By Mr. DOMINICK V. DANIELS (for himself, Mr. NIX, Mr. O'BRIEN, Mr. PASSMAN, Mr. PATTEN, Mr. PICKLE, Mr. PODELL, Mr. QUIE, Mr. RANGEL, Mr. RARICK, Mr. RINALDO, Mr. RODINO, Mr. ROE, Mr. ROSENTHAL, Mr. ROYBAL, Mr. ST GERMAIN, Mr. SARASIN, Mr. SARBANES, Mrs. SCHROEDER, Mr. SEBELIUS, Mr. SHIPLEY, Mr. SLACK, Mr. SNYDER, Mr. SPENCE, and Mr. JAMES V. STANTON):

H.J. Res. 628. Joint resolution to authorize and request the President to issue annually a proclamation designating the fourth Sunday of November of each year as "National Grandparents' Day"; to the Committee on the Judiciary.

By Mr. DOMINICK V. DANIELS (for himself, Mr. STEELE, Mr. THOMPSON of New Jersey, Mr. TIERNAN, Mr. TREEN, Mr. VEYSEY, Mr. WALDIE, Mr. WHALEN, Mr. CHARLES H. WILSON of California, Mr. WINN, Mr. WOLFF, Mr. WON PAT, Mr. YOUNG of South Carolina, Mr. YOUNG of Illinois, and Mr. ZWACH):

H.J. Res. 629. Joint resolution to authorize and request the President to issue annually a proclamation designating the fourth Sunday of November of each year as "National Grandparents' Day"; to the Committee on the Judiciary.

By Mr. HILLIS:

H. Res. 449. Resolution for the creation of congressional senior citizen internships; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII.

257. The SPEAKER presented a memorial of the Legislature of the Commonwealth of Massachusetts, relative to investigating the prosecution of five residents of New York in Fort Worth, Tex., to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. OBEY:

H.R. 8823. A bill for the relief of James A. Wentz; to the Committee on the Judiciary.

H.R. 8824 A bill to provide for the conveyance of certain real property of the United States to Mrs. Harriet La Pointe Vanderventer; to the Committee on Interior and Insular Affairs.

By Mr. GIAIMO:

H. Res. 450. A resolution to refer the bill (H.R. 8795) for the relief of John J. Egan to the Chief Commissioner of the Court of Claims; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

241. The SPEAKER presented a petition of Dennis M. Ribarich, Co. C, 1/52, APO N.Y. 09139, and others, relative to initiating impeachment proceedings against the President of the United States; to the Committee on the Judiciary

SENATE—*Tuesday, June 19, 1973*

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by Hon. WALTER D. HUDDLESTON, a Senator from the State of Kentucky.

PRAYER

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

Almighty God, whose kingdom is above all earthly kingdoms, watch over this Nation, its leaders, and its people in this crucial hour of world history. In our dealings with other nations may we be kind but firm, generous without extravagance, right without compromise. May our strength and wisdom be applied in bringing freedom, justice, and peace to the world.

Guide by Thy higher wisdom the President and all our leaders. In our dealings with each other may we be gentle, understanding, and fair. In dealing with ourselves may we require the best. May our private lives and public actions be in accord with our prayers.

We pray in the name of the Prince of Peace. 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., June 19, 1973.

To the Senate:

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

JAMES O. EASTLAND,
President pro tempore.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, June 18, 1973, be approved.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ORDER FOR HOUSE JOINT RESOLUTION 499 TO BE HELD AT THE DESK

Mr. MANSFIELD. Mr. President, I ask unanimous consent that House Joint Resolution 499, to extend a commission study on bankruptcy laws for a period of some 2 months—which I understand the House will pass later today—be held at the desk. I hope that it can be acted on at an appropriate time without being referred to committee.

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

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 210, 211, and 212.

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

AMENDMENT OF RAILROAD RETIREMENT ACT OF 1937

The Senate proceeded to consider the bill (H.R. 7200) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise certain eligibility conditions for annuities; to change the railroad retirement tax rates; and to amend the Interstate Commerce Act in order to improve the procedures pertaining to certain rate adjustments for carriers subject to part I of the act, and for other purposes, which had been reported from the Committees on Labor and Public Welfare, Finance, and Commerce, with amendments. The amendment of the Committees on Labor and Public Welfare and Finance is to strike out all after the enacting clause and insert:

TITLE I—RAILROAD RETIREMENT ACT AMENDMENTS

PART A—TEMPORARY PROVISIONS

SEC. 101. Section 2(a) of the Railroad Retirement Act of 1937 is amended—

(1) by striking out "Women" in paragraph 2 and inserting in lieu thereof "individuals";

(2) by striking out "Men who will have attained the age of sixty and will have completed thirty years of service, or individuals" in paragraph 3 and inserting in lieu thereof "Individuals"; and

(3) by striking out "such men or" in paragraph 3 thereof.

SEC. 102. (a) Section 3201 of the Internal Revenue Code of 1954 (relating to the rate of tax on employees under the Railroad Retirement Tax Act) is amended by striking out all that appears therein and inserting in lieu thereof the following:

"In addition to other taxes, there is hereby imposed on the income of every employee a tax equal to the rate of the tax imposed with respect to wages by section 3101(a) of the Internal Revenue Code of 1954 plus the rate imposed by section 3101(b) of such Code of so much of the compensation paid to such employee for services rendered by him after September 30, 1973, as is not in excess of an amount equal to one-twelfth of the current maximum annual taxable 'wages' as defined in section 3121 of the Internal Revenue Code of 1954 for any month after September 30, 1973."

(b) Section 3202(a) of such Code is amended—

(1) by striking out "1965" wherever it appears in the second sentence thereof and inserting in lieu thereof "1973";

(2) by striking out "(i) $450, or (ii)" wherever it appears in the second sentence thereof; and

(3) by striking out ", whichever is greater," wherever it appears in the second sentence thereof.

(c) Section 3211(a) of such Code (relating to the rate of tax on employee repre-

sentatives under the Railroad Retirement Tax Act) is amended by striking out all that appears therein and inserting in lieu thereof the following:

"In addition to other taxes, there is hereby imposed on the income of each employee representative a tax equal to 9.5 percent plus the sum of the rates of tax imposed with respect to wages by sections 3101(a), 3101(b), 3111(a), and 3111(b) of the Internal Revenue Code of 1954 of so much of the compensation paid to such employee representative for services rendered by him after September 30, 1973, as is not in excess of an amount equal to one-twelfth of the current maximum annual taxable 'wages' as defined in section 3121 of the Internal Revenue Code of 1954 for any month after September 30, 1973."

(d) Section 3221(a) of such Code (relating to the rate of tax on employers under the Railroad Retirement Tax Act) is amended by striking out "In addition to other taxes" and all that follows to "except that" and inserting in lieu thereof the following:

"In addition to other taxes, there is hereby imposed on every employer an excise tax, with respect to having individuals in his employ, equal to 9.5 percent of so much of the compensation paid by such employer for services rendered to him after September 30, 1973, as is, with respect to any employee for any calendar month, not in excess of an amount equal to one-twelfth of the current maximum annual taxable 'wages' as defined in section 3121 of the Internal Revenue Code of 1954 for any month after September 30, 1973;".

(e) Section 3221(a) of such Code, as amended by section 102(d) of this Act, is further amended—

(1) by striking out "1965" wherever it appears in the first sentence thereof and inserting in lieu thereof "1973";

(2) by striking out "(i) $450, or (ii)" wherever it appears in the first sentence thereof; and

(3) by striking out ", whichever is greater," wherever it appears in the first sentence thereof.

(f) Section 3221(b) of such Code is amended by striking out all that appears therein and inserting in lieu thereof the following:

"The rate of tax imposed by subsection (a) shall be increased, with respect to compensation paid for services rendered after September 30, 1973, by the rate of tax imposed with respect to wages by section 3111(a) of the Internal Revenue Code of 1954 plus the rate imposed by section 3111(b) of such Code."

SEC. 103. (a) Section 6 of Public Law 91–377, as amended by section 8(c) of Public Law 92–46, is further amended by striking out "June 30, 1973" each time that date appears and inserting in lieu thereof "December 31, 1974".

(b) Section 8(b) of Public Law 92–46 is amended by striking out "June 30, 1973" each time that date appears and inserting in lieu thereof "December 31, 1974".

(c) Section 5(b) of Public Law 92–460 is amended by striking out "June 30, 1973" each time that date appears and inserting in lieu thereof "December 31, 1974".

SEC. 104. (a) Section 3(a) of the Railroad Retirement Act of 1937 is amended by inserting at the end thereof the following new paragraph:

"(6) If title II of the Social Security Act is amended to provide an increase in benefits payable thereunder at any time during the period July 1, 1973, through December 31, 1974, the individual's annuity computed under the preceding provisions of this subsection and that part of subsection (e) of this section which precedes the first proviso shall be increased in an amount equal to the difference between (i) the amount (before any reduction on account of age) which would be payable to such individual under the then current law if his or her annuity were computed under the first proviso of section 3(e) of this Act, without regard to the words 'plus 10 per centum of such amount' contained therein; and (ii) the amount (before any reduction on account of age) which would have been payable to such individual under the law as in effect prior to July 1, 1973, if his or her annuity had been computed under such first proviso of section 3(e) of this Act, without regard to the words 'plus 10 per centum of such total amount' contained therein (assuming for this purpose that the eligibility conditions and the proportions of the primary insurance amounts payable under the then current Social Security Act had been in effect prior to July 1, 1973): *Provided, however,* That, in computing such amount, only the social security benefits which would have been payable to the individual whose annuity is being computed under this Act shall be taken into account: *Provided further,* That if an annuity accrues to an individual for a part of a month the added amount payable for such part of a month under this section shall be one-thirtieth of the added amount payable under this section for an entire month, multiplied by the number of days in such part of a month. If wages or compensation prior to 1951 are used in making any computation required by this paragraph, the Railroad Retirement Board shall have the authority to approximate the primary insurance amount to be utilized in making such computation. In making any computation required by this paragraph, any benefit to which an individual may be entitled under title II of the Social Security Act shall be disregarded. For purposes of this paragraph, individuals entitled to an annuity under section 2(a)(2) of this Act shall be deemed to be age 65, and individuals entitled to an annuity under section 2(a)(3) of this Act who have not attained age 62 shall be deemed to be age 62. Individuals entitled to annuities under section 2(a)(4) or 2(a)(5) of this Act for whom no disability freeze has been granted shall be treated in the same manner for purposes of this paragraph as individuals entitled to annuities under section 2(a)(4) or 2(a)(5) for whom a disability freeze has been granted. In the case of an individual who is entitled to an annuity under this Act but whose annuity is based on insufficient quarters of coverage to have a benefit computed, either actually or potentially, under the first proviso of section 3(e) of this Act, the average monthly wage to be used in determining the amount to be added to the annuity of such individual shall be equal to the average monthly compensation or the average monthly earnings, whichever is applicable, used to enter the table in section 3(a)(2) of such Act for purposes of computing other portions of such individual's annuity."

(b) Section 2(e) of the Railroad Retirement Act of 1937 is amended—

(1) by striking out "section 3(a) (3), (4), or (5) of this Act" and inserting in lieu thereof "section 3(a), (3), (4), (5), or (6) of this Act";

(2) by striking out the second sentence of the last paragraph; and

(3) by adding at the end thereof the following new paragraph:

"The spouse's annuity computed under the other provisions of this section shall (before any reduction on account of age) be increased in an amount determined by the method of computing increases set forth in subsection (a)(6) of section 3. The preceding sentence and the other provisions of this subsection shall not operate to increase the annuity of a spouse (before any reduction on account of age) to an amount in excess of the maximum amount of a spouse's annuity as provided in the first sentence of this subsection. This paragraph shall be disregarded in the application of the preceding three paragraphs."

(c) Section 2(i) of the Railroad Retirement Act of 1937 is amended by striking out "the last paragraph plus the two preceding paragraphs" and inserting in lieu thereof "the last paragraph plus the three preceding paragraphs".

(d) Section 5 of the Railroad Retirement Act of 1937 is amended by inserting at the end thereof the following new subsection:

"(q) A survivor's annuity computed under the preceding provisions of this section shall be increased in an amount determined by the method of computing increases set forth in subsection (a)(6) of section 3: *Provided, however,* That in computing such an amount for an individual entitled to an annuity under subsection 5(a)(2), the 90.75 per centum figure appearing in the third paragraph of section 3(e) of this Act shall be deemed to be 82.5 per centum."

SEC. 105. If title II of the Social Security Act is amended to provide an increase in benefits payable thereunder at any time during the period July 1, 1973, through December 31, 1974, the pension of each individual under section 6 of the Railroad Retirement Act of 1937 and the annuity of each individual under the Railroad Retirement Act of 1935 shall be increased in an amount determined by the method of computing increases set forth in subsection (a) of section 104 of this Act, deeming for this purpose the average monthly earnings (in the case of a pension) or the average monthly compensation (in the case of an annuity under the Railroad Retirement Act of 1935) which would be used to compute the basic amount if the individual were to die to be the average monthly wage.

SEC. 106. All recertifications required by reason of the amendments made by sections 104 and 105 of this Act shall be made by the Railroad Retirement Board without application therefor.

SEC. 107. (a) For the purpose of preparing and submitting the report provided for in subsection (c), it shall be the duty and responsibility of representatives of employees and retirees to designate (within the thirty-day period commencing on the date of enactment of this Act) and notify the Congress of the identity (by name and position) of the labor members, and of representatives of carriers to designate (within such thirty-day period) and notify the Congress of the identity (by name and position) of the management members, who shall compose the group authorized to prepare in their behalf, the report provided for in subsection (c).

(b) The group so authorized to prepare the report provided for in subsection (c) shall—

(1) hold such meetings (which shall not be less often than once each month) as may be necessary to assure that such report will be submitted within the time provided, and contain the material prescribed under, subsection (c); and

(2) submit to the Congress, on September 1, 1973, November 1, 1973, and January 1, 1974, interim reports as to the progress being made toward completion of the report provided for in subsection (c); except that no such interim report shall be submitted after the submission of the report provided for in subsection (c).

(c)(1) Not later than March 1, 1974, representatives of employees and retirees and representatives of carriers, acting through the group designated by them pursuant to subsection (a), shall submit to the Congress a report containing their joint recommendations for restructuring the railroad retirement system in a manner which will assure the long-term actuarial soundness of such system, which recommendations shall take into account the specific recommendations of the Commission on Railroad Retirement.

