clearly proven that this can be done without destroying the forest. In fact, we know that—with intensive management, the nation's forests can meet supply requirements and actually improve the forest resource.

Industry-owned forests represent less than 9% of the total U.S. Forest—and provide nearly a third of the total supply of forest products. Effective management of the land has increased both yield and new growth sharply. On public lands, the growth of new wood averages 26 cubic feet per acre per year; in the industrial forests it averages 52 cubic feet. That gap has been increasing steadily for years.

Effective management means assuring more new growth than is harvested, whether by even-age harvesting and replanting, as in the South, or by selective cutting and thinning to aid natural regeneration as is done here in the Northeast. It means controlling erosion; protecting against fire and disease; enriching the soil; developing new genetic strains of trees that grow faster and yield more usable fiber. And at the same time, providing more access for recreation and improved habitat for wildlife.

It also means reduction of waste in forest resources. Small trees once considered as weeds, chips and slabs from sawmills, shavings and other residues are today all being used in the paper-making process. Some 25% of the wood fiber now being used in paper-making comes from material once left behind. As many of you here in Maine know, we even use bark and material recovered in the manufacturing process to reduce our fuel consumption.

With the continuation and refinement of these intensive management practices,—within the concept of effective management of this uniquely renewable resource—the forest industries expect to increase the annual growth on its lands by 50% over current levels at the turn of the century.

The obvious answer is the extension of intensive management techniques to the federal and state forests. More than half the nation's merchantable softwood timber lies in the commercial lands under federal man-

agement. These lands do not provide their proportionate share of yield and growth. They can and should.

But there is a peculiar myopia, on the part of both government and public, in this regard. These federal lands are viewed as a dormant resource, to be saved indefinitely. By failing to use it properly, we are not saving it, we are wasting it.

Currently, Forest Service budgets and permissable harvests are being reduced. The proposed cut of some $70 million in the current budget from funds for forest roads on federal lands will mean that far more than that value in useful timber will be lost every year to fire and other devastation.

There is a noticeable slowdown in the time it takes to arrange for harvesting in the national forest. Too much time is being taken up in placating the emotional attacks from professional environmentalists. Wheels that used to spin are grinding to a halt.

The bitter paradox within this myopia is that everybody really wants the same thing—to insure the perpetuation of the resource. But given the needs of the American people, the resource can only be perpetuated and improved if it is effectively managed, not if it is locked up and left to die.

Since it takes three decades or more for the effects to be really felt, we are significantly overdue in applying the knowledge now at hand to all our lands.

Does it seem strange for a representative of private industry to encourage more direct economic competition from government? Perhaps so. But I am talking about a unique and valuable national resource that should and must be managed to meet the needs of the nation, not to quiet the clamor of an uninformed, if well intended minority.

The need and the potential ability to increase the supply for coming generations is utterly clear. There is no necessity whatever for this country to develop a "forest products crisis" that might parallel our current "energy crisis", which has been created partially by the conflict between the need for power and the cry to "improve the environment at any cost."

Ladies and Gentlemen, this is the time to stop, look and plan.

You here in Maine have a vital stake in this question. Forests cover 88% of your land—17 million acres, or 17 acres for each of your one million people. Forest oriented operations represent 38% of your state's manufactured products, or close to a billion dollars with a value of three and a half times the total cash farm income, almost 60% as much as total retail sales. Nearly one out of every four jobs in Maine is directly or indirectly dependent on the forests. Per capita income for people employed in paper and allied fields is $7,935 per year compared with $3,257, the average income for all workers in your state. The forest oriented industries of Maine are among the few that have clear growth potential. Many of your other industries are declining.

Decisions are now being made, in Washington, in Augusta, Maine, and in some other state capitals, that could limit the best use of forest lands, public and private. Nowhere will those decisions have a greater impact than here in Maine. Without productive use of this great renewable resource, the economic vitality of your great state may be in jeopardy indeed, the state of Maine and each of its citizen are very much a part of this new world frontier.

In the interests of future generations and ourselves, pollution must be alleviated and the use of our forests improved. But in closing, I would like to repeat that I think the facts clearly show that we are moving too fast with too little knowledge in matters of air and water control, and much too slowly in applying the knowledge we have already gained in forest management. Fortunately, it's not too late to determine what we really need and how far and how fast we must go to get it.

The Cheshire Cat was right, of course. If you don't care where you go, it doesn't matter what direction you take. We have too much at stake not to care. We want a better environment *and* a sound economic structure. Clearly we can have both, but, we may get neither unless we consider all of the interrelated issues in the context of this new world frontier which surrounds us. Thank you.

WHAT DOES SECOND AMENDMENT MEAN TODAY?

Mr. KENNEDY. Mr. President, guns and their proper role in modern society have been the topic of public debate for many recent years. A central theme in that debate has developed because reasonable observers interpret the second amendment to the Constitution in different ways. Observers on both sides of the gun controversy are somewhat victimized by the confusion about the so-called right to bear arms.

On May 5, the Evening Star-News published an outstanding account of the second amendment and its meaning today. Written for the Star-News, by S. I. Hayakawa, this column expertly points to the problems caused by too many firearms in modern society. Mr. Hayakawa also notes that we should—

Try to decide together how to interpret the words of 1790 in the context of the densely populated, technological world of 1973, in a way that will insure both our freedoms and our safety.

This is clearly a worthwhile treatment of the issue relating constitutional authority to private gun ownership and I commend it to each Member of this Senate.

For that reason, I request unanimous consent to print in the RECORD "What Does the Second Amendment Mean Today," from the Star-News of May 5, 1973.

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

WHAT DOES SECOND AMENDMENT MEAN TODAY?

(By S. I. Hayakawa)

The Second Amendment to the Constitution of the United States remains one of the least understood parts of that document. It says, "A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed." What does it mean?

What does "militia" mean? Funk & Wagnalls Standard College Dictionary says of the word, "U.S. Able-bodied male citizens between 18 and 45 years of age not members of the regular military forces, and legally subject to call for military duty."

The American colonists had no use for standing armies. The Declaration of Independence makes opprobrious reference to King George's army. What the colonists wanted for themselves was a citizens' army—parttime soldiers. Hence in post-revolutionary America all able-bodied men were militia members. Their effectiveness in an emergency depended on their having fire-arms conveniently at hand and being ready to use them.

Today, of course, we live in a different world. Instead of local citizens' armies, we have a huge standing army and a National Guard trained by the federal government in sophisticated weapons unsuited for private possession. Certainly the widespread ownership of firearms, originally needed for national defense, can no longer be justified on this basis. Wars are bigger now, and infinitely more technological.

But the fundamental ambiguity of the Second Amendment remains a topic of intense debate. What does it mean for us today?

Currently there are two contrary interpretations, which may be described as the national view and the individualist view. The national view states that since the purpose of the amendment was to provide for strong local militias, the right of the individual citizen to keep and bear arms need be protected only as long as he is a member of a militia.

The individualist position, however, is that the maintenance of a militia is only one of the purposes of the Second Amendment. They say that it also safeguards the right of the individual to protect himself not only against dangerous intruders on his home and property, but also against government oppression. The thought of government oppression is important here because in the early days of our country people were extremely distrustful of centralized government, which they saw as leading almost inevitably to tyranny.

I have received many letters in response to my two columns in support of the bill introduced by Rep. John Dingell, R-Mich., to forbid the sale of cheap handguns known as "Saturday night specials." It is interesting to note how often this ancient fear of centralized tyranny remains a concern for some of my correspondents, who feel that a bill forbidding the sale of any kind of gun must lead inevitably to the forbidding of all guns in private hands—which in turn would leave the nation helpless against Fascist or Communist dictatorship.

The few courts that have passed judgment on the proper interpretation of the Second Amendment have been divided in their interpretations. Some have supported the national view that the right to keep and bear arms is conditional upon the existence of a militia. Other courts have said that the individual's right to bear arms cannot be infringed. Another unresolved question is whether the federal or state government is responsible for regulating this right—if, indeed, it is held that individuals have such a right.

The Supreme Court has not passed on these issues. Meanwhile, we are faced with the puzzling question: How does the Second Amendment apply to our 20th century society?

It might help to try to be extensional—as the semanticists say. In other words, factminded. What did the word "arms" mean to people in 1790 at the time the amendment was adopted? Flintlocks, surely. It must have included the famed Kentucky rifle. Also dueling pistols.

But breechloading had not been invented. Nor had the metallic case. Nor the revolver. Automatic pistols and submachine guns were still a century or more away, as were bazookas and fragmentation bombs.

What we should all be doing—advocates as well as opponents of gun controls—farmers, hunters, woodsmen as well as terrified citydwellers—is to try to decide together how to interpret the words of 1790 in the context of the densely populated, technological world of 1973, in a way that will ensure both our freedoms and our safety.

Meanwhile, the people with bumper-stickers saying, "When guns are outlawed, only outlaws will have guns," can relax. No one is trying to "outlaw" the private possession of firearms.

DEPARTMENT OF DEFENSE INDEPENDENT RESEARCH AND DEVELOPMENT REPORT

Mr. McINTYRE. Mr. President, section 203, paragraph (c) of the 1971 De-

partment of Defense Appropriation Authorization Act—Public Law 91–441—requires the Department of Defense to submit an annual report to the Congress on independent research and development and bid and proposal costs. I ask unanimous consent to have the following documents printed in the RECORD:

First. The language of section 203, Public Law 91–441.

Second. Copy of letter of transmittal dated March 14, 1973, from the Assistant Secretary of Defense for Installations and Logistics, and the report for calendar year 1972.

Third. Copy of DOD instructions dated September 27, 1972, for completing I.R. & D. project technical evaluation forms.

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

SEC. 203, PUBLIC LAW 91–441

SEC. 203. (a) Funds authorized for appropriation to the Department of Defense under the provisions of this or any other Act shall not be available after December 31, 1970, for payment of independent research and development or bid and proposal costs unless the work for which payment is made has, in the opinion of the Secretary of Defense, a potential relationship to a military function or operation and unless the following conditions are met—

(1) the Secretary of Defense, prior to or during each fiscal year, negotiates advance agreements establishing a dollar ceiling on such costs with all companies which during their last preceding fiscal year received more than $2,000,000 of independent research and development or bid and proposal payments from the Department of Defense, the advance agreements thus negotiated (A) to cover the first fiscal year of each such contractor beginning on or after the beginning of each fiscal year of the Federal Government, and (B) to be concluded either directly with each such company or with those product divisions of each such company which contract directly with the Department of Defense and themselves received more than $250,000 of such payments during their company's last preceding fiscal year;

(2) the independent research and development portions of the advance agreements thus negotiated are based on company submitted plans on each of which a technical evaluation is performed by the Department of Defense prior to or during the fiscal year covered by such advance agreement; and

(3) no payments for independent research and development or bid and proposal costs are made by the Department of Defense to any company or product division with which an advance agreement is required by subsection (a) (1) of this section, except pursuant to the terms of that agreement.

(b) In the event negotiations are held with any company or product division with which they are required under subsection (a) (1) of this section, but no agreement is reached with any such company or product division, no payments for independent research and development or bid and proposal costs shall be made to any such company or product division during the fiscal year for which agreement was not reached, except in an amount substantially less than the amount which, in the opinion of the Department of Defense, such company or product division would otherwise have been entitled to receive, subject to appeal by such company or product division under regulations to be prescribed by the Secretary of Defense.

(c) The Secretary of Defense shall submit an annual report to the Congress on or before March 15, 1971, and on or before March 15 of each succeeding year, setting forth—

(1) those companies with which negotiations were held pursuant to subsection (a) (1) of this section prior to or during the preceding fiscal year of the Federal Government, together with the results of those negotiations;

(2) the latest available Defense Contract Audit Agency statistics, estimated to the extent necessary, on the independent research and development or bid and proposal payments made to major defense contractors, whether or not covered by subsection (a) (1) of this section during the preceding calendar year; and

(3) the manner of his compliance with the provisions of this section, and any major policy changes proposed to be made by the Department of Defense in the administration of its contractors' independent research and development and bid and proposal programs.

(d) The provisions of this section shall apply only to contracts for which the submission and certification of cost or pricing data are required in accordance with section 2306(f) of title 10, United States Code.

(e) Section 403 of Public Law 91–121 (83 Stat. 204) is hereby repealed.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., March 14, 1973.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: The Secretary of Defense has requested that I prepare and submit to you the report of Independent Research and Development and Bid and Proposal costs required under Section 203, Paragraph (c) of the 1971 Department of Defense Appropriation Authorization Act (PL 91–441). This Section requires the submittal of an annual report to the Congress on or before March 15 each year setting forth—

(1) those companies with which negotiations were held pursuant to subsection (a) (1) of this Section prior to or during the preceding fiscal year of the Federal Government, together with the results of those negotiations.

(2) the latest available Defense Contract Audit Agency statistics, estimated to the extent necessary, on the Independent Research and Development or Bid and Proposal payments made to major defense contractors, whether or not covered by subsection (a) (1) of this Section during the preceding calendar year; and

(3) the manner of his compliance with the provisions of this Section, and any major policy changes proposed to be made by the Department of Defense in the administration of its contractors' Independent Research and Development and Bid and Proposal programs."

The report is in three parts corresponding to the three items quoted above. Parts I and II were compiled from detailed data pertaining to individual companies. This detailed company information is very sensitive and is not included in the report; however, it will be made available for review.

Sincerely,

HUGH MCCULLOUGH,
Acting Assistant Secretary of Defense (Installations and Logistics).

REPORT TO THE CONGRESS ON INDEPENDENT RESEARCH AND DEVELOPMENT COSTS AND BID AND PROPOSAL COSTS

PART I

Companies with which negotiations were held pursuant to Section 203 prior to or during the preceding fiscal year of the Federal Government and the results of those negotiations.

In accordance with the above requirement the attached Schedule A provides data pertaining to the negotiations conducted in the Government's fiscal year 1972.

PART II

Latest available Defense Contract Audit Agency statistics, estimated to the extent necessary, on the Independent Research and Development (IR&D) or Bid and Proposal (B&P) payments made to major defense contractors, whether or not covered by Subsection (a) (1) of this Section [203, PL 91–441] during the preceding calendar year.

The statistics required are provided in the attached DCAA report. The report shows total IR&D and total B&P costs incurred by the contractors reviewed, the amount accepted or recognized by the Department of Defense and the DoD share. In addition, total sales of the contractors are shown along with the portion representing DoD sales.

The amount listed on Page 1 under the column heading "Amount Accepted by Govt." represents the sum of the ceilings negotiated with individual contractors as well as the sum of amounts recognized for other contractors who had no advance agreements. These accepted amounts are not the costs reimbursed by the DoD but are the amounts that the DoD recognizes for allocation to all the contractors' business. The DoD portion is shown under the column headed "DoD share."

On pages 2 and 3 of the report the totals shown on page 1 are broken down to show, respectively, the portions applicable to contractors covered by advance agreements and the portions applicable to contractors for which advance agreements were not required.

We would like to call attention to the note at the bottom of page 1. A revision to the Armed Services Procurement Regulation which has now become effective requires contractors to allocate overhead costs to IR&D and B&P effort. Some contractors were already doing so, others were not. The effect is to increase the apparent cost of performing IR&D and B&P effort. This does not necessarily increase contract costs; but rather, reflects a more accurate method of allocating overhead costs to contract work.

In the report furnished last year we advised that the cost principles in the Armed Services Procurement Regulation had been revised to include, in their definitions of IR&D and B&P certain technical costs not previously included. These revisions were not yet effective in 1971 and we therefore furnished data on certain other technical effort associated with IR&D and B&P. The changes have, since, became effective and separate data for these technical costs are therefore not included in this report.

It will be noted that data for both 1971 and 1972 are furnished. It has been the practice to update data previously furnished because latest year figures include significant amounts of estimated information. The 1971 figures presented here have had most of the estimated data replaced with actual data. The report furnished next year will similarly update the 1972 data furnished herewith.

A complete explanation of the information contained in the report is provided in the foreword which precedes Page 1. You will note that the criteria for selecting major defense contractors is identical to that in last year's report, but the number of contractors meeting the criteria has dropped slightly from last year (84 to 77). This reflects the decrease in overall defense procurement that has taken place.

SUMMARY OF INDEPENDENT RESEARCH AND DEVELOPMENT AND BID AND PROPOSAL COSTS INCURRED BY MAJOR DEFENSE CONTRACTORS IN THE YEARS 1971 AND 1972

FOREWORD

This summary report presents the latest available Defense Contract Audit Agency (DCAA) statistics, estimated to the extent necessary, on the independent research and development (IR&D) and bid and proposal (B&P) payments made to major defense contractors. The statistical data are submitted for inclusion in the annual report to be submitted by the Secretary of Defense to the Congress on or before 15 March 1973, in accordance with paragraph (c), Section 203, Public Law 91–441. The data set forth in this

statistical summary report are similar in nature to the information previously furnished to the Office of the Assistant Secretary of Defense (Installations and Logistics) (OASD (I&L)), for contractor fiscal years 1970 and 1971.

The summary on page 1 is an overall presentation of IR&D and B&P costs incurred by 77 major defense contractors during their fiscal years 1971 and 1972, amounts accepted by the Government, and the Department of Defense (DoD) share of amounts so accepted. The column "Amount Accepted by the Government" contains amounts considered allowable and allocable to all contractor work performed—Government and commercial. The DoD share of the costs accepted each year is the contractor's actual allocation of such costs to DoD work. In addition, this summary shows related sales achieved by the 77 contractors, comprising 167 reporting divisions and/or operating groups.

The defense contractors represented in this summary are those who had an annual auditable volume of costs incurred of $15 million or more as of 31 December 1972, and other contractors who, although not meeting the auditable volume criterion, required 4,000 or more man-hours of DCAA's direct audit effort per year. As in prior DCAA reports, contractors specifically excluded from this summary are construction companies; educational institutions; foreign contractors and overseas operations of U.S. contractors; Government-owned-contractor-operated (GOCO) plants; insurance companies; Job Corps Training Center contractors; major laboratories (Jet Propulsion Laboratory, California Institute of Technology; Massachusetts Institute of Technology; Applied Physics Laboratory, Johns Hopkins University; etc.); marine transport contractors; and military medicare contractors. The contracting activities incurred nominal or no IR&D and B&P costs. Details in support of the summary are contained in a separate statistical report, designated "FOR OFFICIAL USE ONLY," copies of which are available through OASD (I&L) or DCAA.

DCAA obtained the IR&D and B&P cost and sales data from contractors' records, but such data do not necessarily represent audited amounts. Included in the costs shown are amounts accepted by the Government in overhead negotiations and through advance agreements. Where actual cost and sales data were not available, as in the case of calendar year contractors who had not completed the closing of their books for 1972, DCAA auditors obtained reasonable estimates. It should be noted that the contractor sales shown do not necessarily equal total contractor sales, but rather the sales of the individual contractor divisions and/or operating groups that are listed in DCAA's detailed supporting report. DCAA did not attempt to determine the reasons for increases or decreases in contractor costs and sales between the years 1971 and 1972.

Defense Procurement Circular 90, dated 1 September 1971, revised the cost principles applicable to IR&D and B&P (Armed Services Procurement Regulation, Section XV, Part 2, Paragraphs 15-205.3 and 15-205.35). The principles, incorporated by ASPR Revision 11, dated 28 April 1972, required that IR&D and B&P costs include an allocation of all applicable indirect costs except general and administrative expense. This requirement was to be effective for all contracts entered into at the beginning of the first fiscal year of the contractor which started on or after 1 January 1972. Note A contained in the schedule on Page 1 shows the amount of burden applied to IR&D and/or B&P costs as a result of this new requirement for those contractors who had not previously burdened such costs prior to the year 1972.

The summary on Page 2 indicates the extent of advance agreements in effect during either one or both years. The summary on Page 3 shows costs not subject to advance agreements.

SCHEDULE A.—I.R. & D./B. & P. REPORT—PT. I

NEGOTIATIONS COMPLETED IN FISCAL YEAR 1972 AND RESULTS OF THOSE NEGOTIATIONS

[Dollar amounts in thousands]

Contractors' fiscal year	Number of companies	Total program dollars proposed by contractors			Total advance agreement ceiling dollars negotiated by DOD			Estimated DOD share of ceiling dollars negotiated		
		I.R. & D.	B. & P.	Total	I.R. & D.	B. & P.	Total	I.R. & D.	B. & P.	Total
1971	50	$702,164	$363,405	$1,065,569	$550,238	$313,344	$863,582	$274,877	$223,488	$498,365
1972	48	622,319	358,863	981,182	497,343	306,394	803,737	294,096	222,032	516,128
1973	10	43,540	31,867	75,407	30,593	25,546	56,139	20,629	22,101	42,730

Note: 1973 data represents only those negotiations that were completed in the Government's fiscal year 1972. Additional negotiations were completed in the last half of calendar year 1972 and these will be included in the report for next year. 1971 ceiling dollars and DOD share of ceiling dollars include an amount allowed by the contracting officer for a contractor which has appealed the contracting officer's decision. The case is now in the U.S. Court of Claims.