(2) The joint recommendations contained in such report shall be specific and shall be presented in the form of a draft of a bill suitable for introduction in the Congress.

SEC. 108. (a) The amendments made by section 101 of this Act shall become effective

on July 1, 1974: *Provided, however,* That those amendments shall not apply to individuals whose annuities began to accrue prior to that date. The amendments made by such section 101 shall cease to apply as of the close of December 31, 1974.

(b) The amendments made by section 102 of this Act shall become effective on October 1, 1973, and shall apply only with respect to compensation paid for services rendered on or after that date: *Provided, however,* That such amendments shall not be applicable to any dock company, common carrier railroad, or railway labor organization described in section 1(a) of the Railroad Retirement Act of 1937, with respect to those of its employees covered as of October 1, 1973, by a private supplemental pension plan established through collective bargaining, where a moratorium in an agreement made on or before March 8, 1973, is applicable to changes in rates of pay contained in the current collective-bargaining agreement covering such employees, until the earlier of (1) the date as of which such moratorium expires, or (2) the date as of which such dock company, common carrier railroad, or railway labor organization agrees through collective bargaining to make the provisions of such amendments applicable.

(c) The amendments made by sections 103, 104, 105, 106, and 107 of this Act shall be effective on the enactment date of this Act: *Provided, however,* That any increases in annuities or pensions resulting from the provisions of sections 104 and 105 of this Act shall be effective on the same date or dates as the benefit increases under title II of the Social Security Act which gave rise to such annuity or pension increases are effective.

PART B—PERMANENT PROVISIONS

SEC. 120. (a) Effective January 1, 1975, the following provisions are (subject to subsection (b)) repealed:

(a) section 6 of Public Law 91-377 (as amended);

(b) section 8(b) of Public Law 92-46 (as amended); and

(c) section 5(b) of Public Law 92-460 (as amended).

(b) The provisions of subsection (a) shall not become effective unless, prior to January 1, 1975, the "future amendments" referred to in section 3231(i) of the Internal Revenue Code of 1954 are enacted.

SEC. 121. (a) Section 3201 of the Internal Revenue Code of 1954 (relating to the rate of tax on employees under the Railroad Retirement Tax Act), as amended by section 102(a) of this Act, is further amended to read as follows:

"In addition to other taxes, there is hereby imposed on the income of every employee a tax equal to the employee rate prescribed under section 3231(i) plus the sum of the rates of tax imposed with respect to wages by section 3101(a) and 3101(b) of the Internal Revenue Code of 1954 of so much of the compensation paid to such employee for services rendered by him after December 31, 1974, as is not in excess of an amount equal to one-twelfth of the current maximum annual taxable 'wages' as defined in section 3121 of the Internal Revenue Code of 1954 for any month after December 31, 1974."

(b) Section 3202(a) of such Code is amended by striking out, each place it appears, "September 30, 1973" and inserting in lieu thereof "December 31, 1974".

(c) Section 3211(a) of such Code (relating to the rate of tax on employee representatives under the Railroad Retirement Tax Act), as amended by section 102(c) of this Act, is further amended—

(1) by striking out "9.5 percent" and inserting in lieu thereof "17.0 percent", and

(2) by striking out, each place it appears, "September 30, 1973" and inserting in lieu thereof "December 31, 1974".

(d) Section 3221(a) of such Code (relating to the rate of tax on employers under the Railroad Retirement Tax Act), as amended by section 102(d) of this Act, is further amended by—

(1) striking out "equal to 9.5 percent" and inserting in lieu thereof "equal to the employer rate prescribed under section 3231(i) plus 9.5 percent", and

(2) striking out, each place it appears, "September 30, 1973" and inserting in lieu thereof "December 31, 1974".

(e) The amendments made by the preceding provisions of this section shall become effective January 1, 1975, and shall apply only with respect to compensation paid for services rendered on or after that date.

(f) Section 3231 of the Internal Revenue Code of 1954 (relating to definitions of terms employed in the Railroad Retirement Tax Act) is amended by adding at the end thereof the following new subsection:

"(i) EMPLOYEE RATE; EMPLOYER RATE.— The sum of the 'employee rate' for purposes of section 3201 and the 'employer rate' for purposes of section 3221(a) shall be 7.5 percent subject to such division as may be provided by future amendments to this subsection."

PART C—MISCELLANEOUS

SEC. 130. This title may be cited as the "Railroad Retirement Amendments of 1973".

TITLE II—INTERSTATE COMMERCE ACT AMENDMENTS

SEC. 201. Section 15a of the Interstate Commerce Act (49 U.S.C. 15a) is amended by adding at the end thereof the following new subsection:

"(4)(a) The Commissioner shall by rule establish within ninety days after the date of enactment of this Act requirements for petitions for adjustment of interstate and intrastate rates of common carrier by railroad based upon increases in expenses of such carriers pursuant to section 102 of the Railroad Retirement Amendments of 1973. Such requirements established pursuant to section 553 of title 5, United States Code, shall be designed to facilitate fair and expeditious action on any such petition as required in paragraph (b) of this subsection by disclosing such information as the amount needed in rate increases to offset such increases in expenses and the availability of means other than a rate increase by which the carrier might absorb or offset such increases in expenses.

"(b)(1) The Commission shall, within sixty days of the filing of a verified petition by any carrier or group of carriers in accordance with the rules promulgated under paragraph (a) of this subsection, act upon said petition.

"(2) Prior to action upon any provision in a verified petition which relates to intrastate rates, the Commission shall request from any State authority having jurisdiction over any such rates within ten days from the filing of such petition, a recommendation as to the action the Commission should take. The Commission shall give due regard to any such recommendation received within forty-five days from the date of request."

SEC. 202. This title may be cited as the "Railroad Rate Adjustment Act of 1973".

TITLE III—SEPARABILITY

SEC. 301. If any provision of this Act or the application thereof to any person or circumstances should be held invalid, the remainder of such Act or the application of such provision to other persons or circumstances shall not be affected thereby.

The amendment of the Committee on Commerce is to the substitute amendment of the Committees on Labor and Public Welfare and Finance, to strike out the language beginning on page 28, after line 17, down to and including line 18 on page 29, as follows:

"(4)(a) The Commissioner shall by rule establish within ninety days after the date of enactment of this Act requirements for petitions for adjustment of interstate and intrastate rates of common carrier by railroad based upon increases in expenses of such carriers pursuant to section 102 of the Railroad Retirement Amendments of 1973. Such requirements established pursuant to section 553 of title 5, United States Code, shall be designed to facilitate fair and expeditious action on any such petition as required in paragraph (b) of this subsection by disclosing such information as the amount needed in rate increases to offset such increases in expenses and the availability of means other than a rate increase by which the carrier might absorb or offset such increases in expenses.

"(b)(1) The Commissioner shall, within sixty days of the filing of a verified petition by any carrier or group of carriers in accordance with the rules promulgated under paragraph (a) of this subsection, act upon said petition.

"(2) Prior to action upon any provision in a verified petition which relates to intrastate rates, the Commission shall request from any State authority having jurisdiction over any such rates within ten days from the filing of such petition, a recommendation as to the action the Commission should take. The Commission shall give due regard to any such recommendation received within forty-five days from the date of request."

And, in lieu thereof, insert:

(4)(a) The Commission shall by rule establish on or before August 1, 1973, requirements for petitions for adjustment of interstate rates of common carrier subject to this part based upon increases in expenses of such carriers pursuant to section 102 of the Railroad Retirement Amendments of 1973. Such requirements, established pursuant to section 553 of title 5 of the United States Code (with time for comment limited so as to meet the required date for establishment), shall be designed to facilitate fair and expeditious action on any such petition as required in paragraph (b) of this subsection by disclosing such information as the amount needed in rate increases to offset such increases in expenses and the availability of means other than a rate increase by which the carrier might absorb or offset such increases in expenses.

(b)(1) The Commission shall, within sixty days of the filing of a verified petition by any carrier or group of carriers relating to interstate rates in accordance with rules promulgated under paragraph (a) of this subsection, act upon said petition or said petition shall be deemed approved.

(2) The Commission shall, within thirty days of the filing of a verified petition by any carrier or group of carriers relating to intrastate rates in substantial accord with rules promulgated under paragraph (a) of this subsection, act upon such petition when the Commission finds that the State authority having jurisdiction thereof shall have denied, in whole or in part, a petition filed with it by such carrier or group of carriers seeking relief regarding such intrastate rates or shall not have acted finally on such petition within sixty days from the presentation thereof.

(3) Any increased freight rates authorized shall not exceed a reasonable level by types of traffic, commodities, or commodity groups and shall preserve existing market patterns and relationships and present port relationships by uniform maximum increase limitations within and between the major districts.

Mr. JACKSON. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished senior Senator from Washington.

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

STATEMENT BY SENATOR MAGNUSON

I urge my colleagues to support the passage of H.R. 7200 as amended jointly by the Labor and Public Welfare Committees and the Senate Commerce Committee. It is an important piece of legislation which secures needed railroad retirement improvements and which requires expeditious action by the Interstate Commerce Commission on rate increase petitions based upon carrier increases resulting from the railroad retirement improvements.

I would like to describe for my colleagues those aspects of H.R. 7200 which were considered by the Senate Commerce Committee, namely the ICC procedures for considering rate increase petitions.

PURPOSE AND BRIEF DESCRIPTION

Title I of H.R. 7200 would increase the tax which railroads are obligated to pay under the Railroad Retirement Tax Act and, therefore, would increase the railroads' expense of doing business. (For a complete explanation of Title _ of H.R. 7200, as reported by the Committee on Labor and Public Welfare and the Committee on Finance, see Senate Report No. 92–202). Railroads presently have the authority to petition the Interstate Commerce Commission for rate increases to offset expense increases, but there is no requirement that the Commission act upon those petitions within any specified period of time. Title II of H.R. 7200 as reported by this Committee would require the Commission to act within sixty days on a petition for interstate rate increases based upon higher expenses resulting from the railroad retirement tax increases provided for in Title I. Petitions for intrastate rate increases occasioned by such tax increases would also have to be acted upon by an appropriate State agency within sixty days and any requested review of such action by the Commission would have to be completed in thirty days. Any rate increases granted could not exceed reasonable levels on particular traffic, commodities, or commodity groups and would not exceed reasonable levels on particular traffic, commodities, or commodity groups and would have to maintain the existing relationships within and between major districts.

BACKGROUND

On March 7, 1973, representatives of railroad labor and management, complying with the Congressional directive expressed in section 6 of Public Law 92–460, entered into an agreement to support legislation that would provide, among other things, for certain temporary railroad retirement increases. To pay for such increases, railway labor and management agreed to support legislation which would either (1) "provide a tax on transportation charges effective October 1, 1973, to finance railroad retirement taxes in excess of social security taxes, as provided under existing law amended as proposed * * *" or (2) "modify Interstate Commerce Commission procedures so as to permit prompt freight rate increases to cover increases in cost." By the terms of the agreement, the determination as to which "type of legislation" would be jointly supported was left to the discretion of the carriers. (See Appendix A.)

When the legislation was formulated, the carriers decided to support legislation that would "permit prompt freight rate increases to cover increases in cost." While on the face of the agreement "cost" referred to only those amounts necessary "to finance railroad retirement taxes in excess of social security taxes, as provided under existing law amended as proposed * * *," the requested legislation provided for expedited procedures to consider rate increases for costs not only associated with railroad retirement increases, but also for costs resulting from any negotiated wage increases. The legislation provided that any requests for rate increases would be approved by the Commission within thirty days if the amount requested approximated "that needed to offset increases in expenses theretofore experienced or demonstrably certain to occur * * *." Following such an increase, the Commission would commence hearings for the purpose of making the final rate determination and order refunds if interim rate increases exceeded those which were finally approved.

This railroad management and labor request legislation was introduced by House Interstate and Foreign Commerce Committee Chairman Harley O. Staggers as H.R. 7200. The House Interstate and Foreign Commerce Committee favorably reported, and the House passed, this bill after amending certain of its provisions. For example, Title II of the bill was amended to limit the thirty day rate increase procedure to petitions for rate increases based upon increases in taxes under the railroad retirement act, as amended, occurring before January 1, 1975, or as a result of the enactment of the Railroad Retirement Amendments of 1973. In other words, the House did not provide expedited procedures for "pass through" of negotiated wage increases; instead, the House limited such "pass throughs" to increases in expenses occasioned by increases in railroad retirement taxes occurring under the 1973 amendments or any other amendments occurring before July 1, 1975.

In the Senate, the railway labor and management legislation was introduced by Senator Ribicoff (S. 1805). Senator Hathaway introduced a bill (S. 1867) which revised both Title I and Title II of the legislation proposed by railway labor and management. Three Committees took jurisdiction over the legislation: Labor and Public Welfare and Finance (Titles I and III) and Commerce (Titles II and III). On June 11, 1973, the Labor and Public Welfare Committee and the Finance Committee jointly reported H.R. 7200. H.R. 7200 as amended was then referred to the Senate Commerce Committee. This bill is now being reported with an addtiional amendment.

NEED

Title II of H.R. 7200 is needed for several reasons. In the first place, as the Association of American Railroads established in testimony before the Committee, petitions for rate increases are not always treated in a timely fashion by the Interstate Commerce Commission. As a result, the railroads contend that as much as 1.164 billion dollars may have been lost during the period 1967 through 1972. There is a need, therefore, to eliminate this regulatory lag at least as to petitions for rate increases based upon legislatively mandated cost increases so as to minimize these losses.

Secondly, there is a need to facilitate implementation of the agreement between railway labor and management in order to avoid disruption of needed transportation services or last minute action by Congress to avert such disruption. This is not to say that Congress should ignore its legislative responsibilities and "rubber stamp" legislation jointly agreed to in the collective bargaining process. But, where there is a demonstrated need, Congress should stand ready to assist the collective bargaining process by enacting facilitating legislation.

As developed in testimony on H.R. 7200 and related bills (S. 1867 and S. 1805), there is a need to carefully consider requests for rate increases based upon increases in railroad expenses occasioned by higher railroad retirement taxes. While the present financial conditions of some carriers may justify "pass through" of the expense increases, this may not be the case with all carriers. Prompt consideration of requests for rate increases is needed, but there is no demonstrated need that such increases must be automatically granted. With respect to intrastate rates, careful consideration can best be assured by permitting State agencies to receive the views of local shippers when railroads petition for increases in intrastate rates.