SUMMARY OF INDEPENDENT RESEARCH AND DEVELOPMENT AND BID AND PROPOSAL COSTS INCURRED AND SALES ACHIEVED BY MAJOR DEFENSE CONTRACTORS FOR CONTRACTOR FISCAL YEARS 1971 AND 1972

[In millions of dollars]

	1971			1972		
	Costs incurred	Amount accepted by Government	DOD share	Costs incurred	Amount accepted by Government	DOD share
Independent research and development (I.R. & D.)	703	568	354	776	620	400
Bid and proposal (B. & P.)	428	390	265	469	432	304
Total I.R. & D. and B. & P. costs	1,131	958	619	1,245	1,052	[1]704
Sales:						
Total Government and commercial		32,065			31,061	
Total DOD			19,568			18,385

[1] Included in the 1972 DOD share of I.R. & D. and B. & P. costs is an amount of $32,000,000 representing burden applied to such costs for the 1st time under the requirements of ASPR 15-205.3 and 15-205.35 (revision 11, Apr. 28, 1972) by those contractors who had not previously followed this practice. Additionally, it should be noted that an amount of $8,000,000 was allocated to other than DOD contracts because of this new requirement. The $32,000,000 DOD share does not necessarily represent an increase in total costs absorbed by DOD contracts since this burden may have otherwise been allocated to direct costs of DOD contracts had it not been applied to I.R. & D. and/or B. & P. costs.

PART III

The manner of his compliance with the provisions of this section, and any major policy changes proposed to be made by the Department of Defense in the administration of its contractors' Independent Research and Development and Bid and Proposal Programs.

Last year it was reported that new forms for use in conducting technical evaluations were being developed. These forms have now been issued for use by all technical evaluation teams. A copy of each form is attached to this report.

Except for the above no significant changes have been made in our policies for implementation of the IR&D/B&P legislation. We believe the policies are resulting in full compliance with the law.

MEMORANDUM FOR THE I.R. & D. TECHNICAL EVALUATION GROUP

Subject: Instructions for Completing IR&D Project Technical Evaluation Forms (DD Form 1855 and DD Form 1856).

The enclosed instructions have been prepared to provide assistance in the completion of the IR&D Project Technical Evaluation Forms dated 1 May 1972.

Kindly circulate these instructions to all persons within your organization who may have a need to know how to complete the forms.

ELLIOTT B. HARWOOD,
Deputy Assistant Director,
(Plans and Policy).

INSTRUCTIONS FOR IR&D PROJECT TECHNICAL EVALUATION (DD FORM 1855)

ITEM AND INSTRUCTIONS

Date—Place date on which evaluation is completed in this block.

1. Indicate full Company/Division name and company fiscal year.

2. Self explanatory.

3. Given in Tabular Synopsis of project being evaluated. Abbreviated as necessary.

4. Give name, e.g., Maj J. G. Doe, and full organizational symbol, e.g., AFRPL/MKED.

5. Self explanatory.

6. Mark each square that is appropriate. Thus, if you are personally familiar with the particular project, indicate so in "c" in addition to answering the questions for "a" and "b",

7. Indicate your qualifications for rating this project on a scale ranging from minimal qualifications ("a") to most qualified ("d"). In answering this question note that a "d" work on projects similar to the one being evaluated, whereas, a "c" evaluator only has specific knowledge of current work going on in the general technical area of the project.

8. This is the most important section of the evaluation form. If the objective statement is not given, vague, or too broad for a meaningful evaluation, check block "a" beside the objective and do not complete the rest of the form. If the project duplicates known work, be sure to provide specific information, such as contract number, report number, and so forth. The requested funding information is given in the tabular symposis in the technical plan. Note that progress is not rated for new projects and only progress is rated for completed projects.

9. Include any comments that might be of value either to the government negotiator and technical personnel or to the contractor. Comments are particularly desired when a project is rated high or low or its designation is questioned.

10. Indicate the category into which you feel this technical effort falls. Codes a, b, c, and d, are the four categories of IR&D effort. Since the contractors recovery for an IR&D project may differ depending on its designation, please indicate which of these four categories is appropriate. If the project is not IR&D, but falls into categories g, i, j, k, l, m, or n, the contractor should not include it in his IR&D, but will recover his costs through different overhead category Costs for B&P effort (category e) are also recovered by the contractor provided they are within the negotiated B&P ceiling. If the project is Effort in Support of a Contract or Grant (f) or Unplanned Effort (h), the costs will not be reimbursed by the DOD as overhead. If you feel the project falls into any category other than the one chosen by the contractor, please provide supporting comments in Section 9.

11. Indicate the potential relevance of the project to your agency (DOD or NASA, whichever is appropriate).

COMPLETION OF DD FORM 1856

The individual project evaluations on completed DD Forms 1855 are summarized on the DD Form 1856. The ratings should be collected by project and each individual rating should be included on the summary form, along with the weighted average project scores for current year plans and for progress.

An example of a properly completed Form 1856 is included as attachment 1. The first column is for project number. The first line of the listing for a project includes project number, title, and funding for current and past year. The individual evaluations are listed on the lines immediately following the project title. The evaluator's organization; objective, approach, resources, and progress scores; the information from blocks 5, 6, 7, 10, and 11 of DD Form 1855 are listed for each evaluation. The evaluator's name is not listed, since the contractor will be provided a copy of the form 1856. Funding is listed only on the line on which project title is listed. The average current year plan score is listed in the current year funding column and the average progress score is listed in the prior year funding column; both in the line immediately below funding data. Individual project comments from block 9 on the DD Form 1855 are assigned codes numbering from 1 up to the total number of comments and are included on the back of the form or on a separate page.

The codes in Column 8 for objective, approach, resources, and progress should include both the number and letter code (i.e., "3e" rather than "3" or "e" under "Approach"). Projects should be listed in some meaningful order, such as the order they appear in the technical plan. Projects which were not evaluated should be listed in the appropriate position, with the comment "not evaluated" in the space provided for evaluation results. This will facilitate revision of the ratings if evaluations of those projects can be subsequently obtained.

Mr. McINTYRE. Mr. President, this is the third year of reporting, and it covers the second full year of implementation since section 203 was enacted. When I reported to the Senate last year on May 11, 1972, I stated, and I quote:

. . . in my opinion the Department of Defense is doing a commendable job of implementing the provisions of section 203. The documents which I have provided for the record attest to the extensive efforts which have been made to establish and place in operation the required organization and procedures. DOD has even gone beyond the letter of the law by creating a centralized data bank in the Department of Defense which makes knowledge of contractor I.R. & D. efforts available to major Defense organizations. At the same time, Mr. President, it is generally agreed that this program is still in a shakedown period and requires more time to achieve a high degree of efficiency.

The problems which have been encountered, as reported by Defense, by GAO, and by industry bear additional study as the provisions of section 203 are further implemented. I intend to continue to employ the GAO to assist in this process and to seek solutions to these and any other new problems which may arise as experience is gained.

I will continue to monitor the performance of the Department of Defense to insure effective compliance with the provisions of section 203, and to report to the Senate as appropriate.

Following my statement of last year, the Armed Services Committee requested the Comptroller General, by letter dated June 5, 1972, to conduct a further examination of the actions taken by the Department of Defense to implement section 203, and of the effects of that implementation in order to provide the committee with a more current and complete status. This examination was required to include the sampling of the activities of additional contractors who were not previously covered. The Comptroller General was requested to submit a report of findings, including appropriate comments and recommendations, for consideration by the committee of any further actions which may be appropriate in conjunction with the review of the fiscal year 1974 budget. I ask unanimous consent that the letter and the report of the Comptroller General, B–167034, dated April 16, 1973, be printed at this point in the RECORD.

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

SUMMARY OF INDEPENDENT RESEARCH AND DEVELOPMENT AND BID AND PROPOSAL COSTS INCURRED BY MAJOR DEFENSE CONTRACTORS FOR CONTRACTOR FISCAL YEARS 1971 AND 1972

[Dollar amounts in millions]

	1971				1972			
	Costs incurred	Amount accepted by government	DOD share	Number of contractor divisions	Costs incurred	Amount accepted by government	DOD share	Number of contractor divisions
WITH ADVANCE AGREEMENTS								
Independent research and development (I.R. & D.)	$680	$546	$350	138	$736	$583	$386	133
Bid and proposal (B. & P.)	397	360	247	136	415	381	275	133
Total I.R. & D. and B. & P. costs	1,077	906	597		1,151	964	661	
WITHOUT ADVANCE AGREEMENTS								
Independent research and development (I.R. & D.)	22	21	4	29	40	37	14	34
Bid and proposal (B. & P.)	31	30	18	31	54	52	29	34
Total I.R. & D. and B. & P. costs	53	51	22		94	89	43	

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C.

Hon. JOHN C. STENNIS,
Chairman, Committee on Armed Services, U.S. Senate.

DEAR MR. CHAIRMAN: In accordance with your request of June 5, 1972, we have further examined the matters discussed in our April 17, 1972, report entitled "Implementation of Section 203, Public Law 91–441, on Payments for Independent Research and Development and Bid and Proposal Costs."

Due to time limitations, we did not obtain formal comments from the Secretary of Defense, although we did discuss the report with Defense officials.

As agreed to by your office, we are sending copies of the report to the Chairman of the House and Senate Government Operations Committees, the House and Senate Appropriations Committees, and the House Armed Services Committee.

We are also sending copies to the Director, Office of Management and Budget; the Secretary of Defense; the Executive Secretary, Council of Defense and Space Industry Associations; and the seven contractors we reviewed.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

(Report to the Committee on Armed Services, U.S. Senate; by the Comptroller General of the United States)

PAYMENTS FOR INDEPENDENT RESEARCH AND DEVELOPMENT AND BID AND PROPOSAL COSTS—DEPARTMENT OF DEFENSE

ABBREVIATIONS

ASPR—Armed Services Procurement Regulation.

B&P—bid and proposal.

CODSIA—Council of Defense and Space Industry Associations.

DOD—Department of Defense.

GAO—General Accounting Office.

IR&D—independent research and development.

NASA—National Aeronautics and Space Administration.

PMR—potential military relationship.

DIGEST

Why the study was made

On June 5, 1972, the Chairman of the Senate Committee on Armed Services requested the General Accounting Office (GAO) to further examine matters discussed in its report entitled:

"Implementation of Section 203, Public Law 91-441, on Payments for Independent Research and Development and Bid and Proposal Costs" (B-167034, April 17, 1972).

In that report, GAO stated that the effectiveness of the actions taken by the Department of Defense (DOD) and the effects of section 203 could not be measured because enough time had not elapsed since the law was enacted.

In accordance with the Committee's interests, GAO directed this examination to determining DOD's progress in implementing the law, the impact of the potential military relationship test on contractors, and the reasonableness of the application of this test.

The Committee also requested that GAO determine whether the contractors' concern about the constraints implied by the relevancy test are valid or whether it is only the threat of these constraints causing concern.

Due to time limitations, GAO did not obtain formal comments on this report from the Secretary of Defense, although it did discuss the report with DOD officials and they agreed generally with GAO's findings and recommendations. Their comments have been noted in the report where appropriate.

Background

Section 203 places certain conditions, restrictions, and requirements on DOD's payment of independent research and development (IR&D) and bid and proposal (B&P) costs to defense contractors after December 31, 1970. Among other things. It requires that:

Funds authorized for appropriation to DOD shall not be available for payment of IR&D or B&P costs unless the Secretary of Defense determines that the work for which payment is made has a potential relationship to a military function or operation.

DOD negotiate advance agreements to establish dollar ceilings on such costs with all companies which, during the last preceding year, received more than $2 million of IR&D or B&P payments from DOD.

IR&D portions of the negotiated advance agreements be based on company-submitted plans that are technically evaluated by DOD prior to or during the fiscal year covered by the agreement. (See p. 6.)

Findings and conclusions

The potential military relationship provision of section 203 continues to be vague. As interpreted and applied by DOD, it has had no measurable effect on DOD's ceilings or on IR&D or B&P payments. (See p. 10.)

DOD has taken a number of steps to improve its surveillance and administration of major contractors' IR&D and B&P activities. For example, it has:

Established an IR&D Policy Council, delegated responsibility for determining potential military relevancy for IR&D projects to the IR&D Technical Evaluation Group, and delegated responsibility for determining potential military relevancy for B&P efforts to the negotiator.

Issued regulations to require the negotiation of advance agreements, relevancy determinations, and technical evaluations by the military services.

Issued standard forms for the military services to use in performing technical evaluations.

Conducted an internal servicewide review of IR&D and B&P management and control. (See p. 7.)

Notwithstanding general DOD policy guidance, the lack of specific directives has permitted inconsistent implementation among the services. These inconsistencies and other problems in developing and negotiating IR&D and B&P advance agreements persist.

Although advance agreements are now negotiated on a more timely basis, most agreements are not negotiated before costs are incurred. (See p. 19.)

Negotiation procedures are neither uniform nor consistent; negotiators' files are frequently incomplete and do not specify the basis for determining the ceilings. (See p. 23.)

There is little evidence that technical evaluations are adequately considered in negotiating ceilings or that they are used to motivate contractors to improve performance. (See p. 15.)

Not all negotiators are conforming with the intent of the Armed Services Procurement Regulation which prohibits cost sharing within the ceiling limitation. (See p. 21.)

After-the-fact reviews to determine relevancy, especially for B&P efforts, are excessively delayed; more timely reviews should be made to provide additional data for negotiating the subsequent year's ceiling. (See p. 25.)

Contractors frequently are not given adequate feedback concerning results of technical evaluations. (See p. 21.)

Comments on the impact of the law were obtained from the Council of Defense and Space Industry Associations and from individual contractors. (See p. 27.) Contractors feel that sufficient time has not elapsed to accurately assess the full impact of section 203 or DOD's implementation of it. They are concerned, however, that "the law will have a detrimental effect upon the national interest." They are particularly concerned about the repressive effect that the potential military relevancy requirement may have on innovative IR&D. However, neither the Council of Defense and Space Industry Associations nor any of the companies contacted provided GAO with specific evidence to validate these concerns.

Recommendations to the Secretary of Defense

DOD should:

Issue guidelines to the services to insure more consistent determinations of potential military relevancy. (See p. 14.)

Continue to emphasize the desirability of negotiating advance agreements either prior to cost incurrence or early in the contractor's fiscal year and to seek alternative means of solving this problem. (See p. 20.)

Establish uniform negotiation procedures and policies for negotiators to aid in the consistent and equal treatment of contractors. (See p. 25.)

Establish guidelines that uniformly recognize, during ceiling negotiation, the technical quality of contractors' IR&D programs with reward or penalty, as appropriate. (See p. 18.)

Require the services to maintain negotiation files which record the rationale and show the dollar effect of the factors considered in establishing the ceiling. (See p. 25.)

Insure compliance with the intent of the Armed Services Procurement Regulation which prohibits cost sharing within the ceiling. (See p. 22.)

Perform after-the-fact reviews as soon as possible after the contractor's fiscal year ends to provide additional data for subsequent negotiations. (See p. 26.)

Matters for consideration by the committee

In its prior report, GAO suggested that the Congress clarify section 203. Since then, however, the Government's support of IR&D and B&P has been the subject of several intensive studies.

GAO does not recommend that any changes be made in the law at this time, pending thorough consideration of the results of these studies and the suggestions for improvements and alternative actions which emanated from them. GAO plans to use these studies and to continue its examination of the area, considering such matters as:

Recommendations on IR&D and B&P by the Commission on Government Procurement and dissenting positions.

Recommendations from a study by DOD's IR&D Policy Council.

Possible inequities to the Government when contractors develop products under IR&D programs in defense/space cost centers and market them in commercial cost centers.

Concerns of industry that some smaller companies receive inequitable treatment.

Alternative means of insuring equitable allocation of IR&D and B&P costs. (National Aeronautics and Space Administration officials are concerned about the impact that DOD's relevancy test could have upon them and their contractors.)

Upward trends in contractors' B&P expenditures and a corresponding reduction in innovative IR&D, which could possibly adversely affect the national industrial technology base. (See p. 37.)

CHAPTER 1. INTRODUCTION

Independent research and development (IR&D) is that part of a contractor's research and development program initiated by the contractor; it is not directly sponsored by, or required in the performance of, a contract, grant, or similar agreement. In an IR&D program, a contractor directs its resources to any effort it feels necessary to maintain or advance the company's technology.

Bid and proposal (B&P) costs are those costs the contractor incurs in preparing, submitting, and supporting bids and proposals for potential contracts. B&P effort is conducted at the discretion of the contractor to convince the buyer that the contractor is the most acceptable supplier for a particular product.

The Department of Defense (DOD) treats IR&D and B&P costs as indirect costs (overhead items). Accordingly, DOD and other Government agencies bear part of the contractor's IR&D and B&P costs by applying overhead costs to contracts, grants, or similar agreements. The extent to which DOD absorbs these costs depends on the business mix (the ratio of DOD sales to other Government/commercial sales) of each contractor. Therefore, if a contractor's work is primarily for DOD, DOD will generally absorb the major portion of the contractor's IR&D and B&P costs.

I.R. & D. and B. & P. costs

DOD's share of total costs incurred by major defense contractors for their IR&D and B&P efforts increased steadily (as did DOD sales) from $459 million in 1963 to $778 million in 1969. In 1970 and 1971 these costs decreased (as did DOD sales) as shown in the table below. DOD sales continued to decrease in 1972, but DOD's share of IR&D and B&P costs went up during 1972.

TOTAL COSTS FOR I.R. & D. AND B. & P.

[In thousands of dollars]

Cost element[1]	1968	1969	1970	1971	1972
Cost incurred	1,286	1,412	1,318	1,252	1,245
Amount accepted by Government	1,057	1,191	1,093	1,038	1,052
DOD's share	673	778	714	673	704
Sales to DOD	22,275	22,692	21,315	19,655	18,385

[1] Cost data includes varying amounts of other technical effort

A summary of pertinent IR&D and B&P cost information for the seven contractors that we reviewed is included in appendix IV.

Provisions of Public Law 91-441

The Congress enacted Public Law 91-441 on October 7, 1970. Section 203 of the law placed certain conditions, restrictions, and requirements on DOD for paying IR&D and B&P costs to defense contractors after December 31, 1970. Among other things, section 203 provides that:

Funds authorized for appropriation to DOD shall not be made available after December 31, 1970, for payment of IR&D or B&P costs unless the Secretary of Defense determines that the work for which payment is made has a potential relationship to a military function or operation and unless:

The Secretary of Defense, prior to or during each fiscal year, negotiates advance agreements establishing a dollar ceiling on such costs with all companies which during their last preceding fiscal year received more from DOD.

The IR&D portions of the negotiated advance agreements are based on company-submitted plans that are technically evaluated by DOD prior to or during the fiscal year covered by the agreement.

CHAPTER 2. DOD ACTIONS TO IMPLEMENT THE LAW

In implementing section 203, DOD issued Defense Procurement Circulars Nos. 84, 86, 87, and 90. These circulars were to furnish guidance on the negotiation of advance agreements and to amend the Armed Services Procurement Regulation (ASPR) 15-205.35 and 15-205.3 concerning IR&D and B&P costs. On April 28, 1972, the provisions of the circulars were incorporated into ASPR.

DOD Insrtuction 5100.66, published on February 29, 1972, (1) prescribed the role, mission, and composition of the IR&D Policy Council and (2) assigned responsibilities and outlined procedures for the technical evaluation and review of IR&D programs.

The IR&D Policy Council is responsible for developing and securing the Secretary of Defense's approval of policy and guidance for the IR&D program and realted B&P activities. The Council determines the proper level of DOD support required, outlines IR&D and B&P goals, establishes the mechanisms to be used to increase or decrease the overall level of effort, provides the guidance necessary to insure valid potential relevancy determinations, determines appropriate negotiation policies, and responds to congressional inquiries.

The IR&D Policy Council consists of its Chairman, the Director of Defense Research and Engineering; the Assistant Secretaries of Defense (Installation and Logistics, and Comptroller); and the Assistant Secretaries for Research and Development and for Installation and Logistics from the Army, the Navy, and the Air Force. Representatives of the National Aeronautics and Space Administration (NASA) and the Atomic Energy Commission participate as observers.

The IR&D Technical Evaluation Group (formerly the Armed Services Research Specialists Committee) is composed of a chairman appointed by the Director of Defense Research and Engineering and three IR&D departmental managers—one each from the Army, the Navy, and the Air Force. This group is responsible for establishing criteria, methodology, and evaluation forms to be used by the military departments for the technical evaluations and ratings of IR&D programs.

These evaluations determine the relevance and quality of each IR&D project and categorize each project as research or development in accordance with the ASPR definition.

The IR&D Technical Evaluation Group is also responsible for:

Establishing uniform procedures for debriefing companies whose IR&D programs have been reviewed.

Determining the standard format for submitting companies' IR&D project descriptions.

Establishing a schedule for submission of companies' IR&D brochures.

Establishing procedures for providing the Defense Contract Administration Services with technical evaluations of company-submitted IR&D project descriptions to support their negotiation of advance agreements required by law.

Establishing an annual schedule for onsite reviews of contractors' facilities.

Establishing procedures for providing the Department-designated negotiator with a technical evaluation of each IR&D program to be used in determining the IR&D advance agreement with each company.

Assisting contracting officers on an as-needed basis in determining the relevance of B&P effort.

DOD has also issued standard forms for use by the military departments in the performance of technical evaluations.

Since enactment of the legislation, DOD has increased the number of advance agreements negotiated with companies and cost centers from 104 in 1970 to 125 in 1971 and to 122 in 1972, thereby increasing visibility over contractors' IR&D and B&P efforts.

In September 1971 the IR&D Policy Council organized a working group to provide the Council with a concise definition of IR&D—including its objectives (as seen by DOD, other Government agencies, and industry), its accomplishments, its deficiencies, and any impediments to the realization of the defined objectives.

The working group submitted its report, including recommendations for corrective action, to the Council for review in November 1972. GAO was advised by the Chairman of the working group that, except for the recommendations, the report has been approved. A copy of the working group's draft report, without the recommendations, was informally released to the General Accounting Office on January 15, 1973.

CHAPTER 3. REQUIREMENT FOR POTENTIAL MILITARY RELATIONSHIP

In our April 1972 report we noted that section 203 failed to provide criteria for determining when a project was considered to have a potential military relationship (PMR) or any indication as to what the provision was intended to achieve. We found in our current review that DOD still had not issued uniform criteria for determining PMR. As a result, the services have inconsistently applied the PMR provision.

The seven contractors we visited had experienced no measurable change in the amount of DOD's reimbursement for their IR&D and B&P effort as a result of the PMR requirement. DOD officials advised us that the PMR provision has had no effect on the ceiling negotiated with any contractor during either 1971 or 1972.

Lack of clarity in law

In September 1972 an official from the Directorate of Defense Research and Engineering pointed out that the law was not as clear as it might be concerning PMR and that it was inconsistent with the present administration's policy of encouraging more research and development.

Several contractors included in our review also commented on the lack of clarity in the law. One contractor claimed that the PMR review was largely subjective and unproductive because of the unclear definition of relevancy. Another maintained that relevancy standards should be developed if the test was to be continued so industry could take appropriate and consistent action to satisfy the criteria of such a test.

Lack of DOD criteria

Although DOD has initiated actions to improve its surveillance and administration of IR&D and B&P activties, it has not developed uniform criteria for determining PMR.

DOD Instruction 5100.66 delegated to the IR&D Technical Evaluation Group the responsibility for establishing criteria and methodology for uniform PMR determinations of IR&D. The DOD contracting officer was delegated responsibility for PMR of B&P.

The instruction did not provide definite criteria for the services to apply in determining whether IR&D and B&P projects meet PMR requirements. This probably was due to the lack of clarity in the law and the difficulty of delineating objective criteria for determining PMR.

Technical evaluators acknowledge that the determination is purely judgmental. Of about 1500 IR&D projects and tasks proposed by the 7 contractors in 1971 and 1972, about 97 percent were determined to have PMR. Those projects determined to not have PMR had no effect on the ceilings negotiated or on DOD's payments to the contractors for IR&D costs.

Air Force PMR criteria

The Air Force recognized the need for a uniform interpretation of PMR. An informal document prepared by the Air Force entitled "Guidelines for Potential Relationship Determination for IR&D Projects" contained the following statement:

"Section 203 requires that IR&D payments by the DOD be made only for work which has a potential relationship to a military function or operation. Obviously, if potential relationship is taken in its broadest sense, *almost any R&D effort could qualify*, since military functions and operations involve at least incidentally almost every aspect of human life. But it seems clear that *Congress intended to eliminate DOD payment* for those IR&D efforts whose relationship to military functions or operations is remote or incidental.

"In order to obtain a consistent determination of the potential relationship, for the varied technologies represented in the programs, this paper defines the degree to which a potential relationship must exist to be considered within the intent of the law."

Following this statement was a matrix and a discussion of the basic considerations in determining PMR. Clearly, the Air Force matrix was designed to identify projects which were only incidentally related to a military function or operation to eliminate DOD's cost for those projects.

Under the matrix, all projects must have *substantial* military application before they can be termed potentially relevant. However, some projects can have substantial military application and still be termed not relevant if another Government agency is responsible for that field of research and development.

Such a determination, however, is not al-

ways upheld. For example, a technical evaluator determined that a space shuttle project was nonrelevant. The Office of the Director, Defense Research and Engineering, overruled this determination and said that the space shuttle project had PMR. We believe the Air Force matrix would support the technical evaluator's determination since NASA had prime responsibility for the space shuttle project.

DOD has not directed that the military services use the Air Force matrix and criteria but is considering such a policy. In our opinion, the Air Force matrix, if properly applied, would provide a greater degree of consistency in relevancy determinations. The other services have voluntarily adopted the matrix or similar criteria for a guide when evaluating the relevancy of IR&D. Even so, PMR application is inconsistent.

Inconsistent PMR determinations

In 1971 and 1972 the Army considered one contractor's NASA projects relating to deep space applications to be relevant. However, the Air Force considered similar deep space IR&D efforts of another contractor to be nonrelevant.

In another instance, Navy evaluators considered as relevant a marine sciences project which concentrated on developing an understanding of the water environment and pollution in the New York area. The evaluators considered the project relevant because the Navy had a social responsibility to protect the environment in areas where it has bases and because information on coastal environment was important to the Navy in amphibious-warfare planning. However, the project's contractor did not consider it to have PMR; we believe that application of the Air Force's PMR matrix would confirm the contractor's opinion.

AIR FORCE MATRIX FOR DETERMINING PMR

Is the DOD precluded, by law or otherwise from funding such R. & D.?	What is the nature of the military requirement for the end product?	What will be the application of the end product?	Is another Government agency responsible for this field of R. & D.?	Conclusion: Is the I.R. & D. project potentially relevant?
Yes				No.
No	Urgent			Yes.
No	None (not used by military).			No.
No	Routine	Primary military.		Yes.
		Primarily nonmilitary but has substantial military application	Yes	No.
			No	Yes.
		Only incidental military application		No.

At another location, the contracting officer requested assistance from the Defense Contract Audit Agency to determine relevancy for B&P projects. The audit agency, in turn, requested help from the Air Force plant representative. The plant representative examined nine projects and determined that six were relevant. The audit agency, on the other hand, determined that four of the six deemed relevant by the plant representative were not relevant and that one of the three considered not relevant was relevant.

Conclusion

These inconsistencies demonstrate the need for better PMR criteria to be applied consistently on a servicewide basis for both the contractor's IR&D *and* B&P efforts. The military services are not using the same criteria; at the time of our review, there was no DOD requirement that uniform PMR criteria be developed.

Uniform criteria would provide contractors with consistent treatment under the law and with a clearer understanding of DOD's basis for evaluating their IR&D and B&P efforts. This would help contractors manage their programs and would provide them with additional information to determine the scope of their IR&D and B&P efforts.

Recommendation

We recommend that DOD issue guidelines to the services to insure more consistent determination of PMR.

CHAPTER 4. EFFECT OF TECHNICAL EVALUATIONS ON NEGOTIATED CEILINGS

Section 203 requires that DOD technically evaluate each contractor's proposed IR&D program. The evaluation should give the negotiator a basis for judging the quality of the contractor's efforts against a standard and other contractors in similar product areas. The evaluation is to be considered in negotiating the IR&D dollar ceiling included in the advance agreement.

DOD's IR&D Technical Evaluation Group is responsible for insuring that technical evaluations are performed and that the results are communicated to the cognizant service negotiator. DOD generally recognizes that the technical quality of a contractor's program should have some effect on the level of DOD funding. However, DOD has not provided the necessary guidance to specify how the technical quality rating will be recognized or how the contractor should be rewarded or penalized. Nor has DOD insured that all contractors will receive equal treatment under the law. As a result, each service has its own view concerning the significance of the technical evaluation and how the results will be considered in negotiating an advance agreement.

The proposed 1971 and 1972 IR&D programs of the seven contractors were technically evaluated. In three instances negotiator's records did not identify the effect, if any, that the technical rating had on the ceiling negotiated, nor were the negotiators able to identify or quantify the impact it had on the ceiling. For the other four contractors, the negotiator stated that he considered the technical evaluation but felt that the change from last year's rating did not warrant an increase or decrease in the contractor's program.

Use of technical evaluations

The Army regulation governing technical evaluations stated that it is the intent of the Government to reward high quality effort with higher than normal support and low quality effort with lower than normal support. The regulation recommended a level of support commensurate with the technical quality of the IR&D program—identified in such terms as minimum, average, and maximum—but not quantified.

The Army member of the IR&D Technical Evaluation Group advised the Army negotiator who was negotiating the IR&D ceiling for one contractor that, on the basis of a cursory examination of the 1972 program and considering the 1971 evaluation, a tentative rating of "good" was assigned. The contracting officer took the position that the evaluation did not jusify increasing or decreasing the ceiling. Army regulations, however, do not provide any guidelines as to what a good rating should support.

The Navy has not issued any guidelines which prescribe the technical rating system to be used or how the results of a technical review will be considered in negotiating a ceiling.

In negotiating a contractor's 1972 ceiling, the Navy considered the contractor's program to be "average to good" and rated several areas "superior." The contractor's 1972 ceiling was about 6 percent higher than its 1971 ceiling. Ceilings negotiated increased from 1970 to 1972 by almost $2 million while DOD sales decreased by about $143 million during the same period as shown below.

[In thousands of dollars]

	Program year		
	1970	1971	1972
Proposed program	34,000	35,000	35,000
Ceiling negotiated	27,750	28,000	29,660
Sales to DOD	739,215	618,040	[1] 596,000

[1] Contractor estimate.

The responsible Navy negotiator informed us that the technical evaluations were one of several factors considered during negotiations. However, he could not identify or quantify the impact they had on the ceilings.

The Navy also negotiated another contractor's 1972 ceiling. On the basis of the 1971 technical evaluation, the program was considered "average or slightly above average." The 1972 *negotiated ceiling* increased about 8 percent over the 1971 ceiling, but sales to DOD decreased slightly. The Navy negotiator informed us that, although the technical evaluation was considered during negotiation, it was not reasonable to quantify these factors.

During 1972 the Air Force negotiators were instructed to adjust the negotiation position by stated percentage rates to recognize a change in a contractor's technical evaluation rating. This was to provide contractors with an incentive to improve the technical quality of their IR&D programs.

For the three contractors we reviewed who had negotiated ceilings with the Air Force, the change in the technical rating was insufficient to warrant a change in the negotiation position.

We also examined statistics concerning advance agreements with contractors other than those seven we reviewed. However, we were not able to establish any meaningful or consistent pattern of correlation between technical ratings and adjustments in the negotiated ceilings.

According to the DOD IR&D study group's November 1972 report, most contractor officials felt that one of the principal weaknesses in the IR&D ceiling negotiation procedures was the lack of reward and motivation for the technical quality of their programs. The contractors said that the negotiations did not sufficiently emphasize the technical quality of their IR&D programs. The study group recognized that all contractors did not receive equal treatment and that quantification, at least to some degree, of the process for determining the Government's negotiation position would alleviate some of these problems.

Conclusions

To treat all contractors consistently and equitably and to acknowledge the technical quality of the proposed IR&D programs, DOD should issue guidelines that prescribe a quantified means for adjusting the level of DOD support on the basis of the technical quality of the IR&D program. The guidelines should also reward or penalize a contractor for changing the quality of its effort.

Recommendation

DOD should establish guidelines that uniformly recognize, during ceiling negotiations, the technical quality of contractors' IR&D programs with reward or penalty, as appropriate.

CHAPTER 5. OTHER PROBLEM AREAS

Delays in negotiating advance agreements

Section 203 requires DOD to negotiate an advance agreement with each major defense contractor to establish a dollar ceiling for IR&D and B&P costs. The negotiated ceiling limits the amount of IR&D and B&P costs that the Government will pay. It also provides some assurance to the contractor that its IR&D and B&P costs will be recovered and that disputes concerning the reasonableness of allocability of the costs will

be minimized or avoided. Section 203 states that such agreements will be negotiated prior to or during the contractor's fiscal year. To be most effective, such agreements should be negotiated prior to cost incurrence.

Our April 1972 report stated that DOD was aware of the problems associated with delays in negotiating advance agreements and was attempting to bring about earlier negotiations of 1972 agreements by requiring earlier submissions of proposed programs, better scheduling of technical evaluations, etc.

The following table shows how long it took to negotiate advance agreements with contractors in 1971 and 1972.

TIMELINESS OF CEILINGS NEGOTIATED

	Army		Navy		Air Force		DSA		Total	
	1971	1972	1971	1972	1971	1972	1971	1972	1971	1972
Negotiated prior to contractor's fiscal year		1		2		3				6
Negotiated during contractor's fiscal year:										
1 to 3 months		1	5	9	3	18			8	28
4 to 6 months	1	5	13	25	9	20	2	2	25	52
7 to 9 months	2		8	5	12	10	1	2	23	17
10 to 12 months	6	1	13	1	39	14	5	2	63	18
Total	9	7	39	40	63	62	8	6	119	115
Negotiated subsequent to contractor's fiscal year			3		3				1	−6
Total advance agreements	9	8	42	42	66	65	8	7	125	122

DOD has made considerable progress in the timeliness of advance agreements. Approximately 33 advance agreements were negotiated during the first 6 months and 86 were negotiated during the last 6 months of the contractor's 1971 fiscal year. During 1972, however, 80 were negotiated during the first 6 months and 35 during the final 6 months.

Nevertheless, many contractors are still incurring substantial program costs before negotiation. For example, the 1972 advance agreement for one of the contractors we reviewed was not signed until November 21, 1972, less than 6 weeks before the end of the year covered by the agreement. The 1971 advance agreement for the same contractor was not signed until December 30, 1971.

The timeliness of negotiations could be improved by using multiyear agreements. Both the Army and the Air Force used multiyear agreements during 1972. Three of eight 1972 advance agreements negotiated by the Army and 8 of 62 advance agreements negotiated by the Air Force included the contractor's 1973 IR&D and B&P programs.

The timeliness of the technical evaluation may directly affect the negotiation date of the advance agreement since this information should be available for use by the negotiator. When current technical evaluations are not available, the Air Force inserts a clause in the agreement which provides that the negotiated ceiling represents an interim agreement pending an evaluation of the contractor's current year program. The clause provides that, if the current year's technical rating is less than the rating used in the interim agreement (usually the previous year's rating), the Air Force can reopen the agreement to negotiate an appropriate reduction.

Recommendation

DOD should continue to emphasize the desirability of negotiating advance agreements either prior to cost incurrence or early in the contractor's fiscal year. DOD should also seek alternate means of solving this problem, such as using more multiyear agreements and using prior year evaluations for current year negotiations with subsequent adjustments (upward as well as downward) as necessary.

Need for consistency in technical evaluation debriefing procedures

There is no uniform policy as to whether a debriefing will be given to a contractor following an onsite technical review. As a result, each service has a different practice. The Navy does not debrief the contractor, but the Air Force conducts a detailed briefing. The Army practice is somewhere in between.

Six of the seven contractors included in our review received an onsite technical evaluation during 1972. The seventh contractor had received an onsite review in late 1971. Only two of the seven contractors were given both a timely and a meaningful debriefing, another contractor was given a general debriefing 6 months after the evaluation, and four contractors did not receive any debriefing.

The onsite review provides DOD with firsthand knowledge of the quality of IR&D efforts and maintains technical communication between DOD and the contractor. If properly conducted, the onsite review, coupled with more detailed debriefing procedures, can give the contractor valuable insight into how a major customer views its IR&D efforts. The contractor can then improve the quality and change its IR&D programs to better meet the needs of DOD.

After our review the Office of the Director of Defense Research and Engineering implemented a policy whereby each contractor will be debrifed when the onsite technical review is completed. The debriefing will include a discussion of the quality of the contractor's IR&D program, covering any major problems and what should be done by the contractor to improve its program.

In view of the action taken by that Office, we are not making any recommendation.

Cost sharing

ASPR 15-205.35, as revised in April 1972, states in section (d)(1)(D) that:

Ceilings are the maximum dollar amounts of total costs for IR&D work that will be allowable for allocation to all work of that part of the company's operation covered by an advance agreement. Within the ceiling limitations contractors will not be required to share IR&D costs * * *.

This section of ASPR was to assure the contractor that DOD would accept an allocable share of the contractor's IR&D costs which do not exceed the negotiated ceiling. We recognize that contractors frequently spend more than the agreed ceiling, presumably where such expenditures are expected to benefit the company in the long run. To the extent that the ceiling is exceeded, the contractor must absorb the excess cost.

The Navy is practicing a form of cost sharing by requiring the contractor to exceed the ceiling negotiated. Fr example, the Navy negotiated a ceiling of $29.7 million with one contractor on the basis of the contractor's proposed program of $35 million for 1972. The Navy said it expected the contractor to spend $32.7 million, or $3 million above the negotiated ceiling. The Navy negotiator stated that he felt the contractor would exercise better program control because of its increased financial participation. He stated that, if the contractor did not spend the full $32.7 million, this would be considered in the negotiation of the subsequent year's ceiling.

We were advised that the Navy negotiates all of its advance agreements with similar understandings.

In our opinion, this practice has the effect of negotiating two ceilings, one for the contractor which requires cost sharing and a lower one for DOD reimbursement purposes. We believe that it is the company's prerogative to exceed a ceiling if it so desires, but the Navy practice of forcing cost sharing is contrary to the ASPR provision.

Recommendation

DOD should insure compliance with the intent of the ASPR provision which prohibits cost sharing within the ceiling.

Need for consistent negotiation procedures and records

We examined numerous negotiation records to determine the various factors used to establish contractors' ceilings. We found that negotiators' files are frequently incomplete, and do not specify how ceilings are determined. The files may show the factors considered but do not show the dollar effect of each factor. These factors also vary among and within the services; these inconsistencies have resulted in inequities to some contractors.

In its draft report, the IR&D Policy Council recognized the need to develop uniform negotiation guidelines, criteria, and policies for negotiators to insure similar treatment for all contractors. Contractors have stated that this is a major weakness in DOD's administration of IR&D.

The IR&D Policy Council's findings support our observations. The following information was extracted from its draft report.

The factors considered by the DOD in reviewing contractors to determine reasonableness of IR&D and B&P costs included a four year historical review and one to three year projections of the following data submitted by each contractor:

IR&D costs.
B&P costs.
Sales.
Allocation Base Data.
Customer Mix.
Product Line Information.
Mix of Contracts.
Burdening Procedures.
IR&D Technical Effort.
B&P Technical Information.

Other data considered include the following:

Departmental Budgets.
General Business Trends.
Reliability of Contractor Estimates.
Potential Relationship of Contractor Program to DOD Needs.
Technical Evaluation.
Ceilings.

Use of these factors helps provide some uniformity of approach to determining the reasonable level of governmental participation in contractor's programs. The weights given to the factors identified above vary considerably, however, between Departments, among contractors, reviewed, and from year to year.

Procedurally, all contractors are supposed to receive uniform treatment of their IR&D and B&P costs. The same data are requested from all contractors; the negotiation objectives are derived from the analysis of these data.

Despite procedural intent, all contractors may not, in fact, receive uniform treatment. Each service considers the factors described above in different ways. For all services, the considerations are basically subjective, and thus the danger of inconsistency is great. No overall guidelines have been developed within or between the services. It appears, for instance, that the ceilings established in recent years by Navy negotiators have been generally somewhat higher in proportion to proposed programs than those established by Army and Air Force negotiators. Furthermore, even within the Services, treatment has not always been consistent. In the case of the Air Force, for example, the major factor considered in establishing the government's negotiation position has been the previous year's ceiling of the contractor. This policy has tended to perpetuate any inequities already existing.

The negotiation process also results in IR&D reimbursement being partially based on the effectiveness and tenacity of the contractor's negotiator. A contractor with an excellent technical program, but an agreeable negotiator, will accept a lower relative ceiling than a contractor with a poorer program and a more aggressive negotiator. This may result in cancellation of a portion of an excellent program and expansion of the poor program over a period of years. Quantification (to at least some degree) of the process for determining the government's negotiation position would alleviate this problem.

Recommendations

The IR&D Policy Council's draft report clearly outlines the problems confronting negotiators in their attempts to establish reasonable ceilings. We recommend that, in accordance with the Policy Council's suggestion, DOD establish uniform negotiation procedures and policies for negotiators to aid in the consistent and equal treatment of contractors. We also recommend that DOD require the services to maintain negotiation files which record the rationale and show the dollar effect of the factors considered in establishing the ceiling. Such records would provide a documentary reference against which a contractor's progress in technical merit and other factors could be measured and used in future negotiations.

PMR reviews

Section 203 states that payments cannot be made unless IR&D and B&P projects have PMR. Tests for PMR are made on a before-the-fact and an after-the-fact basis. Before-the-fact reviews are performed to determine the relevancy of proposed projects and to establish a dollar ceiling for such costs. Because the contractors' proposed program changes throughout the year, after-the-fact PMR reviews are performed to give final assurance that the costs spent on PMR projects equal or exceed DOD's allocable share.

The before-the-fact review of B&P is inadequate; it appears to be of little help to the negotiator. The lack of detailed B&P data submitted by a contractor is a problem inherent with the nature of B&P itself. The contractor is not fully cognizant of all B&P projects which may develop during the year, and those anticipated may be postponed or may not materialize. We noted that no before-the-fact PMR determinations were performed for about 16 percent of the 1972 advance agreements negotiated by the Army, the Air Force, and the Defense Supply Agency.

Timing of after-the-fact reviews depends to a great extent on the contractor because the Government cannot perform such reviews until the contractor submits after-the-fact data. Time limits have not been established for the submission of a contractor's after-the-fact data or for when DOD will perform its after-the-fact tests.

Conclusion

After-the-fact reviews are seldom completed in time to be of much value to a contractor or to a negotiator in establishing the subsequent year's advance agreement ceiling.

At the present time, contractors have no real assurance that DOD will share in the cost of certain projects, especially B&P, because they may or may not be considered to have PMR. This is not known until the after-the-fact reviews have been performed.