Finally, there is a need to preserve a fair rate structure when acting upon general freight rate increases. As the Commission has pointed out in Ex Parte No. 281, Increased Freight Rates and Charges, 1972, 341 I.C.C. 288, served October 4, 1972, its general freight rate increases are permissive in nature. Commission authorizations for rate increases "do not require that any respondent increase its rates by any particular amount . . . nor do they preclude variability of application, provided increases do not exceed those allowed." The Commission went on to conclude: "The public interest and the maintenance of a lawful rate structure must prevail over respondents revenue need, however pressing." Thus, in a situation where the expedited procedures are required, the Commission must carefully examine the way in which any general freight rate increase would be implemented by particular carriers.

DESCRIPTION AND ANALYSIS OF COMMITTEE AMENDMENT

Section 201 of the proposed bill would amend the Interstate Commerce Act to provide for an expedited procedure for petitions requesting adjustments of interstate rates of common carriers (subject to part I of the Interstate Commerce Act) based upon increases in expenses of such carriers pursuant to section 102 of the bill—i.e. railroad retirement tax increases. On or before August 1, 1973 the Commission is required to establish in an informal rulemaking proceeding requirements for such rate increase petitions which would "facilitate fair and expeditious action on any such petition . . . by disclosing such information as the amount needed in rate increases to offset such increases in expenses and the availability of means other than a rate increase by which the carrier might absorb or offset such increases in expenses." In order to meet the August 1 deadline, the Commission could modify its rulemaking procedures to require comments sooner than 30 days after publication of the proposed requirements.

The Commission is required to act upon a petition for an adjustment in interstate rates within sixty days of the receipt of such petition. If the petition has been filed in accordance with the requirements established pursuant to rule as discussed above, the petition shall be deemed approved as filed if the Commission fails to act within the required sixty days. This provision was included to insure timely action by the Commission within the sixty-day period.

Increases for intrastate rate adjustments would first be considered by the State authority having jurisdiction over such intrastate rates. The State authority is required to act upon such petition within sixty days of its presentation by the carrier. If the State authority denies in whole or in part a petition or fails to take action, the Commission, upon petition to it by the carrier, is required to act upon such petition within thirty days. The Commission can overrule a denied petition if such denial unduly burdens interstate commerce.

The bill specifically requires that any increase freight rates authorized "shall not exceed a reasonable level by types of traffic, commodities, or commodities groups and shall preserve existing market patterns and relationships and present port relationships by uniform maximum increase limitations within and between the major districts." (For text of amendment see changes in existing law section *infra*). The word "present" describing port relationships is used to distinguish those relationships which now exist from any relationships which the Commission might establish.

The bill as reported by the Committee is designed to meet the needs outlined above. By requiring the Commission by August 1 to promulgate rules for requirements of petitions for expedited rate increases and by re-

quiring the Commission to take action on such petitions within sixty days, rate increases which are granted to offset increases in railroad retirement taxes could be available to the carrier no later than October 1st, 1973, when such increases would go into effect. (Intrastate rates could be delayed an additional thirty days if denied by a State authority). This procedure, then, satisfies the agreement between railroad labor and management to support legislation which would "modify Interstate Commerce Commission procedures so as to permit prompt freight rate increases to cover increases in costs."

The proposed legislation also insures careful scrutiny by the Commission or a State authority prior to approval of rate increases. There would be no automatic "pass through" of expense increases occasioned by higher railroad retirement taxes. This "pass through" would only be available to the railroads if it is justified.

Finally, any rate increase authorized by the Commission or State authority could not exceed a reasonable level by types of traffic, commodities, or commodity groups. And, such authorized rates would have to preserve existing market patterns and relationships and present port relationships by providing for uniform maximum increase limitations within and between the major districts. This would assure that "the public interest and the maintenance of a lawful rate structure" would "prevail over revenue needs, however pressing." (See 341 I.C.C. 332.)

In summary, the bill as reported would provide for prompt freight rate increases to cover increases in expenses occasioned by higher railroad retirement taxes to the extent that such increases are justified. The burden of justifying such rate increases would be on the petitioner. Local shippers would be assured an opportunity to participate in decisions with respect to intrastate rates because State authorities would consider such decisions. And, finally, any rate increases granted would have to be conditioned in such a way as to assure that rates did not exceed reasonable levels by types of traffic, commodities, commodity groups and to guarantee that existing marketing patterns and relationships and present port relationships would also be preserved.

Mr. DOLE. Mr. President, I wish to voice my support for H.R. 7200, the Railroad Retirement Act of 1973. The special significance of this act is that it assures the temporary benefit increases enacted by Congress in prior years will be extended. Thus an abrupt and sharp reduction in income for nearly a million retirees of the Nation's railroad system will be avoided. Retired employees, spouses, and widows will be guaranteed continuation of their pension incomes without fear of drastic reduction and the grave financial consequences which would result.

The railroad retirement system is one of the most complicated of such plans in the country. Last year, the Commission on Railroad Retirement in its report to the President and Congress concluded that the system faced a financial crisis and needed a thorough overhauling to make it capable of fulfilling its obligation to its participants, bring it up to date, and make it financially solvent in the future.

The passage of H.R. 7200 can be viewed as a success for all the parties involved—the railroads, their employees and the Congress. It goes a long way toward settling a major part of the railroad retirement system's problems and is hopeful evidence that good faith negotiations will settle the remaining issues.

The manner in which the agreement embodied in H.R. 7200 was reached is unique in the railroad industry. In recognition of the coming crisis in the system, railway labor and management agreed to negotiations without a strike or congressional intervention. This step was encouraging in light of the history that Congress has over a period of many years been forced to legislate many special measures to deal with railroad disputes.

The legislation we are considering this year lays the groundwork for placing the system on a sound financial base, and the representatives of the parties believe that within a reasonable period of time a mutually agreeable solution to the other problems of the Railroad Retirement Act can be reached.

I am hopeful that we are seeing the beginning of a new era in this field—an era marked by harmony, constructive joint effort, and increased security for the millions who depend on the railroad retirement system.

Again, I would express my support for H.R. 7200 and hope that it will become law without delay.

Mr. HATHAWAY. Mr. President, the bill before the Senate, H.R. 7200 is another of the links in what may seem to be an interminable chain of temporary railroad retirement legislation. This Senator, however, has no intention of creating an infinite chain of temporary legislation; in his mind this is the penultimate legislation leading to a long overdue restructuring of the railroad retirement system. This legislation was considered in some detail in 2 days of public hearings by the Subcommittee on Railroad Retirement of the Committee on Labor and Public Welfare. Representatives of the administration, the Railroad Retirement Board, railway management and railway labor appeared. They told us what they thought was good about the bill and what they thought was bad about it. The bill that emerged from the committee balances as best we could the interests of labor, of management and of the general public. While all of the parties are not ecstatic about all of the provisions, I believe that all of the concerned interests have informed the committee that they support the main thrust of the bill and there is nothing in the bill that they cannot live with. In some areas this might be a minor accomplishment; in this one it is major. For once, at least, no one seems to be so much against the legislation that he would throw out the baby, because the bath water is a little soiled.

The pending bill has three objectives. First, it would extend through 1974 the 15-, 10- and 20-percent benefit increases provided on a temporary basis starting in 1970. Second, it provides a vehicle and incentive for railroad labor and management to send Congress specific recommendations for restructuring the railroad retirement system on a sound actuarial basis. And third—which is really outside my area—it eases the method of obtaining freight rate increases to offset the additional costs the railroads may have in meeting the additional tax obligations they would assume under the bill.

The bill as it came to this body from the House seemed to be in need of refinement so as to reach the objectives which had been so clearly stated by all of the parties concerned. Therefore, I introduced a modified version of the House-passed bill as a vehicle for obtaining comments on the detailed improvements which seemed to be in order. The comments were not slow in coming to the attention of the committee and the bill has been modified in accord with the committee's understanding of the comments. As the bill now stands I urge its acceptance. It should be sent to the House for its consideration and if there are any serious differences of opinion between the two bodies, the differences are the legitimate subject for a conference between the two Houses.

The bill is divided into three titles; title I of the bill contains provisions which would amend the Railroad Retirement Act and the Internal Revenue Code, title II would amend the Interstate Commerce Act, and title III contains a separability provision. Title I of the bill is further divided into three parts, only two of which are substantive; part A contains provisions which would be in effect until the end of 1974, while part B contains provisions which would become effective after 1974. As was mentioned previously, title II of the bill is not within the jurisdiction of this committee and would hope that the Senator from Washington, the chairman of the Committee on Commerce would speak to this point.

The first section of the bill would permit men to retire on full railroad annuities at age 60 provided that they had at least 30 years of railroad employment. Under the present law, men with 30 years of service who retire between ages 60 and 65 receive reduced annuities, while women of the same age who have at least 30 years of railroad employment are paid full annuities. The provision would become effective on July 1, 1974, and cease to apply after December 1974.

This section is identical to a provision in House-reported H.R. 7200, except that under the House bill the provision would continue in effect after 1974. There is no real reason to believe that this provision will not be made permanent along with the temporary benefit increases, as soon as a method is found to put the system on a sound actuarial basis. The committee felt, however, that because this provision does represent a drain on the fund of approximately $70 million a year, it should be put on the same temporary footing as the recent benefit increases. This is based upon the principle that permanent changes should not be made to the detriment of the fund until permanent financing is found.

The second section of the bill would reduce railroad retirement taxes paid by employees by 4.75 percent, from 10.6 percent of wages to 5.85 percent—the rate paid by employees under the social security program. Employer taxes would be increased by an identical 4.75 percent of wages, from 10.6 to 15.35 percent. The new tax rates would be effective generally for wages paid after September 1973 and before January 1975. This section is identical to a provision in House-passed H.R. 7200.

In another section, the House-passed

bill would provide an exception to this provision for certain railroads and dock companies. Under the exception, the new rates would not apply to the so-called "steel roads" until the earlier of, first, the expiration of their current labor contracts, or second, the time such contracts are renegotiated. Under the committee amendment, the exception would be provided also for certain railway labor organizations which find themselves in the same position with regard to their labor contracts as the steel roads.

The third section of the bill would extend until December 31, 1974, the 15-percent increase in annuities which became effective in 1970, the 10-percent increase in annuities which became effective in 1971, and the 20-percent increase in annuities which became effective in 1972. This section is identical to a provision in House-passed H.R. 7200.

Sections 104, 105, and 106 of the bill provide automatic increases in railroad annuities if social security benefits are increased after June 1973 and before January 1975. If social security benefits are increased in this period, the increase in individual annuities will be the same dollar amount that would have been provided had the individual been receiving a social security benefit based on similar earnings covered under social security. These sections are identical to the provisions of House-passed H.R. 7200.

The House-passed bill would establish a joint labor-management group consisting of members representing the railway labor unions and the carriers to consider all matters relating to the restructuring of the railroad retirement system. This group would report its recommendations to the Senate Committee on Labor and Public Welfare and to the House of Representatives Committee on Interstate and Foreign Commerce not later than July 1, 1974.

In the view of the committee, the provision of the House-passed bill did not spell out in sufficient detail the composition and duties of the labor-management group. Moreover, if it did not submit its recommendation well before July 1, the Congress might not have adequate time to consider what is expected to be a major restructuring of the railroad retirement system involving coordination with the social security program. Therefore, the committee amendment revises this provision of the House-passed bill.

The committee amendment would call on representatives of employees and representatives of railroad employers to create a joint group to recommend changes in the railroad retirement program which will assure the long-range actuarial soundness of the program. The group would be expected to notify Congress within 30 days after the bill is enacted of the names and positions of its members. In preparing its report, the group would be expected to meet at least once a month, and to furnish Congress with interim progress reports. The interim reports would be submitted on September 1, 1973, November 1, 1973, and January 1, 1974. The final report would be submitted to Congress no later than March 1, 1974—rather than July 1, as under the House bill. It is expected that the recommendations for restructuring the railroad retirement program will take into account the recommendations of the Commission on Railroad Retirement and that the recommendations will be specific and in a form suitable for legislative action.

The bill would provide also that the temporary early retirement provision for men authorized by the bill and the temporary benefit increases of 15, 10, and 20 percent—which b. 11 authorizes through December 31, 1974—would become permanent on January 1, 1975, provided certain tax rate increases are made effective by further legislation.

Railroad retirement tax increase would go into effect January 1, 1975, in the amount of 7.5 percent of taxable payroll above other retirement taxes already in the Internal Revenue Code. The burden of this tax is not allocated between employers and employees, but is left to further legislation.

In this connection I would quote from the report on the bill:

It is the Committee on Labor and the solution of the serious financial problems facing the Railroad Retirement Fund cannot be delayed beyond the 18-month extension of the temporary benefits increases provided in this bill. That is the reason the Committee included provisions imposing a 7.5 percent tax commencing January 1, 1975. Although further legislation would be required to allocate the tax before it could become legally effective, the Committee intends these provisions to serve as clear notice of its intention to take appropriate action to deal with the long-range financial problems of the Fund. The 7.5 percent figure is based on the Railroad Retirement Board's current estimate of the amount required to put the Railroad Retirement Fund on an actuarially sound basis, assuming that the temporary increases become permanent and the 30 year retirement provisions in this bill become effective. However, the Committee also wishes to point out that the 7.5 percent figure is not inflexible, and that should the parties agree on a restructuring of the system which reduces the actuarial deficit faced by the Fund—for example, by agreeing to eliminate dual benefits—the 7.5 percent figure can be reduced to whatever amount is appropriate. The Committee is confident that before this increase becomes effective the parties will be able to achieve a solution to the long-range funding problems through collective bargaining under section 107 of this bill. However, the Committee must also recognize the need to provide for funding in this bill, if the parties are unable to reach an agreement. The Committee hopes that this provision will act as an incentive to the parties to provide their own solution, which, of course, may include a reevaluation of the benefit structure as well as changes in the tax rate.

Mr. President, all of this, I know, is complicated. I assure the Senate, however, complicated as this sounds, it is simple compared with the recommendations railway labor and management are invited to present to Congress next winter. Not later than March 1, 1974, railway labor and management are to send their specific recommendations for a new railroad retirement program. They have been frank in their appearances before the committee in saying that they know this is their last chance—that if they do not send Congress realistic recommendations for a sound and soundly financed railroad retirement system, then the lead will fall to other hands. They know that whatever they recommend, Congress will go over it with care. They know that the final document will be a congressional document. Their input will depend on how hard and how honestly they work. Moreover, they know that in the meantime the committee will be forming its own ideas as to how the system might be restructured on an equitable and actuarially sound basis. They know that the committee intends this to be the last piece of patchwork legislation; the next time railroad retirement legislation is before the Senate it will be for the purpose of creating a viable program on a financially sound basis.