Recommendation

In conjunction with our recommendation that advance agreements be negotiated prior to cost incurrence (see p. 20), we also recommend that DOD perform after-the-fact relevancy reviews as soon as possible after the close of the contractor's fiscal year to provide additional data for subsequent negotiations.

CHAPTER 6. INDUSTRY VIEWS ON THE TREATMENT OF IR&D AND B&P COSTS UNDER PUBLIC LAW 91-441

Comments of contractors visited

We asked the seven contractors to give their views on DOD's implementation of section 203 and the impact of the law on their IR&D and B&P programs. Comments on the law's impact are in some respects preliminary, since audits have not been completed and amounts of recovery have not been finalized.

Some of the contractors noted that the requirements of section 203 are more restrictive than previous requirements. Although most of the contractors would not state that DOD has used the law to negotiate reduced ceilings for IR&D and B&P, they were concerned about the strong authority the statute gave DOD. Contractors cited DOD's authority to decide ceilings; if the contractors do not accept DOD's ceiling, they are limited to no more than 75 percent of the amount to which they are otherwise entitled as determined by the contracting officer.

The contractors feel that the most repressive aspect of the law is the PMR or relevancy requirement which the statute added. They believe that the requirement is not susceptible to precise definition or interpretation.

No contractor identified specific projects which had been dropped from IR&D programs as a result of the PMR requirement; however, they generally agreed that new projects had been screened out by contractors in favor of those projects which tended to satisfy a near-term military requirement. They feel that limiting the independence of IR&D is not in the best national interests and that the requirement should either be dropped or broadened to encompass any project undertaken in the Government's interest.

All of the contractors replied that DOD's efforts to insure compliance have increased the amounts of time and money spent by the companies and DOD.

PMR

The contractors believe that the PMR requirement is unclear and subject to arbitrary interpretation. For example, one contractor expressed the need for a reasonable, realistic set of guidelines, since the national interest would be served best by a rule-of-reason or, even more so, by complete elimination of the relevancy test.

Another contractor stated that, since no instructions or definitions have been published, DOD personnel have used a limited interpretation, imposing an immediate requirement for a DOD product only. This contractor believes that limiting its technological efforts to military needs will not be in the best interests of the Government or the Nation in the long run. Other contractors expressed similar sentiments.

We asked the contractors if the PMR test had forced them to drop IR&D and B&P projects. One contractor replied that it had not undertaken certain new IR&D projects and had not spent what it might otherwise have spent on established projects because of the PMR provision. The contractor did not wish to provide specific examples.

None of the other contractors reported that they had dropped projects because of the PMR requirement. However, one contractor reported that it was screening out projects in the planning stages and that its technical people were undoubtedly not proposing efforts they might have proposed if, in their opinion, it would be difficult to prove PMR. This contractor suggested that section 203 be modified to allow reimbursement for any project which has a potential Government relationship.

Another contractor stated that, in the long run, the PMR requirement may inhibit initiation and request for authorization of projects directed to solutions of nonmilitary problems. A third contractor saw an added deterrent to the pursuit of opportunities for applying defense/aerospace technologies to solution of problems in the civil sector.

Military Relevancy and NASA

One contractor foresaw a potential problem when a contractor's work is for both DOD and NASA. For a number of years DOD and NASA have recognized the commonality of procurements by joining in the negotiation of overhead and advance agreements. There frequently is a disparity between the amount of IR&D and B&P effort applicable to a specific customer in a given year and in the overhead base upon which such costs are allocated to the customer. However, DOD, NASA, and industry have recognized that these disparities are temporary and, in the long run, application of IR&D and B&P costs through overhead would result in equitable treatment to all parties.

Under the relevancy requirement, some costs incurred for related IR&D and B&P for DOD or NASA in a given year, although otherwise acceptable, may not be reimbursed. If such costs exceed the share allocable to that particular customer on a percentage-of-sales basis and cannot be shared by the other customer because of nonrelevancy, they could be disallowed. According to this contractor, the problem is further compounded when a contractor does work for other Government agencies as well.

Another contractor stated that the PMR requirement was unreasonable in that B&P expenditures did not parallel the sales mix in any given year. In 1 year, one-third of this contractor's sales were to NASA and most of the B&P expenditures were for proposals for military aircraft. If IR&D and B&P costs allowed to be allocated to NASA had been limited to projects that had NASA relevance, the contractor's ability to bid on the military aircraft programs would have been restricted. Similarly in a later year, 80 percent of sales were to DOD and most B&P funds were expended on a NASA program. If this program had not had military application, the contractor's effort would have been adversely affected.

Reduced IR&D and B&D Ceilings

Although none of the contractors flatly stated that DOD had used the law to reduce its IR&D and B&P payments, some were concerned that this has been the effect. A contractor informed us that it had been subjected to arbitrary disallowances of otherwise reasonably incurred and allocable IR&D and B&P costs on DOD contracts. The contractor said this is contrary to DOD's policy of reimbursing contractors for DOD's share of such expenditures.

The other contractors are also concerned with the strong authority available to DOD. One contractor noted that, although the law does not specifically provide for arbitrary levels in the amount of allowable IR&D and B&P costs, its implementation results in such a policy.

This contractor said that DOD negotiators have unfair leverage because DOD's implementation procedures provide that a major contractor without an advance agreement not receive more than 75 percent of the amount to which the company would be en-

titled with an advance agreement. The contractor also cited an appeal procedure which it considered less fair than the normal recourse to the Armed Services Board of Contract Appeals. It also pointed to a clause in the advance agreement which calls for a downward-only adjustment in the ceiling if the technical rating is lower than a stipulated rating based on prior experience.

Another contractor stated that it has accepted reduced ceilings as a result of negotiations conducted in a reasonable and businesslike manner. Nevertheless, the contractor is concerned with the extent of authority the statute and ASPR grant to DOD.

Advance ceiling on B&P

Several contractors advised us that the requirement for including a B&P ceiling in the advance agreement is unrealistic.

One contractor believes that the requirement for an advance agreement ceiling on B&P costs is not equitable; that B&P efforts cannot be determined months in advance; and that, by attempting to do so, the contractor's bidding efforts are limited during a given year.

A second contractor also believes that B&P should not be part of the advance agreement. Unlike B&P, IR&D programs are planned in advance, primarily on the basis of prior years' successes and failures, and are susceptible to planning and control. Actual B&P efforts required during any year, however, may differ greatly from what was planned. Major requests for proposals may be issued, canceled, or reissued in a time frame which was not anticipated in the planning, budgeting, and negotiation of advance agreements. The results could cause a serious overrun of the negotiated ceiling.

Increased Administrative Costs

All seven contractors advised us that the increased emphasis on technical evaluations and PMR reviews had increased administrative costs for them and DOD. Four of the seven contractors furnished estimates which showed, cumulatively, increased annual costs of between $500,000 and more than $1 million. The other three contractors did not attempt to quantify the amount that their expenditures have risen.

One contractor is concerned with increases in indirect costs attributable to the voluminous documentation and the expensive professional time devoted to the IR&D reviews DOD requires. The contractor contends that annual expenditures have very little, if any, positive impact on the productivity of IR&D and B&P programs but, nevertheless, have increased three-fold since implementation of the new statute.

Another contractor said that the law placed more emphasis on the technical evaluation of the contractor's IR&D program. Since the rating is one of the factors considered in setting the dollar ceiling in the advance agreement, the contractor has to display its work to the DOD evaluators in sufficient depth and detail to receive an equitable rating. Generation of this technical documentation involves a much greater iterative effort between investigators and the administrative staff, with substantial increased costs not readily susceptible to quantitative measurement.

A third contractor stated that, in addition to preparing an additional brochure to satisfy the advance PMR review, it has to analyze each IR&D and B&P project actually performed to permit postaudit of its potential relationship.

A fourth contractor estimated that it has incurred between $50,000 and $100,000 in additional annual costs because of the law, but it feels that it now has beetter management control of its programs.

A fifth contractor stated that it is spending a great deal of time complying with demands for (1) preparing preliminary and final technical brochures, (2) furnishing data for the DOD IR&D technical data bank, (3) responding to technical, administrative, and auditing requirements, (4) communicating with all levels of Government in support of IR&D, and (5) presenting and arguing relevancy of projects. The contractor stated that this effort could cost up to $750,000 in some years.

Views of Council of Defense and Space Industry Associations

The Council of Defense and Space Industry Associations (CODSIA) advised us on November 21, 1972 (see app. II), that sufficient time has not elapsed to fully assess all implications of section 203. Industry has experienced only the negotiation of advance understandings, not the full cycle of actual cost recovery. Nevertheless, CODSIA finds that certain significant trends are continuing.

CODSIA believes that it has become increasingly clear that the statute will detrimentally affect the national interest and that this effect is contrary to recent concern expressed by some members of Congress and the executive branch. CODSIA cited, as an example, the President's mesage on science and technology which stressed the need for technology advancement in solving many of the critical domestic and environmental problems facing the Nation.

CODSIA stated that its member companies continue to question the need for a statutory constraint or limitation on selected segments of overhead costs—in particular, on IR&D and B&P costs. The companies feel that the natural forces of competition, close management controls, and Government scrutiny insure the reasonableness of IR&D and B&P expenditure levels.

PMR requirement

CODSIA believes that the PMR requirement has a repressive effect on highly innovative research and development and that appropriate corrective action should be taken. Its arguments were similar to those of the contractors we visited.

1. A narrow interpretation of PMR inevitably reduces the focus of projects to those emphasizing today's military problems.

2. The PMR test materially restrains the solution of critical problems in nondefense areas.

3. The PMR test seriously impedes and erodes the independent ingredient in contractor-funded research and development programs and proposal efforts which may contribute to high-priority national objectives.

4. The program content is affected because proposed projects are screened out by company management at an early stage to make the program responsive to the requirements of section 203.

Arbitrary Reduction of Proposed Costs

CODSIA believes that, although the Congress desired an improved understanding and control of IR&D and B&P costs, it recognized that continuing such efforts was in the national interest.

According to CODSIA, its companies feel that DOD has interpreted the legislation as a mandate from the Congress for continued yearly reductions in the national total of such expenditures, irrespective of national needs and priorities. CODSIA feels that DOD has used this assumed mandate to establish internal pricing objectives which result in arbitrarily imposed ceilings. This often results in cost sharing of otherwise reasonably incurred and allocable IR&D and B&P expenses. This, coupled with threat of a penalty for failure of agree, has resulted in a reduction in the total amount of recovery.

CODSIA submitted tables showing that real dollar totals for IR&D have declined about 8 percent since 1969. However, the direct man-hour effort has decreased by 24 percent over 3 years. Recognizing the growing national need, CODSIA believes that this decline in technical effort should not be compounded by a narrow interpretation of congressional desires.

Technical Evaluation

CODSIA informed us that using brochures for reviews required considerable time and effort of scientists and engineers and cost much more than onsite reviews. There is evidence that onsite evaluations result in a substantially better understanding by the Government of a contractor's technical activities.

Because DOD's technical ratings are used in establishing dollar ceilings for IR&D work, CODSIA believes the key problem to be solved is how DOD and the contractors can obtain an economical but effective review of at least the key elements of a contractor's program. CODSIA supports DOD in looking for improvements in this area.

Our evaluation of industry comments

Our review showed that the statute in general and the PMR requirement in particular have not had any measurable effect on DOD's reimbursements to defense contractors for their IR&D and B&P expenditures. DOD's payments declined in 1970 and 1971, and CODSIA views this decline as a result of the repressive effect of section 203. A recent DOD study, however, attributed these reductions in IR&D and B&P spending to economic conditions. Our analyses of the correlation between increases and decreases in contractors' sales to DOD and payments for IR&D and B&P supports the DOD study.

Where contractors have accepted reduced ceilings in the negotiation process, it cannot be conclusively determined that these reductions are any more attributable to DOD's interpretation of the law than to economic considerations or the quality of the proposed program. The PMR requirement has not affected the dollar amounts of the negotiated ceilings. This was true for the seven contractors we visited and we were advised that this has been the case for every contractor with an advance payment.

Since enactment of section 203, contractors have referred to vital projects in the national interest which have been dropped from proposed programs because of the PMR requirement. None of the seven selected contractors or CODSIA, however, provided specific examples to support such comments.

We specifically inquired at three companies identified for us by CODSIA. However, company officials could not or would not provide examples of projects they had screened out as nonrelevant, as had been cited in CODSIA's letter. We were advised that company projects had generally been eliminated because (1) short-range payoff potential was lacking, (2) an excessive amount of resources were required to implement the projects, or (3) the projects were not in line with the company's business plan.

We concur that clarification of the intent of the PMR requirement would be helpful. As stated in our April 1972 report, almost any project could be determined to have PMR, even though it may be primarily for commercial or nondefense purposes. We could find no evidence, however, that the requirement has had a repressive effect in view of the lack of dollar impact on contractors' ceilings.

The contractors' contention that IR&D and B&P efforts are emphasizing short-term military needs to the detriment of long-range technology may be valid, whether due to PMR or economic considerations. This appears to be a legitimate concern which we are considering for further study. (See p. 37.)

CHAPTER 7. RECOMMENDATIONS

Although considerable work is being done to comply with section 203, numerous problems still exist. We recognize that some improvements can be made within the law, and we are making recommendations to DOD. We are also recommending to the Committee that any changes in the law be deferred.

Recommendations to the Secretary of Defense

We recommend that DOD improve the administration of contractors' IR&D and B&P programs by:

Giving guidance to the services which will lead to greater uniformity in determinations of PMR. Such consistent treatment of contractors will provide them with a basis for being more responsive to DOD's requirements in formulating and managing their programs. (See p. 14.)

Emphasizing timely negotiation of advance agreements, prior to cost incurrence or early in the contractor's fiscal year, to provide the contractor and DOD with an understanding of the costs the Government will accept for reimbursement. (See p. 20.)

Establishing uniform negotiation procedures and policies so contractors will receive consistent treatment regardless of which service acts as negotiator. (See p. 25.)

Establishing guidelines that require a quantification of the technical quality of contractors' programs to be uniformly recognized in the negotiation of ceilings with reward or penalty as appropriate. (See p. 18.)

Requiring the services to maintain complete negotiation files which record the rationale and show the dollar effect of the factors considered in establishing the ceiling. (See p. 25.)

Eliminating the practice of requiring contractors to spend more than the agreed-to ceiling, since ASPR prohibits cost sharing. (See p. 22.)

Providing for more timely review of contractors' after-the-fact data, especially of B&P costs, to aid the contractors in expeditiously completing their transactions in a businesslike manner and to provide a basis for subsequent negotiations. (See p. 26.)

Recommendations to the Committee

Our April 1972 report suggested that the Congress clarify section 203. Since issuance of that report, however, the Government's support of IR&D and B&P has been the subject of several intensive studies. Although there obviously are many problems associated with determining DOD's optimum share of contractors' IR&D and B&P, no clear-cut alternative has been devised which would warrant any change in the present statute at this time.

We therefore are recommending that changes in the law be deferred pending thorough consideration of these studies and the suggestions for improvements and alternative actions emanating from them. We plan to use the studies and to continue our examination of the area, considering such matters as:

Recent recommendations by the Commission on Government Procurement which, if implemented, would affect all Government agencies and their acceptance of contractors' IR&D and B&P programs. (See app. III.)

Recommendations under consideration by the IR&D Policy Council to improve DOD's management of its IR&D and B&P programs.

Inequities that may arise when contractors spin off to commercial cost centers products developed under IR&D efforts in cost centers primarily engaged in defense/space work, wherein DOD and NASA absorb most of the IR&D costs.

Concerns expressed by representatives of smaller companies not required to enter into advance agreements about the inequity of applying DOD's formula approach to determine the reasonableness of their IR&D and B&P expenditures. They feel that the cent sales and IR&D and B&P costs incurred, is inadequate for young, fast-growing companies. They contend that their right to appeal for an advance agreement is too burdensome and costly. Our study did not include such companies. We plan to look into this matter.

Alternative means of insuring equitable allocation of IR&D and B&P costs. NASA officials are concerned about the impact that DOD's relevancy test could have on NASA and its contractors. Contractors have expressed concern that, if other Federal agencies applied their own relevancy tests to IR&D and B&P, it could lead to accounting complexities and exclusion from any Government reimbursement of some IR&D and B&P costs believed by the contractor to be legitimate.

Concerns of Government agencies and contractors about the trend toward increased short-term IR&D and B&P efforts with a corresponding reduction in longer range and innovative research and development. Reasons cited for this trend include the relevancy requirement, tighter Government scrutiny of IR&D, excess capacity in the defense/areospace industry, and the discretion given defense contractors to interchange IR&D and B&P effort. We want to consider whether the influence of these factors on IR&D and B&P programs has reduced the contractors' incentives for innovative technical effort.

We believe that our examination of such areas of concern will assist the Congress in any future assessment of section 203.

CHAPTER 8. SCOPE OF REVIEW

Our review was directed primarily to determining DOD's progress in implementing section 203, the impact of the relevancy test on contractors, and the reasonableness of the test's application. We also inquired into contractors' concerns to determine whether the restrictions implied by the relevancy test are valid or whether it is only the threat of this constraint causing concern.

Our review covered the treatment of IR&D and B&P efforts at seven major defense contractors—one under the direction of the Army, two under the Navy, three under the Air Force, and one under the Defense Supply Agency. Two contractors were carryovers from our 1971 review, and five were new contractors to provide the coverage requested.

We examined DOD's policies, practices, and procedures for compliance with the legislation. We reviewed records and obtained information from officials responsible for the management and administration of IR&D and B&P in DOD; the Departments of the Army, the Navy, and the Air Force; and the Defense Supply Agency. We also reviewed statistics concerning negotiated advance agreements for 1971 and 1972, contractors' data, and Defense Contract Audit Agency reports. We held numerous discussions with appropriate DOD, military, and contractor personnel at both the field and headquarters levels.

We obtained the views of CODSIA and of contractors included in our examination. We examined the Commission on Government Procurement's recommendations concerning IR&D and B&P and the results of a DOD study directed by the IR&D Policy Council.

Due to time limitations, we did not obtain formal comments on this report from the Secretary of Defense, although we did discuss the report with DOD officials. They agreed in general with our findings and recommendations, and we noted their comments where appropriate.

APPENDIX I

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., June 5, 1972.

Hon. ELMER B. STAATS,
Comptroller General of the United States,
General Accounting Office,
Washington, D.C.

DEAR MR. STAATS: Reference is made to your report number B-167034 dated April 17, 1972, covering Independent Research and Development as implemented by the Department of Defense pursuant to Section 203 of the Fiscal Year 1971 Military Procurement Authorization Act.

The subject report indicated that because DOD implementation had not been completed when the review was made, it was still too early to make a conclusive evaluation of either the actions taken or the effects of the provisions of Section 203. To provide the Committee with a more current and complete status of implementation of Section 203, it is requested that a further examination of these matters be conducted, including the sampling of the activities of additional contractors who were not previously covered.

A report of findings, including appropriate comments and recommendations, should be submitted by March 1, 1973, for consideration of any further actions which may be appropriate in conjunction with the review of the fiscal year 1974 budget. The report also should address recommendations made in the previous report, which have not been acted upon by the Congress, if such recommendations are still valid in the light of more current and complete information.

Sincerely,

JOHN C. STENNIS.

APPENDIX II

COUNCIL OF DEFENSE AND SPACE INDUSTRY ASSOCIATIONS (CODSIA),
November 21, 1972.

Mr. OSMUND T. FUNDINGSLAND,
Assistant Director, Procurement and Systems Acquisition Division, U.S. General Accounting Office, Washington, D.C.

DEAR MR. FUNDINGSLAND: This is in response to your letter of August 23, 1972 requesting the views of the Council of Defense and Space Industry Associations (CODSIA) on Section 203, Public Law 91-441, concerning Independent Research and Development (IR&D) and Bid and Proposal (B&P) costs, and related implementation by the Department of Defense.

Our CODSIA letter of January 31, 1972 to Mr. Lincicome of the GAO, advised that sufficient time had not then elapsed to assess accurately all of the effects of Section 203 and DoD's implementation. Sufficient time still has not elapsed to assess fully all of the implications. Industry has experienced only the negotiation of advance understandings, not the full cycle of actual cost recovery from such understandings. Nevertheless, certain trends continue which are of such significance that consideration should be given to them promptly.

Responsive to your inquiry on the law, it has become increasingly clear that the statute will have a detrimental effect upon the national interest. This effect is contrary to the more recently expressed concerns of the Executive Branch as well as by members of the Congress. For example, in his historic Message to the Congress, March 16, 1972 on Science and Technology, the President stressed the need for technology advancement in solving problems not only for defense but for increased productivity in our national economy and for solution of many of our critical domestic and environmental problems which face the nation. Also in respect to the law, our member companies continue to question the need for a statutory constraint or limitation on selected segments of overhead costs and, in particular, on IR&D and B&P costs. The natural forces of competition, close management controls, and government scrutiny, assure the reasonableness of IR&D and B&J expenditure levels.

We indicated in our January 31, 1972 letter that some evidence of potentially harmful effects of the legislation and DoD's implementation were emerging. Some of these effects are now clearer as contractors continue to encounter the problems discussed below. It is urged that appropriate action be taken promptly to correct these inequities.

1. THE REPRESSIVE EFFECT OF THE REQUIREMENT FOR A POTENTIAL MILITARY RELATIONSHIP UPON HIGHLY INNOVATIVE R&D

A most serious concern regarding statutory

and regulatory constraints is the repressive effect of statutory requirement that IR&D and B&P have a "potential relationship to a *military* function or operation."

Any attempt to determine the usefulness of IR&D and B&P work on the basis of a military relationship test inevitably focuses on *today's* military problems. This leads to a progessively restrictive interpretation of what constitutes "related" IR&D and B&P and therefore places undue emphasis on meeting only the known military requirements. Such a narrow interpretation is evidenced by DoD determinations that IR&D and B&P costs are not "potentially relevant" when the customer is non-military even though the product or service does not have a definite potential relationship to a military function or operation.

Additionally, the potential relationship test will materially restrain the solution of critical national domestic problems in such fields as pollution, transportation, health, and housing. Through recent activities, mentioned earlier, the legislative and executive branches have recognized that technological advance is vital to solving these domestic problems as well as providing for a strong economy, both of which impact on the security of the United States. Therefore, an anomaly exists in the military relationship test of P.L. 91-441 that, whether intended or not, seriously impedes and erodes the vital independent ingredient in contractor funded research and development programs and proposal efforts which may contribute significantly to attaining these high priority national objectives.

The GAO report of April 17, 1972 errs in its conclusion that the test requirement has had no negative effect on non-military oriented effort "because the cost of projects found to be non-related has been relatively insignificant." The report did not deal with the fact that the content of IR&D and B&P programs can be adversely affected prior to their formal submission for DoD scrutiny and evaluation. Proposed IR&D is screened-out as non-related by company management at an early stage of its IR&D program formulation in order to make its program responsive to the requirements of P.L. 91-441. It does not take long before the system becomes conditioned. Engineers and scientists will then more and more refrain from proposing work which may be difficult to prove to be "potentially related." It is this cumulative, repressive effect that industry regards as highly inimical to the national interests, and irreconcilable with increasing Congressional and Presidential concerns to stimulate the transfers of defense technology to the solution of problems in the civilian sector and to encourage private sector research and development.

In summary, the restrictive nature of the statutory requirement is contrary to broader national interest. It is strongly recommended that the statute be amended to replace the military relationship test with a requirement for potential relationship *to the interest of the U.S. Government.*

2. ARBITRARY REDUCTION OF CONTRACTOR'S PROPOSED IR&D AND B&P PROGRAM COSTS RECOVERABLE UNDER GOVERNMENT CONTRACTS

It is clear that while Congress desired an improved understanding and control of IR&D and B&P expenditures recoverable under DoD contracts, it further recognized that continuance of such efforts is in the national interest. Unfortunately, experience shows that many DoD people are laboring under the impression that Congress in desiring better "control" has, in fact, mandated a continuing yearly reduction in the national total of IR&D and B&P costs reimbursed to contractors irrespective of national needs and priorities. With this assumed "mandate" as a guide, and despite long established DoD technical evaluation criteria and allowability criteria, such reductions have been primarily accomplished by establishing internal DoD pricing objectives which result in arbitrarily imposed ceilings which often result in cost sharing of otherwise reasonably incurred and allocable IR&D and B&P expenses.

The selective use of this arbitrary technique, coupled with the threat of "failure to agree" (discussed in our letter of January 31, 1972), results in a reduction in the total amount of IR&D and B&P costs recovered under DoD contracts.

The actual dollar reductions reflect only part of the real impact of these cost reductions upon technical effort. As shown in the attached chart (TAB A), the dollar totals for IR&D and B&P have declined some 8% (in real dollars) since 1969. However, the additional effects of increased costs for labor and materials and rising overhead rates (as a consequence of the decline in business level) have combined to reduce the direct manhour effort by 24% over the three years. This serious decline in technical effort is a very disturbing trend, especially when recognized as being a reduction of a vital national resource.

In summary, in view of the growing recognition of the national need to maintain and advance technology, the inevitable attrition of technical effort due to rising costs must not be compounded by narrow interpretation of Congressional desires.

3. TECHNICAL EVALUATION OF IR&D PROGRAM

The April 17 GAO report states: "In view of the time and cost required to make on-site reviews, we believe that after a contractor's program has once been subjected to a thorough onsite review, the annual reliance thereafter on paper (brochure) reviews augmented periodically with on-site reviews, is a reasonable practice." This conclusion overlooks the fact that much time and effort are spent endeavoring to state, clearly and concisely, the objective and technical approach being pursued by a contractor's principal scientists and engineers. As a consequence, the total costs, in many cases, for brochure preparation, publications, and supporting services, far exceed the more visible costs normally associated with on-site reviews. Conversely, the lack of discussion and the corresponding need to anticipate and address the evaluator's every question, when the paper (brochure) review is the only medium of communication, usually result in inadequate reviewer understanding. Further, the government reviewer's ability to offer constructive comment on the contractor's work is limited to a sentence or two on his IR&D project evaluation form, and such comments may never reach the contractor. There is evidence that on-site evaluations results in a substantially better understanding by the government of contractor's technical activities than can be drawn solely from brochures and related data banks.

It is clearly in the national interest to provide for an effective two way flow of technical evaluation information. The use of the DoD established technical rating by the DoD negotiators in establishing dollar ceilings for IR&D work makes this imperative. Thus, the key problem to be addressed is how to obtain an economical but effective review of at least the key elements of a contractor's IR&D program. It is understood that the DoD is now considering improved ways of conducting technical evaluations, and our member companies strongly support improvement in this area.

We have not provided specific examples to support our comments since such case examples frequently would require disclosure of information which companies consider private. In all probability, some examples may have already been furnished to GAO representatives during the selected company audits now underway. However, other individual member companies of the CODSIA will be pleased to furnish your field auditors with such examples if that should be necessary.

CODSIA appreciates the opportunity to comment once again upon Section 203, P.L. 91-441 and its implementation, and to have our letter made a part of the GAO report to Congress. CODSIA representatives will be available to discuss our letter and to clarify any aspects. Please do not hesitate to contact us if you desire further information.

Very truly yours,

JAMES G. ELLIS,
Defense Liaison Department, Motor Vehicle Manufacturers Assn.

J. A. CAFFIAUX,
Staff Vice President, Electronic Industries Assn.

KARL G. HARR, Jr.,
President, Aerospace Industries Assn.

JOSEPH M. LYLE,
President, National Security Industrial Assn.

GEORGE E. LAWRENCE,
Executive Vice President, Scientific Apparatus Makers Assn.

ROBERT E. LEE,
President, National AeroSpace Services Assn.

EDWIN M. HOOD,
President, Shipbuilders Council of America.

JOHN C. BECKETT,
WEMA.

APPENDIX III

RECOMMENDATIONS ON IR&D AND B&P AND DISSENTING POSITIONS AS SUMMARIZED BY THE COMMISSION ON GOVERNMENT PROCUREMENT

Recommendation 10. Recognize in cost allowability principles that independent research and development (IR&D) and bid and proposal (B&P) expenditures are in the Nation's best interests to promote competition (both domestically and internationally), to advance technology, and to foster economic growth. Establish a policy recognizing IR&D and B&P efforts as necessary costs of doing business and provide that:

(a) IR&D and B&P should receive uniform treatment, Government-wide, with exceptions treated by the Office of Federal Procurement Policy.

(b) Contractor cost centers with 50 percent or more fixed-price Government contracts and sales of commercial products and services should have IR&D and B&P accepted as an overhead item without question as to amount. Reasonableness of costs for other contractors should be determined by the present DOD formula with individual ceilings for IR&D and B&P negotiated and trade-offs between the two accounts permitted.

(c) Contractor cost centers with more than 50 percent cost-type contracts should be subject to a relevancy requirement of a potential relationship to the agency function or operation in the opinion of the head of the agency. No relevancy restriction should be applied to the other contractors.

Dissenting position 1

A number of Commissioners [1] do not support the concept presented as the Commission position, although they accept the opening paragraph and subparagraph (a) of Recommendation 10. They believe that the propriety and feasibility of subparagraphs (b) and (c) are questionable. Their opinion is that subparagraph (b), if adopted, would result in increased costs of between $50 million and $100 million annually. Furthermore, it may encourage contractors to realign their organizations in order to quality under the 50-percent rule, thus leading to even greater annual DOD costs for IR&D.

Under subparagraph (c), a number of small companies (particularly those engaged in research and development work) may fail to qualify under the 50-percent rule and thus would become subject to the test of relevancy. They conclude that this subparagraph would complicate administration of the program

[1] Commissioners Chiles, Holifield, Horton, Staats, and Webb.

and would penalize these small business firms.

Dissenting Position 1 is intended to retain the current DOD procedure covering IR&D and B&P costs, which was adopted pursuant to Section 203 of the Fiscal Year 1971 Military Procurement Authorization Act. Subparagraph (d) was added in the dissenting position to enable the Government to obtain assurance that IR&D and B&P costs are allowable, as explained below.

Dissenting Recommendation 10. Recognize in cost allowability principles that IR&D and Bid and Proposal expenditures are in the Nation's best interests to promote competition (both domestically and internationally), to advance technology, and to foster economic growth. Establish a policy recognizing IR&D and B&P efforts as necessary costs of doing business and provide that:

(a) IR&D and B&P should receive uniform treatment, Government-wide, with exceptions treated by the Office of Federal Procurement Policy.

(b) Allowable projects should have a potential relationship to an agency function or operation in the opinion of the agency head. (These will be determined in the negotiation of advance agreements with contractors who received more than $2 million in IR&D and B&P payments during their preceding fiscal year.)

(c) Agency procurement authorization and appropriation requests should be accompanied by an explanation as to criteria established by the agency head for such allowances as well as the amount of allowances for the past year.

(d) A provision should be established whereby the Government would have sufficient access to the contractor's records for its commercial business to enable a determination that IR&D and B&P costs are allowable.

(e) In all other cases, the present DOD procedure of a historical formula for reasonableness should be continued.

(f) Nothing in these provisions shall preclude a direct contract arrangement for specific R&D projects proposed by a contractor.

Dissenting Position 2

One commissioner [2] believes that in addition to the prime and dissenting recommendations mechanisms exist that, if adequately explored, may offer reasonably acceptable solutions to the IR&D dilemma.

He believes the current IR&D process is an attempt to balance the need to stimulate innovation against the need for reasonable control over the funds channeled into such R&D endeavor, and the argument that funds spent to finance IR&D effort cycle back into the economy is in many ways valid and desiring of much broader understanding.

To meet this objective he proposes eleven alternative devices that should be explored on a test case basis, either singly or in various combinations, by various agencies to determine their suitability as mechanisms to replace the current IR&D and B&P procedure. Commissioner Sampson also recommends that these alternatives be explored.

[2] Commissioner Sanders.

APPENDIX IV

SUMMARY OF PERTINENT I.R. & D. AND B. & P. COST INFORMATION FOR THE 7 CONTRACTORS REVIEWED

[Dollar amounts in millions]

Contractor, responsible negotiating organization, and year	Month of final agreement: Month	Year	Proposed program	Negotiated ceiling: Amount	Negotiated ceiling: Percent of program
A—Army:					
1970	May	1970	$39	$37	94
1971	October	1971	39	37	94
1572	April	1972	39	34	87
B—Navy:					
1970	August	1970	34	31	90
1971	August	1971	35	31	89
1972	June	1972	35	33	93
C—Navy:					
1970	June	1970	9	8	85
1971	March	1971	7	7	99
1972	March	1972	9	8	89
D—Air Force:					
1970	March	1970	45	35	76
1971	December	1971	$35	$28	81
1972	April	1972	39	34	86
E—Air Force:					
1970	August	1970	31	26	83
1971	June	1971	32	26	81
1972	December	1971	32	28	87
F—Air Force:					
1970	December	1970	6	6	89
1971	December	1971	7	6	82
1972	November	1972	11	7	66
G—Defense Supply Agency:					
1970	December	1970	3	2	61
1971	December	1971	6	5	84
1972	July	1972	6	6	100

APPENDIX IV

SUMMARY OF PERTINENT I.R. & D. AND B. & P. COST INFORMATION FOR THE 7 CONTRACTORS REVIEWED—Continued

[Dollars in millions]

Technical evaluation: Score	Technical evaluation: Scale used	Sales [1]: Total sales	Sales [1]: DOD sales	Sales [1]: DOD percent	Percentage of ceiling to total sales
Not available	Not available	$758	$577	76	5
2.4	4 point	758	583	77	5
Not available	Not available	780	645	83	4
(2)	(2)	973	739	76	3
(2)	(2)	770	618	80	4
(2)	(2)	740	596	81	4
54.8	100 point	103	72	70	8
63.0	100 point	116	69	60	6
7.12	10 point	165	95	58	5
3.68	5 point	409	288	70	9
3.70, 6.50	5 and 10 point	513	413	81	5
Not available	10 point	745	562	75	5
3.7	5 point	760	735	97	3
3.62	5 point	714	673	94	4
6.41	10 point	647	600	93	4
3.56	5 point	176	173	98	3
3.44, 6.09	5 and 10 point	166	161	97	4
7.55	10 point	216	212	98	3
3.0	5 point	73	52	72	3
3.0	5 point	75	53	71	7
2.7	5 point	80	56	70	8

[1] 1972 sales are estimates.

[2] A composite technical evaluation score was *not furnished* to the Navy contractor negotiator.

Mr. McINTYRE. Mr. President, I have introduced a substantial volume of information for the RECORD which will be available for the convenience of the Senate. However, at this time I would like to summarize the significance of these documents and highlight their contents.

First, to summarize the financial data reported by the Department of Defense, the amount of payments to contractors for I.R. & D. and B. & P., and including OTE for comparability, as reported a year ago, was $754 million for 1969, $714 million for 1970, and $673 million for 1971. The Department of Defense estimated that 1972 would be within a few percentage points of the amount reported for 1971.

The revised amount for 1971 is $668 million, which is approximately the same as the $673 million estimated for 1971 last year, and covers 77 contractors. On a comparable basis, the current estimate for 1972, covering the same 77 contractors, amounts to $738 million, an increase of $70 million over 1971. The Department of Defense has provided an analysis titled "Comparison of 1971–72 I.R. & D., B. & P., OTE and Reconciliation of Differences." I ask unanimous consent that this analysis be printed at this point in the RECORD.

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

COMPARISON OF 1971–72 I.R. & D., B. & P., OTE AND RECONCILIATION OF DIFFERENCES

[In millions of dollars]

	1971 preliminary, 84 contractors	1971 final, 77 contractors	1972, 77 contractors	1971–72 difference (decrease), (7) contractors
I.R. & D. + B. & P.–DOD share	$627	$619	$704	$85
OTE costs–DOD share	46	49	34	(15)
Total–DOD share	673	668	738	70

Reconciliation of differences

IR&D+B&P+OTE:	
Difference in Total DOD Share 1971 to 1972	$70
Less: Increase due to burdening in 1972	$32
Net increase in IR&D/B&P due to increased expenditures	$38
Percent of increase over 1971 (38÷668)	5.7
IR&D+B&P (excludes OTE):	
Difference in Total DOD share 1971 to 1972	$85
Less: Increase due to burdening	$32
Increase due to reclassifying OTE expenses to IR&D/B&P	$12.44
Net increase due to increased expenditures	$41
Percent of increase over 1971 (41÷619)	6.6

1. Part 2 of the IR&D/B&P Report to Congress provides data on the IR&D/B&P costs of defense contractors and the amounts reimbursed by the Department of Defense (DOD share). The report furnished a year ago covered 84 contractors while the report furnished this past March included information on 77. The reduction from 84 to 77 is due to the fact that in 1972 fewer contractors either incurred $15 million or more of auditable cost or required 4000 or more manhours of DCAA audit effort.

2. The report of last year (84 contractors) showed that for 1971 the DOD share for IR&D/B&P was $627 million. In addition, information on OTE was also furnished showing a DOD share of $46 million. This made a total of $673 million.

3. In the report recently furnished the 1971 data was updated. This later information shows the DOD share of IR&D/B&P to be $619 million as compared to the $627 million above. The change reflects not only revised information but the reduced number of contractors. Information on OTE also has been updated and shows the DOD share to be $49 million as compared to $46 million. Thus the updated total for DOD share of IR&D/B&P/OTE is $668 million.

4. The 1972 data furnished in the latest report shows the IR&D/B&P share for DOD to be $704 million. Information received on OTE shows the DOD share to be $34 million. Adding this to the IR&D/B&P makes a total of $738 million as compared to the $668 million for 1971. These figures ($738 million for 1972 and $668 million for 1971) are directly comparable since they pertain to the same 77 contractors.

5. The increase in the total IR&D/B&P/OTE from 1971 to 1972 is caused by two factors. The first is an increase of $32 million in burdening as explained in note "A" on page 1 of the DCAA report. The remainder, $38 million, reflects some increased expenditures of contractors for IR&D and B&P and a slight decrease in OTE expenditures. The net effect is a 5.7% increase, but the validity of this comparison is questionable since IR&D/B&P costs include some OTE costs that do not relate to IR&D/B&P costs. A better comparison would be to consider only the IR&D/B&P costs for each year.

6. The difference between IR&D/B&P costs for 1971 and 1972 is $85 million when OTE is excluded. Analysis of this increase shows that it includes the $32 million of additional burden as discussed above and also includes $12 million that has been reclassified from OTE to IR&D/B&P. The remaining $41 million represents increased expenditures for IR&D and B&P or a 6.6% increase of these costs over 1971. It appears reasonable to conclude that the 6.6% is about the amount required to offset increases caused by inflation.

7. It will be noted that while these increases for burdening, for OTE reclassification, and for inflation were taking place, contractors were experiencing a reduction in sales, both to the government and to other contractors. This smaller base for distributing costs caused the ratio of IR&D/B&P costs to sales to increase. In the short term, such fluctuations are to be expected, but when contractors do not demonstrate the ability to find new business, subsequent IR&D/B&P ceilings negotiated by the DOD will have to be reduced to a level corresponding to the lower levels of business activity.

8. The present cost principles with their revised definitions of IR&D and B&P are proving to be effective in causing OTE to be purged of IR&D and B&P type costs. These new cost principles became effective for most contractors in 1972. In some few cases the new cost principles did not become effective until 1973. In any event all contractors are now required to comply with these regulations. Under the circumstances, IR&D or B&P expenses are not expected to be found classified under other account names (generally referred to as OTE) in the future. If they are, the costs will be reclassified into the IR&D or B&P accounts before they are considered for allowance.

9. With IR&D and B&P costs properly classified there is no longer any reason to continue gathering information under the heading of "Other Technical Effort" (OTE). The term is not well defined, but vaguely refers to a wide variety of overhead efforts that require some type of technical support. The DCAA has therefore planned to discontinue accumulating this information in the future.

Mr. McINTYRE. Mr. President, from this DOD analysis it is apparent that the relationship between the 1971 and 1972 amounts is much closer than a simple comparison of dollar amounts would indicate. In fact, the Department of Defense advises informally that aside from increases due to inflation, the estimate for calendar year 1973 should approximate that reported for 1972.

It is also noteworthy that total expenditures for 1972 of $738 million are lower than the $754 million reported for 1969. If inflation is taken into account, the amount for 1972 would be significantly lower than this $16 million difference.

The Department of Defense also states that no significant policy changes have been made involving implementation of the I.R. & D./B. & P. legislation, and the existing policies are resulting in full compliance with the law.

Mr. President, let me quote the recommendations made in the General Accounting Office report concerning matters to be considered by the Armed Services Committee, and I quote:

In its prior report, GAO suggested that the Congress clarify section 203. Since then, however, the Government's support of IR&D and B&P has been the subject of several intensive studies.

"GAO does not recommend that any changes be made in the law at this time, pending thorough consideration of the results of these studies and the suggestions for improvements and alternative actions which emanated from them. GAO plans to use these studies and to continue its examination of the area, considering such matters as:

Recommendations on IR&D and B&P by the Commission on Government Procurement and dissenting positions.

Recommendations from a study by DOD's IR&D Policy Council.

Possible inequities to the Government when contractors develop products under IR&D programs in defense/space cost centers and market them in commercial cost centers.

Concerns of industry that some smaller companies receive inequitable treatment.

Alternative means of insuring equitable allocation of IR&D and B&P costs.

Upward trends in contractors' B&P expenditures and a corresponding reduction in innovative IR&D, which could possibly adversely affect the national industrial technology base."

Mr. President, from the volume of material that I have provided for the RECORD, and from the statements that I have made it is clear that substantial and satisfactory progress has been made during the past year in further implementing the provisions of section 203. It is also clear, however, that while there is general satisfaction to date in the Department of Defense and in industry, with some qualifications, as stated in the GAO report, additional time is needed to complete the implementing actions and acquire more experience as a basis for any changes which may be indicated as necessary to existing law. The General Accounting Office is in agreement with the need for additional time, and has expressed its intention to continue with its examination of this subject.

I will continue to monitor the performance of the Department of Defense and report to the Senate as appropriate.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

ORDER FOR TIME LIMITATION ON S. 590

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as S. 590, a bill to require that future appointments of certain officers in the Executive Office of the President be subject to confirmation by the Senate, is called up and made the pending business before the Senate, there will be a time limitation thereon of 2 hours, to be equally divided between the Senator from Illinois (Mr. PERCY) and the Senator from Missouri (Mr. SYMINGTON); that there be a time limitation on any amendments, debatable motions, and appeals of one-half hour on each, and that all time be divided and controlled in accordance with the usual form.