The amendment of the Committee on Commerce to the amendment of the Committee on Labor and Public Welfare in the nature of a substitute was agreed to.

The amendment in the nature of a substitute as amended was agreed to.

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

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. GRIFFIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZATION OF APPROPRIATIONS FOR SALINE WATER PROGRAM FOR FISCAL YEAR 1974

The Senate proceeded to consider the bill (S. 1386) to authorize appropriations for the saline water program for fiscal year 1974, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert:

That there is authorized to be appropriated to carry out the provisions of the Saline Water Conservation Act of 1971 (85 Stat. 159), during fiscal year 1974, the sum of $9,127,000 to remain available until expended as follows:

(1) Research expense, not more than $2,000,000;

(2) Development expense, not more than $3,200,000;

(3) Design, construction, acquisition, modification, operation, and maintenance of saline water conversion test beds and test facilities, not more than $1,350,000;

(4) Design, construction, acquisition, modification, operation, and maintenance of saline water conversion modules, not more than $677,000; and

(5) Administration and coordination, not more than $1,900,000.

(b) Funds authorized and appropriated prior to fiscal year 1974 for any purpose under the Saline Water Conversion Act of 1971 may be obligated and expended as follows, notwithstanding any other provisions of law:

(1) Research expenses, $2,400,000;

(2) Development expense, $400,000;

(3) Design, construction, acquisition saline water conversion test beds and facilities, $2,000,000; and

(4) Design, construction, acquisition, modification, operation, and maintenance of saline water conversion modules, $1,875,094.

'(c) Expenditures and obligations under

paragraphs (1), (2), (3), and (4) of subsections (a) and (b) of this section may be increased by not more than 10 per centum and expenditures and obligations under paragraph (5) of subsection (a) of this section may be increased by not more than 2 per centum, if any such increase under any paragraph is accompanied by an equal decrease in expenditures and obligations under one or more of the other paragraphs.

SEC. 2. In addition to the sums authorized to be appropriated by section 1 of this Act there are authorized to be appropriated such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law, or other nondiscretionary costs.

Mr. TUNNEY. Mr. President, I would like to take this opportunity to speak briefly in support of S. 1386. As you know, this bill as originally introduced on behalf of the administration called for a dramatic cut in the level of funding for the Office of Saline Water. I believe such a move would represent a short-sighted stroke of false economy.

According to the Department of the Interior, current projections of water needs by the year 2000 indicate a need for the large-scale production of low-cost fresh water from the sea and from inland brackish water. The Federal Government should be assuming a leadership role in stimulating the growth of a full-scale desalting industry capable of supplying these future needs.

If the Federal Government is to assume that leadership role, it is imperative that the Office of Saline Water retain the capability to maintain a continuing research program investigating potentially new desalting technologies as well as the accompanying technical capability to support planning and development of demonstration plants.

Last year Congress committed this Nation to a 10-year, high-priority program to clear up the Nation's water resources. Desalting technologies developed under the auspices of the Office of Saline Water have crucial applications to high quality waste treatment, and it is likely that reductions in this program will only result in comparable increases in the Environmental Protection Agency's waste treatment program.

In addition, salinity in the Colorado River has become a problem of both national and international concern. The salinity of the river was high even in its original state, and use of the water by man has significantly increased the salinity to an extent which adversely affects both agricultural and urban users. The Environmental Protection Agency has estimated that present salinity levels are causing economic losses of many millions of dollars a year to U.S. users, and this cost will increase in the future unless salinity control measures are taken. Current technological studies in the Office of Saline Water constitute a significant portion of the solution to this problem.

Finally, numerous large coastal metropolitan areas are now counting on desalinization to solve their long-term municipal water needs. If we terminate the program now, we will find ourselves without the requisite technology to meet our future water needs.

This bill will increase the amount of the authorization for fiscal year 1974 to support further research and sustain the technical capacity to support planning and development. I strongly urge the Senate to take favorable action on this bill.

The amendment was agreed to.

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

REPLACEMENT OF AMERICAN FALLS DAM, UPPER SNAKE RIVER PROJECT

The Senate proceeded to consider the bill (S. 1529), to authorize the Secretary of the Interior to enter into agreements with non-Federal agencies for the replacement of the existing American Falls Dam, Upper Snake River project, Idaho, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, line 6, after the word "the", strike out "district" and insert "present spaceholders"; on page 2, line 1, after the word "the", strike out "Upper Snake River" and insert "Minidoka"; in line 5, after the word "the", where it appears the second time, strike out "Upper Snake River" and insert "Minidoka"; in line 10, after the word "the", strike out "Upper Snake River" and insert "Minidoka"; in the same line, after the amendment just stated strike out "project." and insert "project: *Provided*, That the design, construction, and operation of the replacement dam shall not result in a maximum water surface elevation at the dam higher than elevation 4,534.5 feet: *And provided further*, That the Secretary shall continue the program of prevention of and compensation for erosion related to the reservoir."; in line 17, after "Sec. 2.", insert "(a)"; after line 23, insert:

(b) The constructing agency shall: (i) include as a part of the project, a river crossing meeting the then current Department of Transportation standards for Federal-aid secondary highway two-lane traffic, which crossing shall be located on top of the replacement dam or immediately downstream from the dam, and which crossing shall be financed by State, Federal, and private funds, or any combination thereof as the parties deem appropriate; and (ii) coordinate the design of project crossing to allow the inclusion of an additional two lanes, which additional two lanes shall be the responsibility of the Idaho Department of Highways and which may be funded with State or Federal funds.

(c) The plans and specifications for the construction of the dam shall require that an adequate two-lane, two-way crossing shall be maintained at or near the site of the dam during construction.

On page 3, line 21, after the word "and", where it appears the second time, strike out "shall require delivery of water to the spaceholders to be contingent upon fulfillment of the contract obligations:" and insert "the delivery of water to the spaceholders shall be contingent upon the execution of such contracts and the fulfillment of the obligations thereunder:"; on page 4, at the beginning of line 13, strike out "defer" and insert "defray"; in line 22, after the word "shall," insert "be approved by the Secretary so long as it does"; in line 24, after the word "the", where it appears the second time, strike out "Upper Snake River" and insert "Minidoka"; on page 5, line 1, after "Sec. 5.", strike out "Construction of the replacement dam shall not be initiated until the Secretary has approved the designs and specifications." and insert "Construction of the replacement dam shall not be initiated until the Secretary has approved the designs and specifications of the construction of the dam and of the proposed operation of the dam and reservoir. Preliminary design plans shall be submitted to the Secretary by the constructing agency. The Secretary shall approve said plans, or must promptly set forth specific objections to the preliminary design plans. If the parties cannot agree, said specific objections shall be submitted to binding arbitration by an engineering consulting board. The Secretary shall select one member of the board, the constructing agency shall select one member of the board, and the two members so selected shall select a third member. The consulting board's decisions on the specific engineering questions shall be binding on the Secretary and the constructing agency. The constructing agency shall then prepare final designs and specifications. Costs incurred heretofore and hereafter by the Secretary in reviewing such designs, specifications, plans, and construction shall be nonreimbursable and such amounts as are required are authorized to be appropriated for this purpose. The Secretary is authorized to accept fund advances from the beneficiaries if necessary to avoid delays occasioned by appropriations and to make compensation by payment or credits."; on page 6, line 2, after the word "wildlife", strike out "conservation" and insert "enhancement"; in line 6, after "(79 Stat. 213)", insert a period and "In addition, specific facilities for public recreation may also be provided in accordance with the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended (16 U.S.C. 460, et seq.)."; and, in line 10, after "Sec. 7.", strike out "There are authorized to be appropriated such sums as may be necessary for the construction of specific facilities for public recreation and fish and wildlife conservation and for the operation and maintenance of the American Falls replacement dam." and insert "There is hereby authorized to be appropriated for construction of specific facilities for public recreation and fish and wildlife enhancement the sum of $400,000 (July 1972 prices) plus or minus such amounts, if any, as may be required by reason of the changes in the cost of construction work of the type involved therein as shown by engineering cost indices. There are also authorized to be appropriated such funds as may be necessary to meet the prorated construction cost apportionable to the irrigation storage rights of the Michaud Division of the Fort Hall Indian Reservation for space in the reservoir behind the American Falls Replacement Dam and such cost shall be subject to the Act of July 1, 1932 (47 Stat. 564; 25 U.S.C. 368a). There are also authorized to be appropriated such funds as are required for the operation and maintenance of the dam and related facilities."

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior (hereinafter called the Secretary) is authorized to negotiate and enter into agreements with the American Falls Reservoir District or other appropriate agency representing the present spaceholders (hereinafter called the constructing agency), which agreements shall authorize the constructing agency to finance and provide for the construction of a dam to replace the existing American Falls Dam of the Minidoka project, Idaho-Wyoming. The United States shall take title to the dam upon a determination by the Secretary that construction of the dam is substantially completed, and the dam shall be a feature of the Minidoka reclamation project and shall be considered to be a "Government dam" as defined by the Federal Power Act (Act of June 10, 1920, 41 Stat. 1063, as amended). The Secretary shall operate and maintain the replacement dam as a feature of the Minidoka project: *Provided,* That the design, construction, and operation of the replacement dam shall not result in a maximum water surface elevation at the dam higher than elevation 4,354.5 feet: And provided further, That the Secretary shall continue the program of prevention of and compensation for erosion related to the reservoir.

SEC. 2. (a) Replacement of the existing dam as authorized in section 1 hereof shall in no way alter or change the present proportionate storage rights of present spaceholders in the American Falls Reservoir and shall constitute a reaffirmation of existing contract rights between the Secretary and the spaceholders except as otherwise provided in this Act.

(b) The constructing agency shall: (i) include as a part of the project, a river crossing meeting the then current Department of Transportation standards for Federal-aid secondary highway two-lane traffic, which crossing shall be located on top of the replacement dam or immediately downstream from the dam, and which crossing shall be financed by State, Federal, and private funds, or any combination thereof as the parties deem appropriate; and (ii) coordinate the design of project crossing to allow the inclusion of an additional two lanes, which additional two lanes shall be the responsibility of the Idaho Department of Highways and which may be funded with State or Federal funds.

(c) The plans and specifications for the construction of the dam shall require that an adequate two-lane, two-way crossing shall be maintained at or near the site of the dam during construction.

SEC. 3. The constructing agency may enter into repayment contracts with the spaceholders in the existing American Falls Reservoir providing for the repayment by the spaceholders of proportionate shares of the total project costs incurred by the constructing agency for engineering, financing, designing, and constructing the replacement dam, and the Secretary shall be a party to said contracts and the delivery of water to the spaceholders shall be contingent upon the execution of such contracts and the fulfillment of the obligations thereunder: *Provided,* That said contracts shall be consistent with the terms of existing contracts between the Secretary and the spaceholders for repayment of the costs of the existing American Falls Dam: *And provided further,* That the Secretary is authorized to amend said existing contracts to extend the repayment periods as necessary to bring the combined repayment obligations within the spaceholders' repayment capacity.

SEC. 4. The constructing agency may contract with an appropriate non-Federal entity for the use of the falling water leaving the dam for power generation, which contract shall provide for a monetary return to the constructing agency to defray the costs of construction of the replacement dam. The constructing agency may enter into agreements with an appropriate non-Federal entity to coordinate the construction of hydroelectric power facilities with the construction of the replacement dam. The contract and agreements for use of the falling water shall not be subject to the limitations of section 9(c) of the Reclamation Project Act of 1939 (53 Stat. 1194), or any similar limitations in any other applicable Acts of Congress: *Provided,* That said contract for falling water shall be approved by the Secretary so long as it does not impair the efficiency of the project to serve the other purposes of the Minidoka project.

SEC. 5. Construction of the replacement dam shall not be initiated until the Secretary has approved the designs and specifications of the construction of the dam and of the proposed operation of the dam and reservoir. Preliminary design plans shall be submitted to the Secretary by the constructing agency. The Secretary shall approve said plans, or must promptly set forth specific objections to the preliminary design plans. If the parties cannot agree, said specific objections shall be submitted to binding arbitration by an engineering consulting board. The Secretary shall select one member of the board, the constructing agency shall select one member of the board, and the two members so selected shall select a third member. The consulting board's decisions on the specific engineering questions shall be binding on the Secretary and the constructing agency. The constructing agency shall then prepare final designs and specifications. Costs incurred heretofore and hereafter by the Secretary in reviewing such designs, specifications, plans, and construction shall be nonreimbursable and such amounts as are required are authorized to be appropriated for this purpose. The Secretary is authorized to accept fund advances from the beneficiaries if necessary to avoid delays occasioned by appropriations and to make compensation by payment or credits.

SEC. 6. The Secretary is authorized to provide specific facilities for public recreation and fish and wildlife conservation enhancement in connection with the replacement dam, and the costs of such facilities shall be repaid in accordance with the provisions of the Federal Water Project Recreation Act (79 Stat. 213). In addition, specific facilities for public recreation may also be provided in accordance with the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), as amended (16 U.S.C. 460, et seq.).

SEC. 7. There is hereby authorized to be appropriated for construction of specific facilities for public recreation and fish and wildlife enhancement the sum of $400,000 (July 1972 prices) plus or minus such amounts, if any, as may be required by reason of the changes in the cost of construction work of the type involved therein as shown by engineering cost indices. There are also authorized to be appropriated such funds as may be necessary to meet the prorated construction cost apportionable to the irrigation storage rights of the Michaud Division of the Fort Hall Indian Reservation for space in the reservoir behind the American Falls Replacement Dam and such cost shall be subject to the Act of July 1, 1932 (47 Stat. 564; 25 U.S.C. 368a). There are also authorized to be appropriated such funds as are required for the operation and maintenance of the dam and related facilities.

Mr. CHURCH. Mr. President, I support favorable consideration by the Senate of S. 1519, a bill to authorize the construction of a replacement for the existing American Falls Dam which is a feature of the Minidoka reclamation project in southeastern Idaho.

The American Falls Dam was constructed by the Bureau of Reclamation in 1927. A chemical reaction between the cement and the aggregate in the concrete which comprises the dam has led to gradual deterioration in the structure. The Bureau has concluded that the dam does not meet current safety standards, and severe restrictions have had to be imposed upon the amount of water which can be stored in the reservoir.