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

The text of the unanimous-consent agreement reads as follows:

Ordered, That, during the consideration of S. 590, a bill to require that future appointments of certain officers in the Executive Office of the President be subject to confirmation by the Senate, 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: *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.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the Senator from Illinois (Mr. Percy) and the Senator from Missouri (Mr. Symington).

ORDER FOR TIME LIMITATION ON S. 70

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as S. 70, a bill to promote commerce and establish a Council on Energy Policy, is called up and made the pending business before the Senate, there be a time limitation for debate thereon of 2 hours, the time to be equally divided and controlled between the Senator from South Carolina (Mr. HOLLINGS) and the Senator from New Hampshire (Mr. COTTON); that the time on any amendment thereto, debatable motion or appeal be limited to 30 minutes; provided, however, that on an amendment by the Senator from Minnesota (Mr. HUMPHREY), there be a 1-hour limitation, the time to be equally divided between the mover of the amendment and the manager of the bill, the Senator from South Carolina (Mr. HOLLINGS), and that all time be divided and controlled in accordance with the usual form.

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

ORDER FOR TIME LIMITATION ON REA FINANCING CONFERENCE REPORT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on the conference report on the REA Finance bill there be a time limitation of 20 minutes, to be equally divided between and controlled by the distinguished Senator from South Dakota (Mr. MCGOVERN) and the distinguished Senator from Vermont (Mr. AIKEN).

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

ORDER FOR RECOGNITION OF SENATOR GRIFFIN TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees have been recognized under the standing order, the distinguished Senator from Michigan (Mr. GRIFFIN) be recognized for not to exceed 15 minutes.

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

ORDER FOR CONSIDERATION OF THE REA CONFERENCE REPORT AND A VOTE THEREON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, following the remarks of the Senator from Michigan (Mr. GRIFFIN) on tomorrow, the Senate proceed to the consideration of the conference report on the REA financing bill and that a vote occur on that conference report at 11:45 a.m.

This would mean, Mr. President, that quite possibly there would be a little more than 20 minutes on the conference report.

Mr. President, I, therefore, modify the time limitation on the conference report to provide that the time limitation on the debate on the conference report be limited to not less than 20 minutes.

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

ORDER FOR CONSIDERATION OF LEAD-BASED PAINT POISONING PREVENTION ACT TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, following the vote on the motion to invoke cloture on tomorrow—in the event the motion to invoke cloture does not prevail—the Senate proceed to the consideration of Calendar No. 121, a bill to amend the Lead-Based Paint Poisoning Prevention Act, and that upon the disposition of that bill, the Senate proceed to the consideration of Calendar No. 122, a bill to establish a National Institute on Health Delivery Care; that the unfinished business be temporarily laid aside and remain in a temporarily laid aside status until the close of business tomorrow or until Calendar No. 122 has been disposed of, whichever is the earlier.

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

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, it is my understanding that there is no opposition to either of these bills, Calendar No. 121 or Calendar No. 122, and that in reality they were cleared for unanimous consent action. However, the author of the bill, S. 607, has a statement he wishes to make on the bill.

It may very well be that statements would also be made on the second bill, S. 723, Calendar No. 122.

Mr. President, I have no further unanimous-consent requests at this time.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 11 a.m. After the two leaders or their designees have been recognized under the standing order, the distinguished assistant Republican leader, the Senator from Michigan (Mr. GRIFFIN), will be recognized for not to exceed 15 minutes.

At no later than the hour of 11:25 a.m., the Senate will proceed to the consideration of the conference report on the REA financing measure.

A vote will occur on the adoption of the conference report at 11:45. That vote, although the yeas and nays have not been ordered, will be a rollcall vote. The time for the vote, being 15 minutes, will expire at 12 o'clock noon.

At the hour of 12 o'clock noon, the Senate will resume its consideration of the unfinished business, S. 352, the so-called Voter Registration Act, and the 1 hour for debate on the motion to invoke cloture will begin running at 12 o'clock noon. At 1 p.m., a mandatory quorum call will begin. Upon the establishment of the presence of a quorum, the Senate will then proceed to the automatic vote on the motion to invoke cloture. That vote will occur at 10 or 15 minutes after 1 p.m. tomorrow.

If the vote on the motion to invoke cloture should fail, the Senate will then proceed to the consideration of S. 607, an amendment to the Lead-Based Paint Poisoning Prevention Act. That bill will be followed by S. 723, a bill to establish a National Institute of Health Care Delivery. Other business may also be transacted tomorrow.

The unfinished business will remain in a temporarily laid aside status until the disposition of those two measures or until the close of business tomorrow, whichever is the earlier.

If the motion to invoke cloture is adopted, the Senate will then proceed to the consideration of the unfinished business, in accordance with the rule, to the exclusion of other business.

ADJOURNMENT TO 11 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 a.m. tomorrow.

The motion was agreed to; and at 5:48 p.m., the Senate adjourned until tomorrow, Wednesday, May 9, 1973, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate May 8, 1973:

DIPLOMATIC AND FOREIGN SERVICE

Charles S. Whitehouse, of Virginia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Laos.

IN THE MARINE CORPS

First Lt. William D. Rusinak, U.S. Marine Corps, for appointment to the grade of captain.

IN THE AIR FORCE

The following-named officers for promotion in the U.S. Air Force, under the appropriate provisions of chapter 839, title 10, United States Code, as amended:

LINE OF THE AIR FORCE

Major to lieutenant colonel

Aaron, George B., [redacted].
Abbott, Joseph S., Jr., [redacted].
Abel, Jerry L., [redacted].
Abel, David R., [redacted].
Abernathy, John B., [redacted].
Acker William L., Jr., [redacted].
Adams, Floyd P., [redacted].
Adams, James H., [redacted].
Adams, Robert S., [redacted].
Adams, Thomas R., [redacted].
Adams, Willis A., [redacted].
Adcox, Alfred W., [redacted].
Agnor, Albert S., III, [redacted].
Ahlborn, John F., [redacted].
Aho, Arthur C., Jr., [redacted].
Akerlund, Edward T., [redacted].
Akers, Ronald L., [redacted].
Akin, John C., [redacted].
Albertson, Robert L., [redacted].
Albrecht, John R., [redacted].
Albrecht, Ronald L., [redacted].
Alewine, Martin A., Jr., [redacted].
Alexander, Fernando, [redacted].
Alexander, Jack L., [redacted].
Alexander, Jimmie M., [redacted].
Alley, Gerald W., [redacted].
Allington, Maynard F., [redacted].
Allred, Ralph L., [redacted].
Allsman, Gerald F., [redacted].
Ames, Ivan G., [redacted].
Anderson, Alan H., [redacted].
Anderson, Arthur H., [redacted].
Anderson, Calvin C., [redacted].
Anderson, Dana R., [redacted].
Anderson, Floyd R., [redacted].
Anderson John S., [redacted].
Anderson, Marcus A., [redacted].
Anderson, Neil R., [redacted].
Anderson, Philip J., [redacted].
Anderson, William G., [redacted].

Andrews, John F., xxx-xx-xxxx
Andrews, Leonard E., xxx-xx-xxxx
Anessi, Thomas J., xxx-xx-xxxx
Angell, Jerry W., xxx-xx-xxxx
Anonsen, Charles E., xxx-xx-xxxx
Applegate, James E., xxx-xx-xxxx
Armistead, Samuel E., Jr., xxx-xx-xxxx
Armstrong, Wallace O., xxx-xx-xxxx
Arnau, Robert R., xxx-xx-xxxx
Arnold, Albert G., xxx-xx-xxxx
Ashley, Clifford B., xxx-xx-xxxx
Ashley, Donald L., xxx-xx-xxxx
Atkinson, Corinne G., xxx-xx-xxxx
Atterberry, Edwin L., xxx-xx-xxxx
Aunan, Wallace N., xxx-xx-xxxx
Ayres, James H., xxx-xx-xxxx
Baca, Manuel J., Jr., xxx-xx-xxxx
Bache, Ronald H., xxx-xx-xxxx
Baer, Richard T., xxx-xx-xxxx
Bagwell, Robert E., xxx-xx-xxxx
Bailey, Bruce M., xxx-xx-xxxx
Baird, Orville B., xxx-xx-xxxx
Baird, Richard L., xxx-xx-xxxx
Baker, Charles L., xxx-xx-xxxx
Baker, Duane A., xxx-xx-xxxx
Baker, William E., xxx-xx-xxxx
Bale, William F., xxx-xx-xxxx
Ball, James P., xxx-xx-xxxx
Bald, Ronald L., xxx-xx-xxxx
Baltzell, Robert E., xxx-xx-xxxx
Banholzer, Alfred E., II, xxx-xx-xxxx
Banner, Hastings W., xxx-xx-xxxx
Bannon, Paul W., xxx-xx-xxxx
Banta, John W., xxx-xx-xxxx
Barbay, Lawrence, xxx-xx-xxxx
Barbel, Richard C., xxx-xx-xxxx
Barckhoff, Richard L., xxx-xx-xxxx
Barger, James S., xxx-xx-xxxx
Barger, Philip J., xxx-xx-xxxx
Barikmo, Norman M., xxx-xx-xxxx
Barker, Cole W., xxx-xx-xxxx
Barlow, Robert C., xxx-xx-xxxx
Barndt, Stephen E., xxx-xx-xxxx
Barnes, John C., xxx-xx-xxxx
Barnes, Thomas B., xxx-xx-xxxx
Barnes, William A., xxx-xx-xxxx
Barnette, Benjamin H., Jr., xxx-xx-xxxx
Barnt, Pat E., xxx-xx-xxxx
Barnum, Charles W., Jr., xxx-xx-xxxx
Barrett, Archie D., xxx-xx-xxxx
Barrett, John C., xxx-xx-xxxx
Barry, Daniel P., xxx-xx-xxxx
Bartels, Allan E., Jr., xxx-xx-xxxx
Bartlett, Ronald A., xxx-xx-xxxx
Bartlett, Russell H., xxx-xx-xxxx
Basel, Gene I., xxx-xx-xxxx
Bass, Stanley A., xxx-xx-xxxx
Bates, John A., xxx-xx-xxxx
Bates, Neil G., xxx-xx-xxxx
Bathke, Robert K., xxx-xx-xxxx
Batts, James S., xxx-xx-xxxx
Baumann, Paul K., xxx-xx-xxxx
Baumann, Walter G., xxx-xx-xxxx
Bavousett, Conrad L., xxx-xx-xxxx
Baxter, Robert H., xxx-xx-xxxx
Bays, Brooks G , xxx-xx-xxxx
Beale, Robert E., xxx-xx-xxxx
Beck, Lyle A., xxx-xx-xxxx
Beckett, Ronald C., xxx-xx-xxxx
Beckham, Donald D., xxx-xx-xxxx
Beeble, Peter, xxx-xx-xxxx
Beers, Alva E., xxx-xx-xxxx
Belcher, Ronald H., xxx-xx-xxxx
Belford, Willis A., Jr., xxx-xx-xxxx
Bell, William D., xxx-xx-xxxx
Belles, Robert G., xxx-xx-xxxx
Benet, Lorenzo P , Jr., xxx-xx-xxxx
Bennett, William T , Jr., xxx-xx-xxxx
Benson, Frederick J. R., xxx-xx-xxxx
Bergman, Erwin, xxx-xx-xxxx
Bergstein, Robert A., xxx-xx-xxxx
Bernd, David P., xxx-xx-xxxx
Bernert, George W., xxx-xx-xxxx
Bethea, Herman R., xxx-xx-xxxx
Beyer, Douglas A., xxx-xx-xxxx
Bigelow, Daniel J., xxx-xx-xxxx
Bigham, Larry J., xxx-xx-xxxx
Billy, George J., xxx-xx-xxxx
Binford, Richard L., xxx-xx-xxxx
Bingham, Jack E., xxx-xx-xxxx
Birchman, Clifton A., xxx-xx-xxxx
Bird, John R., xxx-xx-xxxx
Birt, Joseph A., xxx-xx-xxxx
Bischoff, Keith M., xxx-xx-xxxx
Bishop, Erastus N., xxx-xx-xxxx
Bishop, Richard F., xxx-xx-xxxx
Bishop, Warren E., xxx-xx-xxxx
Bithell, Wayne, xxx-xx-xxxx
Bitton, John B., xxx-xx-xxxx
Bjornson, Loren F., xxx-xx-xxxx
Blackwell, James R., xxx-xx-xxxx
Blair, George A., xxx-xx-xxxx
Blaisdell, Allan C., xxx-xx-xxxx
Blaker, William A., xxx-xx-xxxx
Blanch, Claude, C., xxx-xx-xxxx
Blankenship, Jesse L., xxx-xx-xxxx
Blanton, William, I., Jr., xxx-xx-xxxx
Blaufuss, Philipp R., xxx-xx-xxxx
Blaylock, Bobby G., xxx-xx-xxxx
Blom, Roger L., xxx-xx-xxxx
Boatwright, Charles A., xxx-xx-xxxx
Bohlen, George A., xxx-xx-xxxx
Bond, Doyle H., Jr., xxx-xx-xxxx
Bond, Parker L., xxx-xx-xxxx
Bond, Robert L., xxx-xx-xxxx
Bond, Ronald A., xxx-xx-xxxx
Bonner, William T., Jr., xxx-xx-xxxx
Bonnette, John C., xxx-xx-xxxx
Borland, Jack G., xxx-xx-xxxx
Boston, Leo S., xxx-xx-xxxx
Boulware, Robert H., xxx-xx-xxxx
Bourcier, Lucien E., xxx-xx-xxxx
Bourgeois, Gerald F., xxx-xx-xxxx
Bowen, Phillip K., xxx-xx-xxxx
Bower, James N., xxx-xx-xxxx
Bowlden, Max S., xxx-xx-xxxx
Bowles, Neil H., xxx-xx-xxxx
Bowman, Robert M., xxx-xx-xxxx
Boyd, John T., xxx-xx-xxxx
Bozeman, Gerald E., xxx-xx-xxxx
Bracken, Edward R., xxx-xx-xxxx
Bradach, Bernard, xxx-xx-xxxx
Bradberry, Harold E., xxx-xx-xxxx
Bradbury, John N., xxx-xx-xxxx
Braden, Robert H., xxx-xx-xxxx
Bradley, Bruce V., xxx-xx-xxxx
Bradley, Edgar A., xxx-xx-xxxx
Bradley, Martin G., xxx-xx-xxxx
Bradley, Mitchell H., xxx-xx-xxxx
Bradshaw, John B., xxx-xx-xxxx
Brahan, Marvin L., xxx-xx-xxxx
Branan, Carl K., xxx-xx-xxxx
Branby, Harlan E., xxx-xx-xxxx
Branch, James A., xxx-xx-xxxx
Branch, Leonard J., xxx-xx-xxxx
Brandau, Robert E., xxx-xx-xxxx
Brandli, Henry W., xxx-xx-xxxx
Branham, Ruel K., xxx-xx-xxxx
Brant, Raymond F., xxx-xx-xxxx
Brashear, William J., xxx-xx-xxxx
Braun, Cecil O., xxx-xx-xxxx
Brazelton, Douglas W., xxx-xx-xxxx
Breaud, Alfred A. Jr., xxx-xx-xxxx
Brecher, James D., xxx-xx-xxxx
Breedlove, William D, Ill, xxx-xx-xxxx
Brees, Anton D., xxx-xx-xxxx
Brestel, Max C., xxx-xx-xxxx
Brewer, George A. III, xxx-xx-xxxx
Bridges, John R., xxx-xx-xxxx
Briggs, Roger M., xxx-xx-xxxx
Bright, Mahrlon R., xxx-xx-xxxx
Brininstool, Edward P., xxx-xx-xxxx
Britos, Peter J., xxx-xx-xxxx
Brittain, Charles R., xxx-xx-xxxx
Broberg, Paul W., xxx-xx-xxxx
Brockman, Lawrence E. Jr., xxx-xx-xxxx
Brog, David, xxx-xx-xxxx
Brookbank, David A., xxx-xx-xxxx
Brooks, Donald L., xxx-xx-xxxx
Brooks, Kenneth L., xxx-xx-xxxx
Brooks, Richard L., xxx-xx-xxxx
Brooks, William W., xxx-xx-xxxx
Broske, Bernard J., xxx-xx-xxxx
Broussard, Ray E., xxx-xx-xxxx
Brown, Billy J., xxx-xx-xxxx
Brown, Charles L., xxx-xx-xxxx
Brown, Clarence E. Jr., xxx-xx-xxxx
Brown, Donald N., xxx-xx-xxxx
Brown, James T. Jr., xxx-xx-xxxx
Brown, Ralph L., xxx-xx-xxxx
Brown, Richard A., xxx-xx-xxxx
Brown, Richard C., xxx-xx-xxxx
Brown, Robert M., xxx-xx-xxxx
Brown, Troy M., xxx-xx-xxxx
Brown, Walter T., Jr., xxx-xx-xxxx
Bruce, Robert B., xxx-xx-xxxx
Brunton, Jack D., xxx-xx-xxxx
Bucciarelli, Marco A., xxx-xx-xxxx
Buckland, Frank P., Jr., xxx-xx-xxxx
Bucko, Edward P., xxx-xx-xxxx
Buddi, John F., Jr., xxx-xx-xxxx
Budzowski, Benjamin M., xxx-xx-xxxx
Buglewicz, Francis J., Jr., xxx-xx-xxxx
Bumgarner, Robert R., xxx-xx-xxxx
Burbey, Gene P., xxx-xx-xxxx
Burer, Arthur W., xxx-xx-xxxx
Burger, Jack T., xxx-xx-xxxx
Burke, Donald M., xxx-xx-xxxx
Burkett, Theodore J., xxx-xx-xxxx
Burnthorne, Bryan R., xxx-xx-xxxx
Burton, Kenneth E., xxx-xx-xxxx
Busbee, John H., xxx-xx-xxxx
Bush, Clarence H., Jr., xxx-xx-xxxx
Bush, Kenneth, xxx-xx-xxxx
Bussell, Gerald Q., xxx-xx-xxxx
Bustle, Lawrence E., Jr., xxx-xx-xxxx
Butcher, Donald S., xxx-xx-xxxx
Butcher, Paul C., xxx-xx-xxxx
Butera, James L., xxx-xx-xxxx
Butkewicz, Peter J., xxx-xx-xxxx
Butler, Gregory J., xxx-xx-xxxx
Butler, Henry M., III, xxx-xx-xxxx
Butschek, Robert J., xxx-xx-xxxx
Byrd, William C., xxx-xx-xxxx
Byrus, Robert L., xxx-xx-xxxx
Cable, Dick A., xxx-xx-xxxx
Cahoon, John E., Jr., xxx-xx-xxxx
Caldwell, Troy L., xxx-xx-xxxx
Caley, Don C., xxx-xx-xxxx
Calkin, Maynard S., Jr., xxx-xx-xxxx
Callis, David M., xxx-xx-xxxx
Calvert, Donald R., xxx-xx-xxxx
Cameron, Alex D., xxx-xx-xxxx
Campbell, Ralph N., xxx-xx-xxxx
Canney, Paul J., xxx-xx-xxxx
Cannon, Daniel P., xxx-xx-xxxx
Canterbury, George A., Jr., xxx-xx-xxxx
Caras, Franklin A., xxx-xx-xxxx
Cardosi, John C., xxx-xx-xxxx
Carleton, Joseph M., Jr., xxx-xx-xxxx
Carlson, Milo L., xxx-xx-xxxx
Carlton, James E., xxx-xx-xxxx
Carney, Jack L., xxx-xx-xxxx
Carr., Benny M., xxx-xx-xxxx
Carr, Bruce L., xxx-xx-xxxx
Carr, Richard E., xxx-xx-xxxx
Carroll, Gary K., xxx-xx-xxxx
Carroll, Harvey C., Jr., xxx-xx-xxxx
Carson, Harold E., Jr., xxx-xx-xxxx
Carson, James D., xxx-xx-xxxx
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William E. Wilson, Jr., 549207942, for appointment in the temporary grade of lieutenant colonel, under the provisions of section 8444, title 10, United States Code, with date of rank to be determined by the Secretary of the Air Force.

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Rutkowski, Joseph F., xxx-xx-xxxx
Samouce, Warren A., xxx-xx-xxxx
Schiesser, Charles, xxx-xx-xxxx
Schultz, Paul E., xxx-xx-xxxx
Schuver, Rudy P., xxx-xx-xxxx
Selby, Carman T., xxx-xx-xxxx
Shallcross, George, xxx-xx-xxxx
Shields, Roger J., xxx-xx-xxxx
Short, Frisco W., xxx-xx-xxxx
Simkus, Anthony P., xxx-xx-xxxx
Simmons, John E., xxx-xx-xxxx
Singletary, R. M., xxx-xx-xxxx
Skaff, Joseph J., xxx-xx-xxxx
Skeen, Henry G., xxx-xx-xxxx
Small, Harold I., xxx-xx-xxxx
Smith, James D., xxx-xx-xxxx
Smith, James D., xxx-xx-xxxx
Smith, Scott B., xxx-xx-xxxx
Solomon, Robert D., xxx-xx-xxxx
Spinks, Raymond F., xxx-xx-xxxx
Stewart, Bernard L., xxx-xx-xxxx
Stillions, Eugene L., xxx-xx-xxxx
Stockelman, James C., xxx-xx-xxxx
Stone, Howard F., xxx-xx-xxxx
Stotser, George R., xxx-xx-xxxx
Stouffer, Clair J., Jr., xxx-xx-xxxx
Strong, William R., xxx-xx-xxxx
Stubblebine, Albert, xxx-xx-xxxx
Swygert, Donald R., xxx-xx-xxxx
Tanner, Eugene P., xxx-xx-xxxx
Taylor, Arthur E., Jr., xxx-xx-xxxx
Thrasher, Billy J., xxx-xx-xxxx
Tipton, John H., Jr., xxx-xx-xxxx
Todd, Edgar F., xxx-xx-xxxx
Toepel, Adalbert E., xxx-xx-xxxx
Toner, Francis J., xxx-xx-xxxx
Tow, James L., xxx-xx-xxxx
Turner, James M., Jr., xxx-xx-xxxx
Turner, Robert C., xxx-xx-xxxx
Tyson, Wallace S., xxx-xx-xxxx
Underhill, George R., xxx-xx-xxxx
Underwood, Bibb A., xxx-xx-xxxx
Utegaard, Rolf W., xxx-xx-xxxx
Vancamp, Joseph L., xxx-xx-xxxx
Vance, Larkin B., xxx-xx-xxxx
Varnum, Charles S., xxx-xx-xxxx
Vivaldi, Joseph R., xxx-xx-xxxx
Vorhies, Harold W., xxx-xx-xxxx
Vuono, Carl E., xxx-xx-xxxx
Wagner, Louis C., Jr., xxx-xx-xxxx
Walker, Jack A., xxx-xx-xxxx
Wallace, Robert J., xxx-xx-xxxx
Wallis, Charles R., xxx-xx-xxxx
Walton, Ben L., xxx-xx-xxxx
Warren, William R., xxx-xx-xxxx
Watson, Robert W., xxx-xx-xxxx
Webb, Harold T., xxx-xx-xxxx
Wells, Don R., xxx-xx-xxxx
Wenn, Kenneth L., xxx-xx-xxxx
Whelan, William E., xxx-xx-xxxx
Willcox, Edward C., xxx-xx-xxxx
Williams, Cyrus L., xxx-xx-xxxx
Williams, James A., xxx-xx-xxxx
Williams, Royce C., xxx-xx-xxxx
Wilson, Dwight L., xxx-xx-xxxx
Wisdom, Donald A., xxx-xx-xxxx
Withers, George R., xxx-xx-xxxx
Woodhansee, John W., xxx-xx-xxxx
Wooley, Wilson C., xxx-xx-xxxx
Wootten, James P., xxx-xx-xxxx
Young, James L., xxx-xx-xxxx
Zimmer, Charles E., xxx-xx-xxxx
Zorn, Jack L., xxx-xx-xxxx

CHAPLAIN

To be colonel

Adickes, Donald K., xxx-xx-xxxx
Brennan, John F., xxx-xx-xxxx
Ettershank, John P., xxx-xx-xxxx
Hulme, John W., xxx-xx-xxxx
McCullagh, John P., xxx-xx-xxxx
Murphy, James J., xxx-xx-xxxx
Quelch, Theodore W., xxx-xx-xxxx
Wichmanowski, Walter, xxx-xx-xxxx

WOMEN'S ARMY CORPS

To be colonel

Hinton, Edith H., xxx-xx-xxxx
Rossi, Lorraine A., xxx-xx-xxxx

MEDICAL CORPS

To be colonel

Bagg, Raymond J., Jr., xxx-xx-xxxx
Bivens, Hollis E., xxx-xx-xxxx
Brownlee, William H., xxx-xx-xxxx
Burham, William A., xxx-xx-xxxx
Bzik, Karl D., xxx-xx-xxxx
Canales, Luis, xxx-xx-xxxx
Cataldo, Joseph R., xxx-xx-xxxx
Cooper, Neill S., Jr., xxx-xx-xxxx
Dinapoli, Raphael J., xxx-xx-xxxx
Doane, David G., xxx-xx-xxxx
Franger, Alfred L., xxx-xx-xxxx
Fulton, Nolen W., Jr., xxx-xx-xxxx
Gamber, Herbert H., xxx-xx-xxxx
Gardner, Richard M., xxx-xx-xxxx
Gastineau, Robert M., xxx-xx-xxxx
Gregory, Kelly G., xxx-xx-xxxx
Gunderson, Carl H., xxx-xx-xxxx
Hagen, Raoul O., xxx-xx-xxxx
Hernandez, Fragoso I., xxx-xx-xxxx
Herrick, Clyde N., xxx-xx-xxxx
Herrington, Peter N., xxx-xx-xxxx
Huott, Archer D., xxx-xx-xxxx
James, Frank K., Jr., xxx-xx-xxxx
Lafollette, Bruce F., xxx-xx-xxxx
McDowell, Frank, Jr., xxx-xx-xxxx
McDowell, Milton K., xxx-xx-xxxx
Mears, William W., xxx-xx-xxxx
Mendelson, Janice A., xxx-xx-xxxx
Meyer, James A., xxx-xx-xxxx
Montegut, Ferdinand, xxx-xx-xxxx
Moten, Franklin C., xxx-xx-xxxx
Muir, Robert W., xxx-xx-xxxx
Nelson, Ronald A., xxx-xx-xxxx
Newton, John K., xxx-xx-xxxx
Nowosiwsky, Taras, xxx-xx-xxxx
Ness, Donald D., xxx-xx-xxxx
Nusynowitz, Martin, xxx-xx-xxxx
Park, Robert C., xxx-xx-xxxx
Pettera, Robert L., xxx-xx-xxxx
Pitcher, James L., xxx-xx-xxxx
Raffety, John E., xxx-xx-xxxx
Reeder, Maurice M., xxx-xx-xxxx
Rich, Norman M., xxx-xx-xxxx
Scheetz, Walter L., xxx-xx-xxxx
Siegal, David L., xxx-xx-xxxx
Simsen, Donald A., xxx-xx-xxxx
Sollie, Stanley C., xxx-xx-xxxx
Stewart, James L., Jr., xxx-xx-xxxx
Tomlinson, Fred B., xxx-xx-xxxx
Treasure, Robert L., xxx-xx-xxxx
Valpey, Jack M., xxx-xx-xxxx
Wegleitner, Mark J., xxx-xx-xxxx
Wettlaufer, John N., xxx-xx-xxxx
Whaley, Robert A., xxx-xx-xxxx
Zurek, Robert C., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be colonel

Bigham, Harral A., xxx-xx-xxxx
Burris, Carshal A., xxx-xx-xxxx
Copeland, Francis A., xxx-xx-xxxx

Fisher, James B., xxx-xx-xxxx.
Gilley, William F., xxx-xx-xxxx.
Howlett, Byron P., Jr., xxx-xx-xxxx.
Huncharek, John, xxx-xx-xxxx.
Kershner, Edward C., xxx-xx-xxxx.
Krueger, George R., xxx-xx-xxxx.
Lask, Alphonse F., xxx-xx-xxxx.
Meadow, Seymour, xxx-xx-xxxx.
Patch, Charles E., Jr., xxx-xx-xxxx.
Pearson, William G., xxx-xx-xxxx.
Schiavone, Albert L., xxx-xx-xxxx.
Territo, Joseph R., xxx-xx-xxxx.
Thompson, John M., Jr., xxx-xx-xxxx.

ARMY NURSE CORPS

To be colonel

Decker, Julia E., xxx-xx-xxxx.
Frazier, Doris, xxx-xx-xxxx.
McLean, Mary F., xxx-xx-xxxx.
Nichols, Glennadee, xxx-xx-xxxx.
Pishak, Irene R., xxx-xx-xxxx.

ARMY MEDICAL SPECIALIST CORPS

to be colonel

Westhoven, Mary F., xxx-xx-xxxx.

VETERINARY CORPS

To be colonel

Trevino, Gilberto S., xxx-xx-xxxx.
Warne, Robert J., xxx-xx-xxxx.

DENTAL CORPS

To be colonel

Amando, Donald S., xxx-xx-xxxx.
Brudvik, James S., xxx-xx-xxxx.
Burger, Robert B., xxx-xx-xxxx.
Call, Robert I., xxx-xx-xxxx.
Cureton, William S., xxx-xx-xxxx.
Cutcher, William S., xxx-xx-xxxx.
Dash, Carl L., xxx-xx-xxxx.
DiPietro, Girard J., xxx-xx-xxxx.
Duncan, Bernard, xxx-xx-xxxx.
Fronsdahl, Donald E., xxx-xx-xxxx.
Gamble, Glen S., xxx-xx-xxxx.
Hall, James B., xxx-xx-xxxx.
Lucksinger, Henry C., xxx-xx-xxxx.
Olson, Robert A., Jr., xxx-xx-xxxx.
Parris, Sam H., xxx-xx-xxxx.
Ross, Lincoln A., Jr., xxx-xx-xxxx.
Shannon, Charles J., xxx-xx-xxxx.
Shaver, Lloyd F., Jr., xxx-xx-xxxx.
Smith, Paul E., xxx-xx-xxxx.
Vatral, John J., xxx-xx-xxxx.
Young, Leslie, Jr., xxx-xx-xxxx.
Zingale, Joseph A., xxx-xx-xxxx.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

ARMY PROMOTION LIST

To be lieutenant colonel

Strum, Major, xxx-xx-xxxx.

ARMY PROMOTION LIST

To be major

Dalton, Joel P., xxx-xx-xxxx.
Priest, William W., xxx-xx-xxxx.
Schwendinger, Charles J., xxx-xx-xxxx.
Shephard, David A., xxx-xx-xxxx.

MEDICAL SERVICE CORPS

To be major

Collman, Richard H., xxx-xx-xxxx.

ARMY NURSE CORPS

To be major

Ebert, Maureen A., xxx-xx-xxxx.

DENTAL CORPS

To be major

Laduzenski, Eugene, xxx-xx-xxxx.

ARMY PROMOTION LIST

To be captain

Anthony, Henry G., Jr., xxx-xx-xxxx.
Beamer, Ralph D., xxx-xx-xxxx.
Bolz, Farrell, xxx-xx-xxxx.
Booterbaugh, Jaul L., xxx-xx-xxxx.
Bratcher, Arnold T., xxx-xx-xxxx.
Brockington, Anthony, xxx-xx-xxxx.
Brown, Clyde C., xxx-xx-xxxx.
Carthage, Phillip G., xxx-xx-xxxx.
Clemens, Judd L., xxx-xx-xxxx.
Crawford, David H., xxx-xx-xxxx.
Cummings, Charles G., xxx-xx-xxxx.
Daniels, Jerry W., xxx-xx-xxxx.
Delaney, Russell J., xxx-xx-xxxx.
Edwards, Kenneth P., xxx-xx-xxxx.
Elders, James F., xxx-xx-xxxx.
Engel, Joseph J., xxx-xx-xxxx.
Evans, Melvin R., xxx-xx-xxxx.
Fields, Harold D., xxx-xx-xxxx.
Fortenberry, Cleveland, xxx-xx-xxxx.
Gerald, Stuart W., xxx-xx-xxxx.
Gibson, Stephen C., xxx-xx-xxxx.
Grassa, Alfred E., xxx-xx-xxxx.
Hagler, Ralph L., Jr., xxx-xx-xxxx.
Harrell, Gary W., xxx-xx-xxxx.
Harris, Nick C., xxx-xx-xxxx.
Harvard, Albert F., xxx-xx-xxxx.
Huchun, Kim, xxx-xx-xxxx.
Jackson, Jesse Jr., xxx-xx-xxxx.
Johnston, Clifford, xxx-xx-xxxx.
Keane, John M., xxx-xx-xxxx.
Kearns, Philip F., xxx-xx-xxxx.
Lackey, Jimmie R., xxx-xx-xxxx.
Lambert, John D., xxx-xx-xxxx.
McCoy, James P., xxx-xx-xxxx.
McWherter, Patrick, xxx-xx-xxxx.
Monahan, Carole, xxx-xx-xxxx.
Pettit, Ronald B., xxx-xx-xxxx.
Pomeroy, Charles J., xxx-xx-xxxx.
Raschke, Phillip E., xxx-xx-xxxx.
Rodgers, Patrick J., xxx-xx-xxxx.
Roland, Clarence H., xxx-xx-xxxx.
Shaw, Robert W., xxx-xx-xxxx.
Skolochenko, Steven, xxx-xx-xxxx.
Smart, Richard F., xxx-xx-xxxx.
Starr, Donald J., xxx-xx-xxxx.
Stubbs, Fred J., xxx-xx-xxxx.
Stutts, Marvin E., xxx-xx-xxxx.
Szubo, Bela III, xxx-xx-xxxx.
Szymanski, James G., xxx-xx-xxxx.
Thomas, Edward R., xxx-xx-xxxx.
Tison, Joseph T., xxx-xx-xxxx.
Vandel, Robert H., xxx-xx-xxxx.
Vanzant, James W., xxx-xx-xxxx.
Vogt, Robert V., xxx-xx-xxxx.
Wilson, Edward L., xxx-xx-xxxx.
Woods, Gerry W., xxx-xx-xxxx.
Workman, Earsal C., xxx-xx-xxxx.
Yeager, Robert W., xxx-xx-xxxx.
Zwirner, Adolf A., xxx-xx-xxxx.

MEDICAL SERVICE CORPS

To be captain

Bearce, Gerald, xxx-xx-xxxx.
Hrubetz, John E., xxx-xx-xxxx.

DENTAL CORPS

To be captain

Divita, Carl L., xxx-xx-xxxx.
Wampole, Harry S., xxx-xx-xxxx.

VETERINARY CORPS

To be captain

Gordon, John C., xxx-xx-xxxx.
Henry, Charles W., Jr., xxx-xx-xxxx.
Kolaja, Gerald J., xxx-xx-xxxx.
Volkmann, Heiko W., xxx-xx-xxxx.

ARMY MEDICAL SPECIALIST CORPS

To be captain

Liu, George K., xxx-xx-xxxx.

ARMY NURSE CORPS

To be captain

Brown, Barbara D., xxx-xx-xxxx.
Dingbaum, Herbert H., xxx-xx-xxxx.
Guilbeault, Jeanne, xxx-xx-xxxx.
Jones, Jane A., xxx-xx-xxxx.
McArthur, Kathleen, xxx-xx-xxxx.
Oliver, Randall L., xxx-xx-xxxx.
Shaffer, Suzanne E., xxx-xx-xxxx.
Wimmer, Sidna P., xxx-xx-xxxx.

IN THE ARMY

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of Title 10, Sections 3370 and 3383:

ARMY PROMOTION LIST

To be colonel

Anderson, C. A., Jr., xxx-xx-xxxx.
Baker, Cornelius O., xxx-xx-xxxx.
Bealke, F. C., Jr., xxx-xx-xxxx.
Bunting, Wilber I., xxx-xx-xxxx.
Capp, Clifton C., xxx-xx-xxxx.
Fee, Richard W., xxx-xx-xxxx.
Flynn, Donald L., xxx-xx-xxxx.
Foster, Ruric W., xxx-xx-xxxx.
Harpainter, Robert, xxx-xx-xxxx.
Jackson, Wayne P., xxx-xx-xxxx.
Jacobs, Gordon B., xxx-xx-xxxx.
Landrith, G. S., Jr., xxx-xx-xxxx.
Liebschutz, S. J., xxx-xx-xxxx.
Mittelstadt, R. J., xxx-xx-xxxx.
Ramsey, Eugene H., xxx-xx-xxxx.
Ryan, Clifford G., xxx-xx-xxxx.
Trubitt, Hillard J., xxx-xx-xxxx.
Wiggins, M. L., Jr., xxx-xx-xxxx.
Yonis, David, xxx-xx-xxxx.

CHAPLAIN

To be colonel

Hanson, Kenneth C., xxx-xx-xxxx.
Parsons, Forest L., xxx-xx-xxxx.

ARMY NURSE CORPS

To be colonel

Amend, Elfrieda L., xxx-xx-xxxx.
Anderson, Betty J., xxx-xx-xxxx.
Anspach, Imogene, xxx-xx-xxxx.
Antonucci, H. H., xxx-xx-xxxx.
Arola, Mamie I., xxx-xx-xxxx.
Balog, Margaret L., xxx-xx-xxxx.
Barnum, Eva J., xxx-xx-xxxx.
Barthelemy, Irene L., xxx-xx-xxxx.
Battle, Cecilia G., xxx-xx-xxxx.
Beaudry, Betty A., xxx-xx-xxxx.
Behnke, Bernice I., xxx-xx-xxxx.
Berglund, Lora E., xxx-xx-xxxx.
Bittenbender, L. K., xxx-xx-xxxx.
Bonner, Eillen M., xxx-xx-xxxx.
Bowman, Esther L., xxx-xx-xxxx.
Brown, Alice P., xxx-xx-xxxx.
Bryant, Stella G., xxx-xx-xxxx.
Burkhardt, Barbara, xxx-xx-xxxx.
Bynum, Jessie W., xxx-xx-xxxx.
Cargill, Eddie M. W., xxx-xx-xxxx.
Chalmers, Wilma G., xxx-xx-xxxx.
Chambers, Dorothy E., xxx-xx-xxxx.
Clorite, Dorothy L., xxx-xx-xxxx.
Condon, Joanna A., xxx-xx-xxxx.
Coopersmith, L. B., xxx-xx-xxxx.
Culver, Margaret J., xxx-xx-xxxx.
Delcarlo, Marianne, xxx-xx-xxxx.
Dickens, Merlyn M., xxx-xx-xxxx.
Eicherly, E. E., xxx-xx-xxxx.
Fager, Mary V., xxx-xx-xxxx.
Fish, Doris M., xxx-xx-xxxx.
Fisher, Virginia M., xxx-xx-xxxx.
Flickinger, William, xxx-xx-xxxx.
Fry, Doris J., xxx-xx-xxxx.
Guerrero, P.G., xxx-xx-xxxx.
Guthrie, Carol, xxx-xx-xxxx.
Harder, Helen I., xxx-xx-xxxx.
Hermeler, Lois C., xxx-xx-xxxx.
High, Jane, xxx-xx-xxxx.
Homewood, Vera M., xxx-xx-xxxx.
Kennedy, Eunice J., xxx-xx-xxxx.
Kleca, Joan M., xxx-xx-xxxx.
Kletke, Lucy E., xxx-xx-xxxx.
Ligon, Ester R., xxx-xx-xxxx.
Macritchie, Mary G., xxx-xx-xxxx.
Martin, Ruby M., xxx-xx-xxxx.
McKenzie, Mary A., xxx-xx-xxxx.
McKeon, Doris P., xxx-xx-xxxx.
McKimmon, Cecelia M., xxx-xx-xxxx.
Mogan, Mary M., xxx-xx-xxxx.
Moore, Alice R., xxx-xx-xxxx.
Mulqueen, Mary G., xxx-xx-xxxx.
Nally, Barbara V., xxx-xx-xxxx.
O'Donnell, Mary I., xxx-xx-xxxx.
Panek, Nellie A., xxx-xx-xxxx.
Platt, Joyce A. H., xxx-xx-xxxx.
Regus, Mary L., xxx-xx-xxxx.
Richardson, Marion, xxx-xx-xxxx.
Ritchie, Jean M., xxx-xx-xxxx.
Satake, Irene A., xxx-xx-xxxx.
Shawver, Leslie E., xxx-xx-xxxx.
Sheehan, Jane P., xxx-xx-xxxx.
Shugart, Ernestine, xxx-xx-xxxx.
Skiffington, Mary M., xxx-xx-xxxx.
Smith, Mildred A., xxx-xx-xxxx.
Stoops, Frances M., xxx-xx-xxxx.
Sullivan, Anne E., xxx-xx-xxxx.
Taczy, Margaret, xxx-xx-xxxx.
Talbert, Virginia, xxx-xx-xxxx.

Timms, Sarah E., xxx-xx-xxxx.
Voorsanger, E. L., xxx-xx-xxxx.
Walker, Minnie S., xxx-xx-xxxx.
Walstead, Pernell I., xxx-xx-xxxx.
Weinman, Wilda M., xxx-xx-xxxx.
Wilkins, Mary L., xxx-xx-xxxx.
Young, Helen J., xxx-xx-xxxx.
Zachar, Hazel Y., xxx-xx-xxxx.
Zalabak, Dorothy E., xxx-xx-xxxx.
Zarnick, Florence A., xxx-xx-xxxx.