The reservoir behind the American Falls Dam represents nearly half the usable storage on the main stem of the Upper Snake River. Nearly 900,000 acres of land receive irrigation water from the reservoir, and it is also the backbone of a coordinated reservoir system which is operated to provide irrigation, flood control, recreation, fish and wildlife conservation, and hydroelectric power throughout the basin.

Storage in the reservoir is presently limited to less than 65 percent of its usable capacity. Greater restrictions will be necessary as the deterioration of the dam advances. Constraints on operation will pose serious threats to the agricultural economy of the area and to the recreation, fish and wildlife, flood control, and hydroelectric power functions served by the reservoir system.

Furthermore, the roadway on the crest of the existing dam is the only crossing within an 80-mile reach of the river. The outdated, 17-foot roadway must carry over 3,000 cars per day including heavily loaded farm produce trucks and agricultural equipment.

The Bureau of Reclamation has conducted a study to investigate the possibilities for replacement and rehabilitation of the American Falls Dam. The Bureau's special report dated December 1972 found that the replacement of the dam in the proximity of the present site would be preferable to rehabilitation.

The Secretary of the Interior, however, has made no recommendation to the Congress concerning the situation. Unfortunately, in recent years reclamation project proposals have seldom been endorsed by the administration. The construction authorized projects have been inadequately funded, the congressional additions to budget requests have been impounded. The water-users of the American Falls Reservoir, faced with the threats of crop failure, have sought other means of expeditiously replacing the dam.

The measure being considered, S. 1529, would authorize an alternative to reclamation financing which was proposed by the water-users in the interest of expediting completion of a replacement dam. In this alternative, an appropriate water-users organization would be authorized to construct the dam, using private financing, and transfer ownership to the Secretary for operation and maintenance as a project feature. The water-users agency would be authorized to contract with an electric utility for the use of falling water at the dam for hydroelectric power generation to help defer the costs of constructing the dam. The Idaho Power Co., which is a spaceholder in the reservoir and which owns existing dam, has expressed its interest in such a contract.

The replacement dam would not re-

sult in any increase in the capacity of the existing reservoir and it would not affect existing rights to water.

This proposal has the full support of the water-users who are dependent upon the existing reservoir, the State of Idaho, and other interested local people. It also has the support of the Department of the Interior and the Office of Management and Budget with technical amendments which were largely adopted by the committee.

The local people have displayed initiative and courage in undertaking the financial risks and burdens associated with this proposal. They deserve the cooperation and assistance of the Congress in making prompt replacement of the dam possible. I urge the Senate's favorable action on S. 1529 as recommended by the Interior Committee.

The amendments were agreed to.

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

The title was amended, so as to read: "A bill to authorize the Secretary of the Interior to enter into agreements with non-Federal agencies for the replacement of the existing American Falls Dam, Minidoka project, Idaho, and for other purposes."

Mr. McCLURE. Mr. President, today the Senate approved by voice vote S. 1529, a bill to authorize the replacement of American Falls Dam through private funding. This needed Idaho project will serve to provide a balance between serving those whose lives are tied closely to agriculture, and those who are concerned with recreation and other multiple uses of the land. The fact that this project will be constructed through a system of private funding indicates a concern for getting the job done by those who are most concerned with the project, and closest to the problem, without coming to the Federal Government and asking for the Federal solving of Idaho's problem.

What has been exhibited by this action of the Senate today is the culmination of cooperation and understanding among the spaceholders and others dependent upon American Falls Dam, State government, and the Federal Government.

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, after the two leaders or their designees have been recognized and have used their time, there be a period for the transaction of routine morning business for not to exceed 10 minutes, with statements therein limited to 3 minutes.

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

Mr. MANSFIELD. Mr. President, on my own recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, I yield the remainder of my time to the distinguished assistant majority leader.

SENATOR MANSFIELD BECOMES A GRANDFATHER

Mr. ROBERT C. BYRD. Mr. President, the wings of the morning have brought good tidings from afar. The senior and very distinguished Senator from Montana, our able and beloved majority leader, has realized perhaps the greatest blessing that can come to anyone, and that is the birth of a grandchild.

Caroline Hayes Theresa Marris, 7½ pounds, was born this morning at around 8 o'clock.

I myself am a grandfather, and I know that one reaches a new plateau in life and has his first taste of immortality when a grandchild is born. Perhaps above all else, grandchildren contribute to those of us who are older a feeling of always being young. As the years go by, there will be nothing in life more precious and more enjoyable to the majority leader than this little granddaughter who first breathes the breath of life on this day, Tuesday, June 19, 1973.

Cornelia Gracchus was the mother of the Gracchi. She had 12 sons and daughters. She lost all of her children except two sons. One day a wealthy neighbor stopped to talk with Cornelia and proudly exhibited her jewels. She then haughtily asked Cornelia whether she had any jewels. Cornelia—great Roman woman, as she was—turned to her two remaining sons and proudly said, "These are my jewels."

MIKE MANSFIELD has many treasures, many blessed memories, many things that come his way. But I dare say that today and in all the future days of his life he will look upon this little grandchild as his most precious jewel, and this day as his most memorable day. I am sure that my colleagues join me in offering congratulations to our distinguished majority leader and in wishing him many years of pleasure in his new grandchild's company.

Mr. AIKEN. Mr. President, I appreciate the words which the Senator from West Virginia has spoken. I think he has spoken for all of us.

I can understand how our majority leader is thrilled today; but I also believe that after he has been thrilled for the 11th time, as I have been, maybe he will get used to it.

We certainly appreciate the work MIKE MANSFIELD has done. I hope his granddaughter will follow in his footsteps and do the world as much good as he has done. We do appreciate MIKE and do commend him and congratulate him on having a new generation of Mansfields come to this world. But as I have already said, the Senator from West Virginia spoke for all of us.

Mr. MANSFIELD. Mr. President, may I say that I am grateful to the distinguished assistant majority leader, the Senator from West Virginia (Mr. ROBERT C. BYRD), and the distinguished senior Senator from Vermont, the dean of the Republicans in this body, for their kind remarks.

I only want to say that when I talked to our daughter's mother this morning, I did not know what our grandchild's name was going to be. I still do not know how the distinguished Senator from West Virginia found out, but I am delighted that he has supplied me and the Senate with the information that her names are to be Caroline Hayes Theresa. It could not have been a better choice.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, for not to exceed 10 minutes, with statements therein limited to 3 minutes.

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

CONSTRUCTION PROJECTS PROPOSED TO BE UNDERTAKEN FOR THE AIR FORCE RESERVE

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, on five construction projects proposed to be undertaken for the Air Force Reserve (with an accompanying paper). Referred to the Committee on Armed Services.

REPORT OF NATIONAL COMMISSION ON PRODUCTIVITY

A letter from the Chairman, National Commission on Productivity, transmitting, pursuant to law, a report of that Commission, dated March 1973 (with an accompanying report). Referred to the Committee on Banking, Housing and Urban Affairs.

REPORT OF U.S. TRAVEL SERVICE

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report of the U.S. Travel Service, for calendar year 1972 (with an accompanying report). Referred to the Committee on Commerce.

INTERNATIONAL AGREEMENTS ENTERED INTO BY THE UNITED STATES

A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements entered into by the United States (with accompanying papers). Referred to the Committee on Foreign Relations.

REPORT ON INVENTORY OF NONPURCHASED FOREIGN CURRENCIES

A letter from the Fiscal Assistant Secretary of the Treasury, transmitting, pursuant to law, a report on Inventory of Nonpurchased Foreign Currencies, as of December 31, 1972 (with an accompanying report). Referred to the Committee on Foreign Relations.

REPORT OF SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

A letter from the Director, Special Action Office for Drug Abuse Prevention, Executive Office of the President, transmitting, pur-

suant to law, a report of that Office, dated 1973 (with an accompanying report). Referred to the Committees on Government Operations and Labor and Public Welfare.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a communication to the President of the Senate from Jerome H. Jaffe, M.D., Director, Special Action Office for Drug Abuse Prevention, be jointly referred to the Committee on Government Operations and the Committee on Labor and Public Welfare.

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

SUMMARY-DIGEST OF FEDERAL WATER LAWS AND PROGRAMS

A letter from the Chairman, National Water Commission, transmitting, for the information of the Senate, a Summary-Digest of Federal Water Laws and Programs (with an accompanying document). Referred to the Committee on Interior and Insular Affairs.

REPORT OF DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

A letter from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, his report for the fiscal year 1972 (with an accompanying report). Referred to the Committee on the Judiciary.

REPORTS RELATING TO THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens (with accompanying papers). Referred to the Committee on the Judiciary.

REPORT OF U.S. ENVIRONMENTAL PROTECTION AGENCY

A letter from the Acting Administrator, U.S. Environmental Protection Agency, transmitting, pursuant to law, a report of that Agency (with an accompanying report). Referred to the Committee on Public Works.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

A concurrent resolution of the Legislature of the State of Louisiana. Referred to the Committee on Agriculture and Forestry:

"SENATE CONCURRENT RESOLUTION No. 181

"A concurrent resolution to memorialize the Congress of the United States to take necessary steps to make Department of Agriculture regulations uniform

"Whereas, in Louisiana this year the Mississippi River and other rivers and bodies of water have overflowed causing extensive flooding of many areas in the state; and

"Whereas, such flooding has reached unprecedented high levels, has caused extensive damage to thousands of acres of rich Louisiana farmland and has made it impossible for many farmers in the state to plant their crops; and

"Whereas, it has come to the attention of the Legislature of Louisiana that there exists discrimination in the terms under which agricultural loans are made to Louisiana farmers when compared to such terms of loans in other areas of the nation, this discrimination being due to regulations of the Department of Agriculture; and

"Whereas, the flooding of the Mississippi River and its tributaries is not only a state problem but also a national problem, particularly in view of the fact that Louisiana due to its geographical location is at the lowest point in the drain of water from one and one-fourth million square miles of the United States and Canada, the Mississippi Drainage Basin containing forty-one percent of the area of the forty eight continental United States; and

"Whereas, the geographical location of Louisiana farmers is such that they suffer losses as a result of waters reaching this state from as far away as western New York and Central Montana; and

"Whereas, there is no reasonable classification for discrimination against Louisiana farmers and such discrimination by the Department of Agriculture is clearly unreasonable and even tends to be arbitrary and capricious; and

"Whereas, failure to extend loans to Louisiana farmers at terms comparable to those received by farmers in other areas of the nation whose lands are inundated would be extremely unfair since such flooding is an Act of God completely out of the control of man and for which Louisiana farmers should not be denied the benefits given to other farmers in the United States.

"Therefore, be it resolved by the Senate of the Legislature of the state of Louisiana, the House of Representatives thereof concurring, that the Congress of the United States is hereby memorialized to take whatever steps within its power to make Department of Agriculture regulations uniform so as to make the terms of loans to Louisiana farmers comparable to those extended to farmers in other areas of the United States.

"Be it further resolved that copies of this Resolution shall be transmitted to the presiding officers of the two houses of the Congress and to each member of the Louisiana Delegation in Congress."

A concurrent resolution of the Legislature of the State of Louisiana. Referred to the Committee on Agriculture and Forestry:

"SENATE CONCURRENT RESOLUTION No. 177

"A concurrent resolution to memorialize the United States Congress to take whatever steps in its power to extend the deadline to apply for Federal crop insurance

"Whereas, in Louisiana this year the Mississippi River and other rivers and bodies of water have overflowed causing extensive flooding of many areas in the state; and

"Whereas, such flooding has reached unprecedented high levels, has caused extensive damage to thousands of acres of rich Louisiana farmland and has made it impossible for many farmers in the state to plant their crops; and

"Whereas, pursuant to the provisions of the Federal Crop Insurance Act, 7 USCA § 1501 through § 1520, under the administration of the Federal Crop Insurance Corporation within the United States Department of Agriculture, the deadline for applying for federal crop insurance has been fixed at June 20, 1973; and

"Whereas, in order to apply for federal crop insurance farmers are required to have first planted their crops prior to the deadline for making application to obtain such insurance; and

"Whereas, because of the present flooded conditions existing in the state flooded acres of farmland can not possibly be planted in time to meet the current deadline of June 20th; and

"Whereas, failure to extend the deadline for applying for federal crop insurance to those Louisiana farmers whose lands are inundated would be extremely unfair since such flooding is an act of God completely out of their control and for which they should not be denied the benefit of obtaining federal crop insurance.

"Therefore, be it resolved by the Senate of the Legislature of the state of Louisiana, the House of Representatives thereof concurring, that the Congress of the United States is hereby memorialized to take whatever steps within its power to extend the deadline by which to apply for federal crop insurance to at least forty-five days past the present deadline of June 20, 1973 for farmers in the state of Louisiana whose farmland cannot be planted by the current deadline because of flooded conditions existing within the state.

"Be it further resolved that copies of this Resolution shall be transmitted to the presiding officers of the two houses of the Congress and to each member of the Louisiana Delegation in Congress."

A joint resolution of the Legislature of the State of Utah. Referred to the Committee on Finance:

"H.J.R. No. 26

"A joint resolution of the 40th Legislature of the State of Utah, requesting the Congress of the United States to pass legislation to return to the States a portion of the Federal user charges flowing into the aviation trust fund

"Be it resolved by the Legislature of the State of Utah:

"Whereas, the federal government has a vital interest in the development of a national air transportation system and to this end has concentrated its efforts in airport development in the major metropolitan areas of our nation, which airports serve the national and international traveler;

"Whereas, state government has a major responsibility for developing a state system of multi-sized airports which will complement and include the national system and bring air service to all citizens of our nation;

"Whereas, the federal government has levied user taxes of such magnitude on the aviation public as to preempt the field in taxation; and

"Whereas, the national policy has been established as being one to encourage the development of the small cities and towns of this nation and to avoid the problems associated with continued urban concentration.

"Now, therefore, be it resolved, by the Legislature of the State of Utah that Congress is requested to find the proper avenue and pass the necessary legislation to assure that the funds amassed by aviation user taxes on the federal level be returned in part to the state on an equitable and proportionate basis so as to allow the states themselves to provide and maintain their share of the total air transportation system.

"Be it further resolved, that the Secretary of State of Utah send copies of this resolution to the Senate and House of Representatives of the United States and to each Senator and Representative from the State of Utah."

A resolution adopted by the State Librarians and other representatives of the Thirteen Original Colonies, held in Philadelphia, praying for the enactment of legislation to establish a program for preserving and making accessible documentary resources throughout the Nation. Referred to the Committee on Government Operations.

A resolution adopted by the Montana Young Republicans, in support of the President. Ordered to lie on the table.