DENTAL CORPS

To be colonel

Bargo, Everett V., xxx-xx-xxxx.
Blancher, Robert B., xxx-xx-xxxx.
Brown, Paul R., Jr., xxx-xx-xxxx.
Burton, John R., xxx-xx-xxxx.
Capouya, Morris N., xxx-xx-xxxx.
Caradine, John F., xxx-xx-xxxx.
Corriveau, William, xxx-xx-xxxx.
Day, Warren E., xxx-xx-xxxx.
Drechsel, R. H. W. Jr., xxx-xx-xxxx.
Dupree, Louis J., Jr., xxx-xx-xxxx.
Ebner, Deane A., xxx-xx-xxxx.
Goldschmid, James D., xxx-xx-xxxx.
Gordon, Kenneth K., xxx-xx-xxxx.
Hamilton, Palmer L., xxx-xx-xxxx.
Hanley, C. J., Jr., xxx-xx-xxxx.
Hoopingarner, J. W., xxx-xx-xxxx.
Ketcham, William S., xxx-xx-xxxx.
Kirsch, Mitchell, xxx-xx-xxxx.
Kmen, Walter J., xxx-xx-xxxx.
MacDonald, E. T., xxx-xx-xxxx.
Marchbanks, W. H., xxx-xx-xxxx.
Matta, Jose N., xxx-xx-xxxx.
McCormick, J. P., xxx-xx-xxxx.
McCullough, William, xxx-xx-xxxx.
Melendez-Gonzalez, R., xxx-xx-xxxx.
Morris, Frank C., xxx-xx-xxxx.
Overbey, Robert M., xxx-xx-xxxx.
Parker, C. E., Jr., xxx-xx-xxxx.
Pearce, Jacob A., xxx-xx-xxxx.
Rushmore, Richard C., xxx-xx-xxxx.
Salatich, P. B., Jr., xxx-xx-xxxx.
Schoessler, Richard, xxx-xx-xxxx.
Schwartburg, E. S., xxx-xx-xxxx.
Silfies, J. H., Jr., xxx-xx-xxxx.
Singer, Burton H., xxx-xx-xxxx.
Skoney, Charles E., xxx-xx-xxxx.
Smith, Charles M., xxx-xx-xxxx.
Sosna, Morton M., xxx-xx-xxxx.
Synodis, John S., xxx-xx-xxxx.
Thornton, Richard S., xxx-xx-xxxx.
Traxler, Fred W., xxx-xx-xxxx.
Vollmer, Eugene J., xxx-xx-xxxx.
Whitney, Alonzo M., xxx-xx-xxxx.
Williamson, Bious W., xxx-xx-xxxx.

MEDICAL CORPS

To be colonel

Aldis, Henry, xxx-xx-xxxx.
Arkins, John A., xxx-xx-xxxx.
Atkinson, Roy J., xxx-xx-xxxx.
Baker, Eugene M., Jr., xxx-xx-xxxx.
Batcheller, D. E., xxx-xx-xxxx.
Brandetsas, Peter G., xxx-xx-xxxx.
Bunch, Littleton J., xxx-xx-xxxx.
Burnett, George H., xxx-xx-xxxx.
Cobb, Alton B., xxx-xx-xxxx.
Crago, John A., xxx-xx-xxxx.
Crudo, Frank S. Jr., xxx-xx-xxxx.
Dabbs, Clyde H., xxx-xx-xxxx.
Daugherty, Joseph F., xxx-xx-xxxx.
Davis, Harry R., xxx-xx-xxxx.
Diehl, Leonard R., xxx-xx-xxxx.
Dill, James E., xxx-xx-xxxx.
Doane, David G., xxx-xx-xxxx.
Finney, Joseph C. J., xxx-xx-xxxx.
Ford, Charles P., Jr., xxx-xx-xxxx.
Garrison, J. M., Jr., xxx-xx-xxxx.
Gould, Russell L., xxx-xx-xxxx.
Green, John E., Jr., xxx-xx-xxxx.
Greth, Carlos V., xxx-xx-xxxx.
Grosenbaugh, C. H., xxx-xx-xxxx.
Gutierrez, Oscar F., xxx-xx-xxxx.
Haley, R. C., Jr., xxx-xx-xxxx.
Haltiwanger, E., Jr., xxx-xx-xxxx.
Harris, Walter P., xxx-xx-xxxx.
Harvin, James S., xxx-xx-xxxx.
Holt, Leslie G., xxx-xx-xxxx.
Holyoke, Edward D., xxx-xx-xxxx.
Hubbard, Benjamin A., xxx-xx-xxxx.
Hyde, John R., xxx-xx-xxxx.
Inman, Fred C., xxx-xx-xxxx.
Kilgore, William E., xxx-xx-xxxx.
Kistler, Philip E., xxx-xx-xxxx.
Krause, Manfred E., xxx-xx-xxxx.
Lackey, Dixon A., Jr., xxx-xx-xxxx.
Lahti Richard E., xxx-xx-xxxx.
Landis, Richard M., xxx-xx-xxxx.
Lindsay, Kenneth E., xxx-xx-xxxx.
Lopez-Plascencia, J., xxx-xx-xxxx.
Loucks, James E., xxx-xx-xxxx.
MacDonald, Murdo G., xxx-xx-xxxx.
MacDonald, Neil A., xxx-xx-xxxx.
Majoska, Alvin V., xxx-xx-xxxx.
Marienfeldt, Hans F., xxx-xx-xxxx.
May, Lloyd P., xxx-xx-xxxx.
McConnell, Graham S., xxx-xx-xxxx.
McLaughlin, J. F., Jr., xxx-xx-xxxx.
Morris, Robert G., Jr., xxx-xx-xxxx.
Odesky, Louis T., xxx-xx-xxxx.
Pines, Stuart S., xxx-xx-xxxx.
Rodriguez, Roberto, xxx-xx-xxxx.
Rosario, Victor M., xxx-xx-xxxx.
Rosendale, Albert F., xxx-xx-xxxx.
Rugani, Peter R., xxx-xx-xxxx.
Saloom, Albert G., xxx-xx-xxxx.
Sandberg, Douglas H., xxx-xx-xxxx.
Sargent, John P., xxx-xx-xxxx.
Sillman, Eugene, xxx-xx-xxxx.
Slesinski, Frank A., xxx-xx-xxxx.
Sprenger, Thomas R., xxx-xx-xxxx.
Steinkruger, V. W., xxx-xx-xxxx.
Strong, L. C., Jr., xxx-xx-xxxx.
Taylor, Vann S., xxx-xx-xxxx.
Urban, Stanley T., xxx-xx-xxxx.
Warwick, Warren J., xxx-xx-xxxx.
Young, Roscoe C., xxx-xx-xxxx.
Zone, Robert M., xxx-xx-xxxx.

MEDICAL SERVICE CORPS

To be colonel

Erdeljon, Charles U., xxx-xx-xxxx.
Foy, John V., xxx-xx-xxxx.
Hassell, Joe W., xxx-xx-xxxx.
Henson, Ellis G., xxx-xx-xxxx.
Kolgaklis, Theodore, xxx-xx-xxxx.
Ozaki, Ronald H., xxx-xx-xxxx.
Schultz, Harvey L., xxx-xx-xxxx.
Stuart, Kenneth, xxx-xx-xxxx.

ARMY MEDICAL SPECIALIST CORPS

To be colonel

Case, Beatrice L., xxx-xx-xxxx.
Clinkingbeard, J. R., xxx-xx-xxxx.
Gross, Marie L., xxx-xx-xxxx.
Maguire, Majorie C., xxx-xx-xxxx.
Schnebly, Martha E., xxx-xx-xxxx.
Slade, Mary C. H., xxx-xx-xxxx.
Spelbring, Lyla M., xxx-xx-xxxx.
Sweeney, Cora W. B., xxx-xx-xxxx.
Thompson, Marian E., xxx-xx-xxxx.
Warren, Anne, xxx-xx-xxxx.

VETERINARY CORPS

To be colonel

Bertolet, Roy D., xxx-xx-xxxx.
Brown, Walter W., xxx-xx-xxxx.
Ford, Duane F., xxx-xx-xxxx.
Thornberry, Robert, xxx-xx-xxxx.

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, sections 3366, 3367, and 3383:

ARMY PROMOTION LIST

To be lieutenant colonel

Argabright, W. V., xxx-xx-xxxx.
Badders, Richard G., xxx-xx-xxxx.
Beckett, G. W., Jr., xxx-xx-xxxx.
Bras, Armando, xxx-xx-xxxx.
Brazenor, R. G., Jr., xxx-xx-xxxx.
Brown, Benny J., xxx-xx-xxxx.
Butler, Thomas J., Jr., xxx-xx-xxxx.
Carlan, Ralph W., xxx-xx-xxxx.
Chancellor, H. C., Jr., xxx-xx-xxxx.
Chapa, Alfonso, xxx-xx-xxxx.
Clark, Gilman L., xxx-xx-xxxx.
Craig, James T., xxx-xx-xxxx.
Dellaqualia, Louis J., xxx-xx-xxxx.
Drennon, C. C., Jr., xxx-xx-xxxx.
Edmondson, Jack L., xxx-xx-xxxx.
Ernst, Adolph H., Jr., xxx-xx-xxxx.
Frice, Gene M., xxx-xx-xxxx.
Harris, William I., xxx-xx-xxxx.
Humphrey, Carl H., xxx-xx-xxxx.
Ivey, Marvin L., xxx-xx-xxxx.
Jackson, Gary D., xxx-xx-xxxx.
Kirkland, Glynn D., xxx-xx-xxxx.
Krinke, Gordon C., xxx-xx-xxxx.
Kruger, Arthur J., xxx-xx-xxxx.
Le Claire, James F., xxx-xx-xxxx.
Mickelson, Duane E., xxx-xx-xxxx.
Modeas, Harry G., xxx-xx-xxxx.
Mueting, James A., xxx-xx-xxxx.
Myrick, Ronald E., xxx-xx-xxxx.
Parker, Charles R., xxx-xx-xxxx.
Parks, John R., xxx-xx-xxxx.
Paul, James H., Jr., xxx-xx-xxxx.
Petno, Carl J., Jr., xxx-xx-xxxx.
Potteric, H., Jr., xxx-xx-xxxx.
Raymond, William V., xxx-xx-xxxx.
Rodgers, Wayne R., xxx-xx-xxxx.
Roeder, Frederick W., xxx-xx-xxxx.
Sanders, Louis F., xxx-xx-xxxx.
Shertzer, James A., xxx-xx-xxxx.
Smith, Harry E., Jr., xxx-xx-xxxx.
Spangler, David A., xxx-xx-xxxx.
Thompson, Allen L., xxx-xx-xxxx.
Tillman, Robert J., xxx-xx-xxxx.
Todd, James P., xxx-xx-xxxx.
Tollin, Milroy J., Jr., xxx-xx-xxxx.
Tracy, Richard T., xxx-xx-xxxx.
Trapp, George A., xxx-xx-xxxx.
Unger, Andrew J., xxx-xx-xxxx.
Wills, Homer L., xxx-xx-xxxx.

ARMY NURSE CORPS

To be lieutenant colonel

Christ, Linda N., xxx-xx-xxxx.
Farrell, John D., xxx-xx-xxxx.
Fugowski, Helen T., xxx-xx-xxxx.
Gallagher, Helen V., xxx-xx-xxxx.
Giroux, Marguerite, xxx-xx-xxxx.
Hovey, Thomas C., Sr., xxx-xx-xxxx.
Kasselman, Mary J., xxx-xx-xxxx.
King, Joyce W., xxx-xx-xxxx.
Konz, Amelia F., xxx-xx-xxxx.
Land, Margaret A., xxx-xx-xxxx.
McDowell, Patricia, xxx-xx-xxxx.
McKool, Grace, xxx-xx-xxxx.
Miller, Arlean V., xxx-xx-xxxx.
Motherway, F. L., xxx-xx-xxxx.
Nakamoto, Annie C., xxx-xx-xxxx.
Roy, Frances L., xxx-xx-xxxx.
Spivack, Marie D., xxx-xx-xxxx.
Springmier, Joyce L., xxx-xx-xxxx.
Tate, Mary E., xxx-xx-xxxx.
Varklet, Marian, xxx-xx-xxxx.
Veazie, Ylene W., xxx-xx-xxxx.
Zilonka, Bernice M., xxx-xx-xxxx.

DENTAL CORPS

To be lieutenant colonel

Floyd, Daniel E., xxx-xx-xxxx.
Martinez-Chinea, E., xxx-xx-xxxx.
McKinney, Ralph V., xxx-xx-xxxx.

MEDICAL CORPS

To be lieutenant colonel

Hospers, William D., xxx-xx-xxxx.
Prezio, Joseph A., xxx-xx-xxxx.
Printen, Kenneth J., xxx-xx-xxxx.
Scharff, Louis, III, xxx-xx-xxxx.

MEDICAL SERVICE CORPS

To be lieutenant colonel

Addison, Jeff M., xxx-xx-xxxx.
Agustin, Benjamin, xxx-xx-xxxx.
Baird, John B., Jr., xxx-xx-xxxx.
Boldt, Lavaughn A., xxx-xx-xxxx.
Bone, Bobby G., xxx-xx-xxxx.
Butler, John C., xxx-xx-xxxx.
Cacciotti, Natalino, xxx-xx-xxxx.
Comitos, Nicholas, S., xxx-xx-xxxx.
Cox, Russell K., xxx-xx-xxxx.
Cross, Leroy B. Jr., xxx-xx-xxxx.
Curry, Carl H., xxx-xx-xxxx.
Elliott, James T. I., xxx-xx-xxxx.
Etten, John F., xxx-xx-xxxx.
Evans, Peter Jr., xxx-xx-xxxx.
Goodin, Leonard P., xxx-xx-xxxx.
Greenfield, Gerald, xxx-xx-xxxx.
Hall, James L., xxx-xx-xxxx.
Hastings, Harry D., xxx-xx-xxxx.
Hemecker, Ralph C., xxx-xx-xxxx.
Hilton, Howard G., xxx-xx-xxxx.

Jackman, George T., xxx-xx-xxxx
Jeffers, Donald A., xxx-xx-xxxx
Josehart, Harold E., xxx-xx-xxxx
Kelley, Robert E., xxx-xx-xxxx
Kemp, Harold L., xxx-xx-xxxx
Labrecque, Joseph L., xxx-xx-xxxx
Lock, John H. A., xxx-xx-xxxx
Mason, Jaque V., xxx-xx-xxxx
McHardy, Louis W., xxx-xx-xxxx
McLaren, C. R., xxx-xx-xxxx
Muirhead, James A., xxx-xx-xxxx
Olson, Clarence F., xxx-xx-xxxx
Roisum, Robert C., xxx-xx-xxxx
Roseman, Arnold S., xxx-xx-xxxx
Rosenthal, Charles, xxx-xx-xxxx
Terrell, Leroy S., xxx-xx-xxxx
Timour, John A., xxx-xx-xxxx
Tucker, Guy H. Jr., xxx-xx-xxxx
Vick, James A., xxx-xx-xxxx
Ward, William S., xxx-xx-xxxx
Williams, Earl M., xxx-xx-xxxx
Willis, George M., xxx-xx-xxxx
Wiser, Rey L., xxx-xx-xxxx
Wotring, Robert W. J., xxx-xx-xxxx
Young, John H. Jr., xxx-xx-xxxx
Ziegler, H. E. Jr., xxx-xx-xxxx

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

Haag, Charles M., 208-18-7559.
Hartman, Charles W., xxx-xx-xxxx
Santosespada, Carme, xxx-xx-xxxx
Ulrich, Frank T., xxx-xx-xxxx

VETERINARY CORPS

To be lieutenant colonel

Sawyer, John C., xxx-xx-xxxx

The following officers for appointment in the Reserve of the Army of the United States, under the provisions of Title 10, U.S.C., Sections 591, 593, and 594:

MEDICAL CORPS

To be lieutenant colonel

Bailey, Richard H., xxx-xx-xxxx
Bradford, Thomas G., xxx-xx-xxxx
Campbell, John B., xxx-xx-xxxx
Didier, Edward P., xxx-xx-xxxx
Vaughn, James W., xxx-xx-xxxx

The following-named officers for appointment in the Army of the United States, under the provisions of Title 10, U.S.C., Section 3494:

MEDICAL CORPS

To be lieutenant colonel

Conteras, Jose J., xxx-xx-xxxx
Diaz, Miguel G., xxx-xx-xxxx
Gleichauf, John G., xxx-xx-xxxx
Kovacic, Joseph J., xxx-xx-xxxx

The following-named Army National Guard officers for appointment in the Reserve of the Army of the United States, under the provisions of Title 10, U.S.C., Section 3385:

ARMY PROMOTION LIST

To be colonel

Andrews, Eric H., xxx-xx-xxxx
Cook, Ernest W., Jr., xxx-xx-xxxx
Dabadie, Joseph L., Jr., xxx-xx-xxxx
Healey, Joseph A., xxx-xx-xxxx
Hinrichs, Warren W., xxx-xx-xxxx
Johnson, Walter L., xxx-xx-xxxx
Jones, Robert Q. xxx-xx-xxxx
Mulrooney, Francis T., xxx-xx-xxxx
Scholl, Sidney J., Jr., xxx-xx-xxxx
Sherman, Harold S., xxx-xx-xxxx
Stewart, Edwin P., xxx-xx-xxxx
Stone, Richard B., xxx-xx-xxxx
Tatnall, Phillip R., xxx-xx-xxxx
Tucker, Harold J., xxx-xx-xxxx
Ueberroth, Arthur J., Jr., xxx-xx-xxxx
Wolf, John W., Jr., xxx-xx-xxxx

MEDICAL CORPS

to be colonel

McLaughlin, Max V., xxx-xx-xxxx
Tillman, William F., xxx-xx-xxxx

The following-named Army National Guard officers for appointment in the Reserve of the Army of the United States, under the provisions of Title 10, U.S.C., Section 3385:

ARMY PROMOTION LIST

To be lieutenant colonel

Bennett, James F., xxx-xx-xxxx
Birch, Robert D., xxx-xx-xxxx
Darby, Harry C., xxx-xx-xxxx
Davis, Jack R., xxx-xx-xxxx
Decatur, James A., xxx-xx-xxxx
Della Bitta, Larry H., xxx-xx-xxxx
Engel, William F., xxx-xx-xxxx
Fretterd, James F., xxx-xx-xxxx
Grady, Russell, J., xxx-xx-xxxx
Herbst, Richard D., xxx-xx-xxxx
Jarrell, Richard P. M., xxx-xx-xxxx
Larkin, Richard G., xxx-xx-xxxx
Lockwood, Roy L., xxx-xx-xxxx
McLeod, Claude H., xxx-xx-xxxx
McPhaul, Elbert Jr., xxx-xx-xxxx
Moody, Charles H., xxx-xx-xxxx
Nielsen, Chris, Jr., xxx-xx-xxxx
Schueler, Donald A., xxx-xx-xxxx
Stark, James M., Jr., xxx-xx-xxxx
Tidler, John W., xxx-xx-xxxx
White, James E., xxx-xx-xxxx
Williams, Lawrence C., xxx-xx-xxxx
Wood, Bobby G., xxx-xx-xxxx
Yearout, James L., xxx-xx-xxxx
Zalopany, Peter E., xxx-xx-xxxx

EXTENSIONS OF REMARKS

A SALUTE TO ST. JOHN'S HOSPITAL DURING NATIONAL HOSPITAL WEEK

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 8, 1973

Mr. JONES of Oklahoma. Mr. Speaker, today, as a continuation of my tribute to the hospitals in my district during National Hospital Week, I would like to salute the historical accomplishments of the Sisters of the Sorrowful Mother and their institution, St. John's Hospital.

Gen. John J. Pershing broke ground for St. John's Hospital and School of Nursing, Inc., in 1920, and the doors of the 50-bed hospital were opened in 1926 to serve the community of Tulsa—then an oil-boom town. But the Sisters of the Sorrowful Mother, the Catholic order which owns and operates the hospital, had a monumental struggle to place even these few beds at the city's disposal.

The hospital continued to expand, as one unit after another was completed and put into service. In 1926, admissions were close to 2,000. By 1936, they were over 5,000; and in 1945 almost 11,000 patients were admitted.

During the 10-year period 1943–53 hospital admissions doubled, and the polio epidemic of the early 1950's saw 10 iron lungs in simultaneous use at St. John's, with additional chest respirators to help out. Bed space was short in all areas—cots lined the halls in the obstetrical department and waiting rooms were converted into patient rooms.

The Salk vaccine has brought polio under control; and research has made iron lungs a thing of the past. St. John's has continued to build, and is now up to 552 beds. Their technical people and equipment are top quality. Their medical staff is talented and dedicated. All of this is used to save lives that could not have been saved a decade—or even a few years—ago. Just last month a 4-hour-old infant, critically ill with hyaline membrane disease—where the lungs are unable to open after contracting—was successfully treated, and has gone home to his happy parents.

The only iron lungs you see at St. John's now are historical objects; but history is repeating itself in the crowded conditions. Again waiting rooms are sacrificed for patient bed space, and the demand for more and more diagnostic services and outpatient treatments has also cut down on room for beds.

But the Sisters of the Sorrowful Mother and others in administrative positions at the hospital have been busy. There has been a logical progression of building plans, and early in 1971 the Tulsa Area Health and Hospital Planning Council approved the construction of a 14-level medical-surgical tower. This North Tower, which will bring total beds to 603—with the capability of going to 723—is being built with no interruption to patient care. Nor will their vital programs of teaching and research be lessened.

A leader in medical education, St. John's achieved a 100-percent quota on filling their intern slots this last year. They also take an active participation in residency programs and maintain a school of nursing, school of medical technology, and school of radiological technology.

Voluntary charity is an important part of this hospital's philosophy. Last year over 19,000 visits were recorded from patients unable to afford a private physician.

Their last increase to patients on semiprivate rooms was in 1969, and in March of 1970 for some intensive care rooms.

An affirmative action employer, over 30 percent of St. John's employees are blacks, and educational opportunities are offered to each of their 1,700 plus employees. They were awarded the "Employer of the Year" distinction by the Oklahoma Rehabilitation Association for employment of the handicapped.

Earlier this year—just 53 years to the exact day from their first groundbreaking—and even using the same shovel used by Gen. John G. Pershing—ground was broken for St. John's North Tower. Completion date for this project is scheduled for late 1975.

For the record, it is important to point out that private financing has been arranged. Funds to repay the $40.8 million—which includes all associated loan costs—will be obtained by St. John's through an amount set aside monthly for depreciation. Moneys have been earmarked for this purpose since 1969, and these funds are now invested so that accumulated interest is continually