A resolution adopted by the Republican State Convention of the Republican Party of Virginia, expressing appreciation for the dedicated service to the nation by Spiro T. Agnew. Ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLELLAN, from the Committee on the Judiciary, without amendment:

S. 11. A bill to grant the consent of the United States to the Arkansas River Basin compact, Arkansas-Oklahoma (Rept. No. 93-227). Referred to the Committee on Public Works with instruction to report within 10 days.

Mr. McCLELLAN. Mr. President, on behalf of the Committee on the Judiciary, I report favorably without amendment, S. 11, the Arkansas River Basin compact, Arkansas-Oklahoma.

I ask unanimous consent that the bill now be referred to the Committee on Public Works for a period of not to exceed 10 days.

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

By Mr. CLARK, from the Committee on Public Works, without amendment:

H.R. 5857. An act to amend the National Visitor Center Facilities Act of 1968, and for other purposes (Rept. No. 93-228).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without amendment:

S. 1636. A bill to amend the International Economic Policy Act of 1972 (Rept. No. 93-229).

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. CASE:

S. 2017. A bill to enlarge the boundaries of Grand Canyon National Park in the State of Arizona, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. CHILES:

S. 2018. A bill to increase the amount of compensation an individual receiving disability insurance benefits under title II of the Social Security Act may earn. Referred to the Committee on Finance.

By Mr. HART:

S. 2019. A bill for the relief of Mr. Julio Hernandez Guerrero, Lydia Rodriguez de Hernandez, and children, Daniel, Martha, Ricardo, David, Anna, Martin, Marcela, Sara, and Olga. Referred to the Committee on the Judiciary.

By Mr. PROXMIRE:

S. 2020. A bill to provide that the Administrator of the Social and Economic Statistics Administration, Department of Commerce, be subject to Senate confirmation, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. HATHAWAY:

S. 2021. A bill to recognize the role of certain State and local agencies in assuming the responsibility for carrying out low- and moderate-income housing programs, to affirm the continuing responsibility of the Federal Government in carrying out such programs, to facilitate the interim operation of such programs by those State and local agencies, to provide for the resumption of the operation of such programs by the Federal Government in an expeditious manner, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. TUNNEY:

S. 2022. A bill to provide increased employment opportunity by executive agencies of the United States Government for persons unable to work standard working hours, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. STAFFORD:

S. 2023. A bill to amend section 1819 of title 38, United States Code, to authorize the Administrator of Veterans' Affairs to make loans under certain circumstances to veterans for the acquisition of lots on which to place mobile homes owned by such veterans. Referred to the Committee on Veterans' Affairs.

By Mr. McGOVERN (for himself and Mr. JACKSON):

S. 2024. A bill to provide emergency public service employment for unemployed Indian Americans living on reservations, to assist in providing needed public services to preserve Indian customs and identity and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. RANDOLPH (for himself and Mr. ROBERT C. BYRD):

S.J. Res. 126. Joint resolution to authorize and request the President to issue annually a proclamation designating the fourth Sunday in May of each year as "Grandparents Day." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHILES:

S. 2018. A bill to increase the amount of compensation an individual receiving disability insurance benefits under title II of the Social Security Act may earn. Referred to the Committee on Finance.

Mr. CHILES. Mr. President, I wish to call the attention of this body to the plight of the handicapped American, the disabled who are receiving compensation under our social security system, and who have been singled out for a rather unusual and discriminatory application of our social security regulations. I am referring to the way the law is administered so that an individual's disability status is jeopardized if he earns between $90 and $140 per month and is removed if his earnings exceed the latter figure. The basis of this regulation is the way the Secretary of Health, Education, and Welfare has interpreted and applied the law which says that the disabled by definition are unable to perform "substantial gainful work."

The purpose of the bill I am introducing today is first to remove the amount between $90 and $140 from consideration as far as interpreting the word "substantial" is concerned and to allow the disabled the possibility of up to $140 per month in earnings so long as the nature of the work performed is not inconsistent with his disability. Second, to provide flexibility in defining what we mean by "substantial" work. Certainly, what was substantial back in 1932 is hardly that today, and what was in 1969 may not be in 1972 or 1975. Therefore, I would propose to tie the maximum earnings allowable to the same exemption we allow retired persons under the social security law. Today it would to $2,100 per year, but it would be more, depending upon what happens in the Congress this year to pending welfare reform legislation.

Aside from the foregoing, this bill, which I introduced last year as an amendment to H.R. 1, would remove an aspect of the law which discriminates between the retired and disabled person. For example, if a 61-year-old disabled person earns more than $90 per month, his earnings prompt a reconsideration of his status and might well under the circumstances be considered "substantial." One year later he may "retire" under reduced pension and earn up to $140 per month with no questions asked, or possibly more if the exemption is raised this year.

In other words, we have established a more flexible monetary standard for determining full retirement than we have for determining full disability. We are encouraging retired persons to supplement their social security incomes without jeopardizing their retired status while we penalize the disabled who are by definition younger and, therefore, more encumbered with financial responsibilities and obligations and thus in greater need. Of course, the disabled veteran has no such restrictions of any kind.

I think it is fundamental to the human spirit to make use of oneself, to find useful, remunerative things to do, no matter what the handicap, no matter what the limitation. Was Helen Keller disabled? Did she in her lifetime rise above her disability to find "substantial gainful work?" Do not some of the 1.6 million disabled persons receiving an average monthly income of $145 today aspire to some useful activity, if we did not interpret the law in such a narrow sense that they are effectively denied the chance? I am not insisting that the disabled beneficiaries be allowed to earn exorbitant extra incomes which would render the concept of disability compensation meaningless. What I propose is a system that permits some meaningful, useful, remunerative activity if the spirit and flesh are somehow willing, even if medical determinations have indicated that they should not be.

I am simply proposing that we allow the handicapped the same exemption we allow our retired citizens insofar as extra earnings are concerned. This would not swell the disability rolls: It would not entail any substantial, if any, increase in allocations. It would provide balance and equity in the treatment we provide our disabled citizens on the one hand and our older citizens on the other: It would lend a quality of dignity to our concept of the disabled person: and it would for those who can muster the effort, provide a means to supplement to a very modest degree the meager income that is already well below the minimum standard for poverty in this country. An average of $1,752 per annum which the disabled receive is hardly exorbitant: add to this now the exemption we provide them automatically when they "retire" and we come up with the "outrageous" sum of $3,432 per annum at the maximum, assuming, of course, they have the steady physical capacity to earn the extra $2,100.

Allow me to end my remarks by reading to you from a letter sent to me by the handicapped adults of Tampa, Florida's third largest city:

> There are many young adults and middle-aged people physically handicapped from birth, childhood, or later in life who receive welfare or social security. Many of these people are capable of a certain amount of work. However, our earning capacity is limited because of our handicaps, thus preventing us from making enough money to live on. We feel that we should be allowed to work and continue to draw social security. This would be in line with a privilege accorded the elderly, who are allowed to earn up to $1,600 a year. We feel that handicapped young people, who desire a more active life and can make a contribution to our society are entitled to the same privilege.

Mr. President, this is all my bill is designed to accomplish—to accord them that same privilege.

I ask unanimous consent to have this proposal printed in the RECORD at this point in my remarks.

There being no objection, the bill was

ordered to be printed in the RECORD, as follows:

S. 2018

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 223 (d) (4) of the Social Security Act is amended by inserting immediately after the first sentence thereof the following new sentence: "Under such criteria, an individual who is engaged in any gainful activity shall not, solely by reason of his earnings from such activity, be regarded as being able to engage in any substantial gainful activity, unless such individual is compensated for such activity at a monthly rate (or any equivalent rate if such individual is compensated on a daily, weekly, or other basis) which is not in excess of the dollar amount specified in section 203(f)(1)(E) or, if greater, the 'exempt amount', as that term is used in section 203(f))."

(b) The Secretary of Health, Education, and Welfare shall revise the regulations authorized to be promulgated by him under section 223(d)(4) of the Social Security Act so as to conform such regulations to the requirements imposed by the amendment made by paragraph (1), and such regulations, as so revised, shall become applicable not later than the first day of the first month which begins more than thirty days after the date of enactment of this Act.

By Mr. PROXMIRE:

S. 2020. A bill to provide that the Administrator of the Social and Economic Statistics Administration, Department of Commerce, be subject to Senate confirmation, and for other purposes. Referred to the Committee on Post Office and Civil Service.

BILL TO REQUIRE CONFIRMATION OF THE ADMINISTRATOR, SOCIAL AND ECONOMIC STATISTICS ADMINISTRATION

Mr. PROXMIRE. Mr. President, I am today introducing a bill to require that the Administrator of the Social and Economic Statistics Administration (SESA) in the Department of Commerce be confirmed by the Senate.

IN CHARGE OF SENSITIVE FIGURES

First of all, this is a very important post. At least 16 of the major monthly economic indicators are prepared by the Department of Commerce and this agency. These include the Nation's Income, Expenditure and Saving Accounts; the Gross National Product; Sources of Personal Income; National Income; Disposition of Personal Income; Corporate Profits; Gross Private Domestic Investment; New Plant and Equipment Expenditures; New Construction; New Housing Starts; Business Sales and Inventories; Manufacturer's Shipments, Inventories and New Orders; Merchandise Exports and Imports; the U.S. Balances on Goods, Services, and Transfers; the U.S. Overall Balances on International Transactions; and the Federal Sector of the National Income Accounts.

These are among the most important and sensitive statistics the Government produces. They are equaled in importance only by the unemployment figures and the Consumer and Wholesale Price Indexes.

SUBORDINATE AT CENSUS BUREAU REQUIRES CONFIRMATION

In addition, the Administrator of SESA has under him the Census Bureau whose Director must be confirmed by the Senate. This anomaly should be corrected.

UNQUALIFIED NOMINEES

Both Mr. Edward Failor who is now serving as head of SESA and Mr. Vincent Barabba, who has been nominated to head the Census Bureau, are unqualified to head these agencies.

Mr. Failor has no professional statistical background whatsoever. He comes to the position directly from CREEP—Committee To Reelect the President. Prior to that he was Chief of the Office of Assessment and Compliance of the Bureau of Mines where his stewardship received a stinging rebuke in a General Accounting Office report. His other qualifications include a position as legislative lobbyist for the Association of Coin Operated Laundries in Iowa.

Mr. Barabba also comes from a political background having been involved in polling for the President in the recent campaign. Until very recently he has not even been a member of any of the professional groups involved in the statistical world.

BLS HEAD CONFIRMED

The only statistical position in the Government of comparable or superior importance to the head of SESA is that of the Commissioner of the Bureau of Labor Statistics. He puts out the monthly figures on unemployment and the wholesale and consumer price indexes.

That position is for a 4-year term and is confirmed by the Senate. SESA's head should also be confirmed.

RELIABILITY AND CREDIBILITY OF GOVERNMENT STATISTICS

But far more important is the question of the reliability and credibility of the Government's statistics. A series of recent events has threatened public confidence in the Government's figures.

Mr. President, there is now a credibility gap with respect to the management of Government statistics. Here is why.

The Bureau of Labor Statistics, on orders of the White House, stopped its monthly press conferences by its professional staff. It did this immediately following an interpretation of the unemployment figures by its professional staff which contradicted the optimistic and political interpretation of the Secretary of Labor.

Instead of a press conference by professionals, regular political comment by the Council of Economic Advisers, the head of HUD, the Secretary of the Treasury, and others was substituted.

They gagged the professionals and substituted highly partisan political comment and interpretation of the monthly figures.

Next, a number of the professionals at the BLS were reorganized out of their jobs.

Then the head of BLS, Geoffrey Moore, was fired. Dr. Moore was a highly competent professional who was both loyal to the administration and loyal to his professional ethics. Yet, he was fired.

Meanwhile, statistical series which were unpalatable to the administration were discontinued. At no time did they "cook" the figures but they did put gross political interpretations on them and they did stop issuing figures which were embarrassing.

Now the President has appointed two unqualified political hacks to head SESA and to head the Census Bureau.

OPENING THE DOOR TO ABUSE

If we allow these nonprofessional and unqualified men to head two of our key statistical agencies, we are opening the door to potentially great abuse. That is why I am introducing this bill to require that Mr. Failor be confirmed by the Senate if he is to continue to head SESA and that is why I am opposing the nomination of Mr. Vincent Barabba to head the Census Bureau at a confirmation hearing tomorrow.

Consider the following possibilities for abuse of our statistics if men like Messrs. Failor and Barabba head our most important statistical units.

SCENARIO FOR ABUSE

Here is the scenario for abuse.

Without resort to burglary, bugging, breaking and entering, or other criminal acts, the statistics on unemployment, prices and other matters vitally affecting the economy and political and public opinion, could be "cooked" or "doctored" on the eve of a close election.

Incredible? Fantastic? Equity Funding fabricated hundreds of millions of dollars of phoney insurance policies through computer manipulation. Men at the highest levels of government are now deeply involved in criminal acts committed for the purpose of winning an election.

But jiggering the figures could be done without resorting to crime. While it is a crime for citizens to give false information to the Government, it is not yet a crime for the Government to give false information to its citizens. An election could be influenced or rigged without resorting to criminal acts merely by manipulating the crucial figures. The temptations are even greater than resorting to crimes.

Men of high professional qualifications are far more likely to resist "cooking" the key figures than those with no professional background. The former have their professional pride and the esteem of their peers to offset the pressures from political superiors.

But what happens if the political appointees are put in the professional jobs? What if their basic experience is that of regional director of a Presidential campaign, an an official of CREEP writing partisan speeches, or as a political lobbyist for narrow economic interest, as is the case with Edward D. Failor who now heads SESA without confirmation by the Senate.

Will men of this kind have the fortitude to stand up to the preelection pressures to politicize the figures when their careers have been built by trying to win elections? Will they hold fast or will they go along with the pressures as "team players?"

This is why the head of SESA should not be a political appointee and why I am introducing this bill so that after 'ts passage he cannot serve without the advice and consent of the Senate. This is why the nomination of Vincent Barabba as Director of the Bureau of the Census should be rejected.

I send the bill to the desk and ask unanimous consent that it be printed in the RECORD.

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

S. 2020

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective on the day after the date of enactment of this Act, the Administrator of the Social and Economic Statistics Administration, Department of Commerce, shall be appointed by the President, by and with the advice and consent of the Senate, and no individual shall hold such position from that date unless he has been so appointed.

SEC. 2. Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"(98) Administrator of the Social and Economic Statistics Administration, Department of Commerce."

By Mr. HATHAWAY:

S. 2021. A bill to recognize the role of certain State and local agencies in assuming the responsibility for carrying out low and moderate income housing programs, to affirm the continuing responsibility of the Federal Government in carrying out such programs, to facilitate the interim operation of such programs by those State and local agencies, to provide for the resumption of the operation of such programs by the Federal Government in an expeditious manner, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. HATHAWAY. Mr. President, I am introducing today a bill to direct the Federal Government to assume the responsibility for funding low and moderate income housing programs which State and local agencies have taken over during the period of the moratorium on federally-subsidized housing programs, at such time as the moratorium is lifted.

I have on a number of occasions expressed my opposition to the moratorium which the President has placed on housing programs to aid low and moderate income families. First, the moratorium is an obvious violation of the 1968 Housing Act. In fact, its effect is an obvious violation of the 1968 Housing Act. In fact, its effect is to selectively repeal provisions of that act for a period of time, probably 18 months. This is an illegal usurpation of legislative powers by the Executive. Second, the moratorium has caused and will continue to cause a great deal of hardship to those groups in our society and those areas of the country which are most in need of government assistance to provide decent housing.

My own State of Maine, for example, is greatly affected by the moratorium. Estimates are that over 50 percent of Maine's family housing demands can only be filled by subsidized housing. An inadequate supply of standard housing, coupled with a per capita income figure substantially below the national average, make Maine dependent on federally subsidized housing programs to meet the needs of its population. And up to the time of the moratorium, there had been increasingly successful use of the various Federal programs—section 235, section 236, section 23, and Farmers Home Administration programs—to provide housing for lower income families.

Now that source of assistance has been cut off. Evidence compiled by State officials suggests that the consequences of the moratorium, particularly if it is continued for the full 18 months suggested by the administration, could be disastrous. Owing to the short building season imposed by Maine's severe climate, an 18-month moratorium means in effect the loss of 2 years worth of new construction. Furthermore, this could well result in bankruptcy for some of the smaller construction firms which have been established in recent years—firms which not only provide needed housing but also furnish good employment opportunities in a area where unemployment runs far above the national average. I am sure that other States face problems similar to those which Maine is encountering in face of the moratorium on federally subsidized housing programs.

The Maine State Legislature is currently considering legislation to authorize the Maine State Housing Authority to subsidize certain housing programs previously funded by the Federal Government. In undertaking these obligations, the State Housing Authority will require that programs funded meet the same standards as those set under the Federal programs as well as achieve the same purposes. I am certain that other State governments are also considering measures to enable them to step into the breach and assume responsibilities heretofore shouldered by the Federal Government, in order to continue benefits to their needy citizens.

I applaud such efforts by State governments, and I feel they should be recognized at the Federal level. Furthermore, I believe that the Federal Government should recognize that it has a continuing obligation, under the 1968 Housing Act, to support programs of this nature, and to fund them when the moratorium is lifted.

The bill I am introducing today is designed to recognize efforts by State and local government agencies to undertake the operation of low and moderate income housing programs during the moratorium, to affirm the continuing responsibility of the Federal Government in this area, and to direct the Federal Government to take over funding of subsidized housing programs which the States have initiated when the moratorium is ended.

Specifically, the bill provides that at such time as the Secretary of Housing and Urban Development enters into new contracts under the various low and moderate income housing programs, he shall enter into contracts to provide assistance payments or contributions with respect to dwelling units or projects which, prior to such time—first, were operated with subsidies or other similar assistance from State agencies or units of local government; and second, were operated in substantially the same manner and for substantially the same purposes as Federal activities in this area. In addition, it makes similar provision for the takeover of funding for subsidized housing programs administered by the Secretary of Agriculture.

These provisions shall apply to programs similar to those coming under section 235 or 236 of the National Housing Act, section 312 of the Housing Act of 1964, section 23 of the U.S. Housing Act of 1937, section 521 of the Housing Act of 1949, or under any provisions of law which may be enacted under new legislation to provide housing for substantially the same purposes.

In another section of the bill, the Secretary of HUD and the Secretary of Agriculture are directed to establish plans and procedures to assure the prompt, efficient, and orderly resumption of Federal funding of low and moderate income housing programs. In addition, they are authorized to furnish technical assistance and training to State and local agencies to assist them in carrying out the programs they undertake during the period of the moratorium.

Mr. President, I feel strongly that the Federal Government must recognize its continuing obligation to provide housing for our low-income citizens and to achieve the National housing goal. State and local governments which step into the breach during the period of the moratorium should be recognized for their efforts and relieved of the financial obligations which they have assumed, which are rightly those of the Federal Government, when the Federal Government is in a position to resume these obligations. The bill I am introducing today will accomplish this purpose.

I ask unanimous consent that the complete text of the bill be printed in the RECORD at this point:

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

S. 2021

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

FINDINGS

SECTION 1. The Congress finds and declares that—

(1) the achievement of the national housing goal, as set forth in section 2 of the Housing Act of 1949, of "a decent home and a suitable living environment for every American family" is the responsibility of the Federal Government;

(2) recent budgetary and economic actions and conditions have temporarily reduced the extent of the Federal Government's efforts toward achieving such goal;

(3) agencies and officials of several States have undertaken, during the period of reduced Federal efforts, to perform the Federal role by operating programs to provide housing for families of low and moderate income;

(4) this extraordinary effort by such State agencies and officials should be encouraged and assisted by the Federal Government;

(5) the Secretary of Housing and Urban Development and the Secretary of Agriculture will assume financial responsibility for the interim programs, but in the meantime, such Secretaries should be authorized (A) to assist State agencies and officials in administering such programs during the period of reduced Federal efforts, and (B) to establish plans and procedures for the prompt, efficient and orderly resumption of the Federal Government's efforts toward achieving the national housing goal.

RESUMPTION OF FEDERAL ROLE

SEC. 2. (a) At such time as the Secretary of Housing and Urban Development enters into new contracts under the provisions of section 235 or 236 of the National Housing Act, section 312 of the Housing Act of 1964, or section 23 of the United States Housing Act of 1937, he shall enter into contracts to provide assistance payments or contributions

with respect to dwelling units or projects which, prior to such time—

(1) were operated with subsidies or other similar assistance from State agencies or units of local government; and

(2) were operated in substantially the same manner and for substantially the same purposes as dwelling units or projects subject to such provisions.

The amount of any assistance payment or contribution under this subsection shall be an amount which would be payable if the dwelling unit or project were subject to any such provision, as determined by the Secretary. Any sums available for assistance payments or contributions under any such provision shall be available for the purposes of this subsection. Payments or contributions under this subsection shall be made to the appropriate State agency or unit of local government.

(b) At such time as the Secretary of Agriculture enters into new loan agreements upon which the interest is determined in accordance with the provisions of section 521 of the Housing Act of 1949, he shall enter into contracts to make assistance payments with respect to dwelling units or projects which, prior to such time—

(1) were operated with subsidies or other similar assistance from State agencies or units of local government; and

(2) were operated in substantially the same manner and for substantially the same purposes as dwelling units or projects with respect to which the interest rate is determined under such provisions.

The amount of any assistance payment under this subsection shall be determined as the difference between (A) the market rate of interest on the loan with respect to which the payment is made, and (B) the rate of interest such loan would bear if such loan were subject to section 521 of the Housing Act of 1949. Assistance payments under this subsection shall be made from the Rural Housing Insurance Fund, and such fund shall be reimbursed by annual appropriations in an amount equal to such payments. Payments under this subsection shall be made to the appropriate State agency or unit of local government.

TECHNICAL ASSISTANCE AND PROCEDURES

SEC. 3. (a) The Secretary of Housing and Urban Development and the Secretary of Agriculture are authorized to furnish technical assistance and training to State and local agencies and officials to assist them in carrying out programs to provide low and moderate income housing which serve substantially the same purposes as programs carried out under sections 235 and 236 of the National Housing Act, section 23 of the United States Housing Act of 1937, and section 521 of the Housing Act of 1949.

(b) The Secretary of Housing and Urban Development and the Secretary of Agriculture are directed to establish plans and procedures to assure the prompt, efficient and orderly resumption of the Federal Government's efforts toward achieving the national housing goal, as described in section 2 (a) and (b).

SEC. 5. The Secretary of Housing and Urban Development and the Secretary of Agriculture shall each report to the Congress from time to time, but at least once each year during the period of the reduced Federal housing effort, on their respective activities under this Act.

By Mr. TUNNEY:

S. 2022. A bill to provide increased employment opportunity by Executive Agencies of the U.S. Government for persons unable to work standard working hours, and for other purposes. Referred to the Committee on Post Office and Civil Service.

FLEXIBLE HOURS EMPLOYMENT ACT

Mr. TUNNEY. Mr. President, I am introducing legislation today which would make possible more fulfilling working and family lives for thousands of Americans and help end the discrimination, particularly against women with children, imposed by the basic pattern of working hours in our society.

This bill would institutionalize the practice of providing flexible hours employment opportunities in the Federal Civil Service. As these flexible hours personnel practices are developed, the Federal Government hopefully would serve as a model to be emulated by private and other public employers.

The prime beneficiaries would be working parents, particularly working mothers, and other men and women approaching retirement age who want to end full-time work gradually, rather than with abrupt retirement, and who still have much to contribute.

Also benefiting would be those pursuing educations, from the high school throuh the graduate and professional school levels.

Over the long run, as flexible work scheduling becomes institutionalized in our society, I believe it would enhance the quality of the working and family lives for countless citizens.

The legislation provides that, wherever feasible and after a 5-year phase-in period, 10 percent of all positions at all levels of Federal civil service shall be made available on a "flexible hours" basis for people who either cannot work or do not desire to work full time. A "flexible hours" job is one which provides a permanent, responsible position with standard civil service protections and prorated fringe benefits, but which allows people to work hours consistent with their parental responsibilities, physical limitations, or educational requirements.

The flexible hours concept has been successfully used by Federal agencies in the past. Unfortunately, these efforts were small in scale and administered strictly for the convenience of the agencies involved. Some local governments have provided flexible hours scheduling with great success in such diverse areas as education and welfare administration. Many employers in the private sector have discovered that structuring working hours to meet certain special needs of their employees has resulted in benefits to both themselves and their staffs.

Mr. President, flexible hours employment alone will not produce fulfilling work for all citizens. It is clearly, however, a constructive first step toward improving the quality of our working and family lives. A copy of the "Flexible Hours Employment Act" and a section-by-section analysis follow immediately. I hope, Mr. President, that this legislation can receive reasonably early and favorable committee consideration. I believe it represents a great opportunity for the Congress to make an important contribution toward working meaningful lives for many thousands of Americans.

Mr. President, I ask unanimous consent that the section-by-section analysis and the bill be printed at this point in the RECORD.

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

S. 2022

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 "Flexible Hours Employment Act".

SECTION 1. As used in this Act, the term—

(1) "Executive Agency" means an Executive department, a Government corporation, and an independent establishment, including the United States Postal Service;

(2) "flexible hours employment" means part-time employment, as for example, 4 hours per work day or, 1, 2, 3 or 4 days per work week, and includes such other arrangements as the Secretary establishes consistent with the policy set forth in section 2(a) and

(3) "Secretary" means the Secretary of Labor.

SEC. 2. (a) It is the policy of the United States Government that, unless adjudged impossible by the Secretary, at least two per centum of the positions at each and all levels in all Executive Agencies shall be available on a flexible hours employment basis for persons who cannot work or do not desire to work full-time within one year after the date of enactment of this Act. Not later than two years after the date of enactment of this Act, four per centum of such positions shall be available for such persons. Not later than three years after the enactment of this Act, six per centum of such positions shall be available for such persons. Not later than four years after the enactment of this Act, eight per centum of such positions shall be available for such persons. Not later than five years after the date of enactment of this Act, ten per centum of such positions shall be available for such persons.

(b) Each Executive Agency shall adopt and maintain procedures, continuously conduct activities and projects, and undertake such other efforts as may be appropriate to carry out the policy of subsection (a) of this section. The Secretary shall promptly formulate and implement and thereafter supervise a program to assist Executive Agencies in carrying out such policy.

(c) Each Executive Agency shall report quarterly to the Secretary on the procedures, activities, projects and other efforts undertaken to carry out the policy of subsection (a) of this section. The quarterly reports shall contain documentation concerning the extent to which the employment requirements of subsection (a) have been fulfilled and an explanation of any impediments to their fulfillment and of measures undertaken to remove these impediments.

(d) The Secretary shall report annually to the Congress on the procedures, activities, projects and other efforts undertaken to carry out the policy of subsection (a). The annual reports shall contain documentation concerning the extent to which the employment requirements of subsection (a) have been fulfilled and an explanation of any impediments to their fulfillment and of measures undertaken to remove these impediments.

SEC. 3. (a) The Secretary shall carry out all his or her functions relating to the welfare of wage and salary earners through the Employment Standards Administration of the Department of Labor, or any Administration of the Department of Labor that may, after the effective date of this Act, be charged with responsibilities similar to those of the Employment Standards Administration, including—

(1) the conduct of research and experimentation projects and any other activities designed to promote, in public and private

employment, the advancement of opportunities for persons who are unable or who do not desire to work standard working hours;

(2) the promotion and supervision of programs for flexible hours employment in the Executive Agencies; and

(3) the encouragement of adoption of flexible hours employment practices by all public and private employers.

(b) The Secretary shall carry out all of the functions of this Act through the Employment Standards Administration of the Department of Labor, or any Administration of the Department of Labor that may, after the effective date of this Act, be charged with responsibilities similar to those of the Employment Standards Administration.

Sec. 4. No person who is otherwise qualified for full time Federal employment shall be required to accept flexible hour employment as a condition of new or continued employment.

SEC. 5. All persons employed in flexible hours employment positions pursuant to the policy established by section 2(a) of this Act shall receive, on a pro rata basis, all benefits normally available to full-time employees of all Executive Agencies in similar position or grade.

SEC. 6. No Executive Agency subject to the provisions of this Act shall, for the purpose of determining that agencies personnel ceiling requirement, count any employee employed on a flexible hours employment basis other than on a pro rata basis according to the percentage of hours such employee works in each 40 hour work week.

SEC. 7. No person employed as an expert or consultant pursuant to section 3109 of title 5, United States Code, and no person who is employed for more than 20 hours in any 40 hour work week by any employer other than an Executive Agency may be counted for the purpose of determining compliance with the policy established in section 2(a) of this Act.

SEC. 8. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

SECTION-BY-SECTION ANALYSIS

Section 1 defines the terms "Executive Agency", "Flexible Hours Employment" and "Secretary". "Flexible Hours Employment" means part-time employment as, for example, four hours per work day or one, two, three, or four days per week and other similar arrangements that the Secretary of Labor finds to be consistent with the basic policy set forth in Section 2.

Section 2, Subsection (a) sets forth the basic policy established by this legislation. It requires that, unless adjudged impossible by the Secretary of Labor, 2 percent of the positions at each and all levels in all Executive Agencies must be made available on a flexible hours employment basis within one year of the date of enactment. Two years after enactment, 4 percent must be so available. Three years after enactment, 6 percent must be so available. Four years after enactment, 8 percent must be so available. Five and all subsequent years after enactment, 10 percent must be so available. These positions shall be made available for persons who cannot or do not desire to work full time.

Subsections (b), (c) and (d) establish reporting procedures through which the Secretary of Labor administers the review and oversight of the implementation of Subsection (a) policy and through which the Congress is kept informed as to the extent of, barriers to and development of measures to increase fulfillment of Subsection (a) policy.

Section 3 requires the Secretary of Labor to promote expansion of flexible hours employment practices by all public and private employers.

Section 4 provides that no person can be forced, against his or her will, to accept flexible hours employment as a condition of new or continued employment. This is to protect present full-time employees in the Civil Service against the possibility that they might be forced into changing their own currently satisfactory working arrangements in order that their employing agencies might meet the policy goals stated earlier.

Section 5 provides that persons employed in flexible hours employment positions shall receive, on a pro rata basis, all benefits normally available to full-time employees working in similar Federal positions or grades.

Section 6 requires that, when counting employees for purposes of determining compliance with agencies' personnel ceiling limits, persons in flexible hours employment positions shall not be counted on other than a pro rata basis according to the percentage of hours each person works in each forty-hour workweek.

Section 7 says that persons employed as outside experts or consultants or persons who work more than twenty hours per week outside the Federal government may not be counted for the purpose of determining compliance with the policy and goals established by this legislation.

Section 8 authorizes to be appropriated such sums as are necessary to carry out the purposes of this legislation.

By Mr. STAFFORD:

S. 2023. A bill to amend section 1819 of title 38, United States Code, to authorize the Administrator of Veterans' Affairs to make loans under certain circumstances to veterans for the acquisition of lots on which to place mobile homes owned by such veterans. Referred to the Committee on Veterans' Affairs.

Mr. STAFFORD. Mr. President, the bill I am introducing today would permit a veteran to use his GI home loan provisions to purchase a mobile home lot with a GI loan even if he had prevously purchased a mobile home.

Under present provisions of section 1819 which relate to the purchase of mobile home lots, the veteran is limited to purchasing a lot in combination with the purchase of the mobile home; thus, both must be bought together.

This particular provision discriminates against a veteran who either owned a mobile home upon entering the service, or purchased one during his time of serving the United States.

Under the provisions of the law, a veteran would not be able upon discharge to buy just a lot on which he could place his home, but he would be forced into the situation of purchasing a new mobile home at the same time he bought this lot.

Because of this discrimination, I am introducing a bill which would allow the purchase of a mobile home lot by a veteran who already owns a mobile home.

Mr. President, I ask unanimous consent that the text of my bill be printed at the conclusion of my remarks.

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

S. 2023

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1819 of title 38, United States Code, is amended as follows:

(1) Subsection (a) is amended by inserting "or the mobile home lot guaranty benefit, or both," immediately after "loan guaranty benefit" each time it appears in such subsection; and by striking out "mobile home" immediately before "loan guaranteed" in the second sentence of such subsection.

(2) Subsection (b) is amended—

(A) by inserting "(1)" immediately after "(b)";

(B) by redesignating clauses (1) and (2) as clauses (A) and (B); and

(C) by adding at the end thereof a new paragraph as follows:

"(2) Subject to the limitations in subsection (d) of this section, a loan may be made to purchase a lot on which to place a mobile home if the veteran already has such a home. Such a loan may include an amount sufficient to pay expenses reasonably necessary for the appropriate preparation of such a lot, including but not limited to, the installation of utility connections, sanitary facilities and paving, and the construction of a suitable pad."

(3) Paragraph (1) of subsection (c) is amended by striking out the word "and" at the end of clause (1) and inserting in lieu thereof the following: "or the loan is for the purpose of purchasing a lot on which to place a mobile home previously purchased by the veteran, whether or not such mobile home was purchased with a loan guaranteed or made under this section or purchased with a loan guaranteed, insured, or made by another Federal agency, and".

(4) The last sentence of paragraph (1) of subsection (d) is amended to read as follows: "In the case of any lot on which to place a mobile home, whether or not the mobile home was financed with assistance under this section, and in the case of necessary site preparation, the loan amount for such purposes may not exceed the reasonable value of such lot or an amount appropriate to cover the cost of necessary site preparation or both, as determined by the Administrator."

(5) Paragraph (2) of subsection (d) is amended by striking out the period at the end of clause (C) and inserting in lieu thereof a comma and the word "or"; and by adding at the end of such paragraph the following:

"(D) $5,000 for six years and thirty-two days in the case of a loan covering the purchase of an undeveloped lot on which to place a mobile home owned by the veteran and such additional amount as is determined by the Administrator to be appropriate to cover the cost of necessary site preparation; or

"(E) $7,500 for eight years and thirty-two days in the case of a loan covering the purchase of a suitably developed lot on which to place a mobile home owned by the veteran."

(6) Paragraph (3) of subsection (e) is amended to read as follows:

"(3) the loan is secured by a first lien on the mobile home purchased with the proceeds of the loan and on any lot acquired or improved with the proceeds of the loan;".

(7) Subsection (f) is amended by inserting "and mobile home lot loans" immediately after "loans".

(8) The first sentence of subsection (i) of such section is amended by striking out the period at the end of such sentence and inserting in lieu thereof a semicolon and the following: "and no loan for the purchase of a lot on which to place a mobile home owned by a veteran shall be guaranteed under this section unless the lot meets such standards."

(9) Subsection (n) is amended by inserting "and mobile home lot loans" immediately after "mobile home loans".

By Mr. McGOVERN (for himself and Mr. JACKSON):

S. 2024. A bill to provide emergency public service employment for unemployed Indian Americans living on reservations, to assist in providing needed public services to preserve Indian customs and identity and for other pur-

poses. Referred to the Committee on Interior and Insular Affairs.

SENATE CONCURRENT RESOLUTION 33—SUBMISSION OF A RESOLUTION RELATIVE TO IMPROVING THE LIVING CONDITIONS OF AMERICAN INDIANS

(Referred to the Committee on Interior and Insular Affairs.)

THE INDIAN ECONOMIC DEVELOPMENT AND EMPLOYMENT ACT OF 1973

Mr. McGOVERN. Mr. President, the time has long since passed for the Congress and indeed for the country as a whole to come to grips with the current living conditions on the Indian reservations of this country.

It is impossible to turn back the clock, no matter how justified that action would be. It is not realistic to attempt to return to the terms of the Sioux Treaty of 1868, nor do I believe that a majority of the Indian people would desire that. It is important, however, for us to initiate a policy that will provide greater opportunities for our Indian citizens.

It is inexcusable that a visitor from the Brookings Institution to the reservations in the year 1971 would have to describe his observations as follows:

An Indian reservation can be characterized as an open-air slum. It has a feeling of emptiness and isolation. There are miles and miles of dirt or gravel roads without any signs of human life. The scattered Indian communities are made up of scores of tar-paper shacks or log cabins with one tiny window and a stovepipe sticking out of a roof that is weighted down with pieces of metal and automobile tires. These dwellings, each of them home for six or seven persons, often have no electricity or running water—sometimes not even an outhouse. The front yards are frequently littered with abandoned, broken-down automobiles that are too expensive to repair and too much trouble to junk. The number of unemployed is striking. Evreywhere there seems to be dozens of Indians standing around doing nothing.

We must guarantee that a visitor to the reservations in the year 1981 would not be able to relate that observation.

On April 9 of this year, Mr. Lloyd Eagle Bull, the secretary of the Oglala Sioux Tribal Council in South Dakota, concluded his statement before the House Subcommittee on Indian Affairs by saying:

And now we have gotten to the real issue. The issue isn't Wounded Knee. It isn't the treaty of 1868. The issue is jobs. . . . I want to tell you that there is nothing more important that you can do for my people than to get a job program for us. We have an unemployment problem which goes back for generations. No wonder that so many people, even young people, lose hope. Get us jobs, and there won't be an Indian problem anymore.

I fully believe that Mr. Eagle Bull is right. The root cause of the problems of Indian health, social stability, and educational incentive seems clearly to be economic deprivation. The high rate of self-destruction among Indians in the 20–34 age group, that group which in our society is one of the most productive, has been attributed by Dr. Emery A. Johnson, the director of the Indian Health Service, to the total frustration, the sense of hopelessness, which stems from the lack of opportunities on the reservation.

Indian people should not have to leave the reservation—their friends, relatives, customs, and past, to participate along with the rest of the country in the most affluent society in the history of man. We in the Congress formed the reservation boundaries, and now it is our duty and responsibility to try as best we can to bring to the reservation the opportunities we have brought to the other parts of the country. We must make an affirmative and substantial commitment to Indian development; our goal must be to give the Indian people the opportunity for economic parity with other Americans.

Perhaps we have already forgotten the effects of the Great Depression on our country: the humility of being unemployed, the feelings of inadequacy when one could not provide food for his family, he frustration of having no control over one's destiny. Yet at the depth of the depression the rate of male unemployment reached only 25 percent. The Indian reservations of this country have for decades had to endure a rate of unemployment almost double that figure, and even today the rate of unemployment on the Crow Creek Reservation, for example, in my own State of South Dakota is a staggering 70 percent of the labor force.

It was clear in the 1930's that only the Federal Government had the resources and capabilities to prime the pump and break the unemployment cycle. It is equally clear to me today that the Federal Government is again uniquely capable of effectively acting to remedy the present situation.

Although in the current fiscal year over $900 million will reach the reservations from the various Federal agencies, this amount simply provides for the public services that would otherwise be funded by State and local governments. What is needed is what was called for by the Interior Department Task Force appointed by Secretary Udall in 1961, and by the report of the President's Task Force on Indian Affairs in 1967:

A combined on-the-job training and public works program to provide immediate employment on Indian reservations and to upgrade the skills of the many unskilled unemployed.

Indian leaders to whom I have spoken are practically unanimous in their feeling that work programs such as those initiated by the Civilian Conservation Corps in the 1930's, the public works acceleration program in the early 1960's, and by the Emergency Employment Act of 1971 were enormously popular and successful.

It is for these reasons, Mr. President, that I am today introducing on behalf of myself and my colleague, Mr. JACKSON, the Indian Economic Development and Employment Act of 1973.

The Bureau of Indian Affairs reports that there are approximately 60,000 reservation Indians unemployed, for a 40-percent rate of unemployment, with substantial numbers of other persons underemployed. It is my hope that the legislation which we are introducing today will reduce by one-third the rate of unemployment, providing 20,000 jobs on reservations across the country with concomitant increases in security and stability for the entire community. In addition, the multiplier effect of the infusion of purchasing power into the area will likely lead to the creation of other jobs in the now small private sectors of the reservations.

The program itself is to be administered by the Secretary of Labor, with the applicant tribes submitting their applications to the Secretary for approval. Any tribe, on Federal or State reservation, where the rate of unemployment is equal to or greater than 18 percent of the labor force, is eligible to formulate its own public service job program and apply to the Secretary for funding.

The widest possible discretion is to be allowed the applicant in the formulation of its plans so that the tribe might set its own priorities as to what public service projects would be most beneficial to the reservation. Some guidelines are of course prescribed, and the plan must provide for the employment of at least 20 percent of those unemployed. But generally a philosophy of self-determination is to be encouraged. All projects are to be located within the geographical area over which the applicant tribe exercises political jurisdiction; and all employees are to be Indians, except where it is advisable to hire outside supervisory personnel with special expertise. Indian culture and identity should be respected and preserved.

The proposed act calls for the expenditure of $150 million per fiscal year for salaries and administrative costs. However, if the investment of $150 million per year results in a reduction of commitments to mental and penal institutions, a reduction of the welfare rolls, an increase in tax revenue, and a decrease in the public works appropriation—and I believe that it will—the net cost will be substantially less.

This figure represents an extremely modest investment in the future of 500,000 Americans who have been neglected for too long. We have been neglecting our legal and moral trust obligations to this group of people ever since it became apparent that they were no longer militarily capable of defeating the United States. Any other trustee who behaved similarly would be discharged immediately.

The time has come for us to stop procrastinating and to address the situation with positive legislation. I believe that the Indian Economic Development and Employment Act can be the first step.

At the same time, Mr. President, I think we must once again address the overall goals with respect to American Indian reservations.

Since 1953, under House Concurrent Resolution 108 of that session, we have pursued the course of termination. Our efforts have been designed to integrate the American Indian into white society in every respect, and to terminate the special relationship that has existed between the Government and the reservations. Over time it was expected to end the reservation system.

That policy has been a disaster, for reservation and nonreservation Indians alike. Eliminating the reservations cannot eliminate the Indian problem; in-

stead it is aggravated. For those who have little else, the policy takes away their identity and their roots as well.

Therefore, I am also submitting a concurrent resolution, similar to one I have sponsored before, to repeal the 1953 resolution. It is time to put aside the fears and the false impressions the termination policy has fostered, and to declare our intention that the Indian people will be permitted to retain their rich cultural heritage and choose their own destiny.

I ask unanimous consent that the bill and concurrent resolution be printed in the RECORD.

There being no objection, the bill and concurrent resolution were ordered to be printed in the RECORD, as follows:

S. 2024

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 "Indian Economic Development and Employment Act of 1973".

STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. The Congress finds and declares that—

(1) Widespread and all-pervading unemployment and underemployment have existed on Indian reservations ever since the creation of the reservation system and have resulted in tragic conditions of dependency and social disorganization;

(2) times of high unemployment severely limit the work opportunities available to the general population, especially low-income persons;

(3) Expanded work opportunities fail, in times of high unemployment, to keep pace with the increased number of persons in the labor force, including the many young persons who are entering the labor force, persons who have recently been separated from military service, and older persons who desire to remain in, enter, or reenter the labor force;

(4) In times of high unemployment, many low-income persons are unable to secure or retain employment, making it especially difficult to become self-supporting and thus increasing the number of welfare recipients;

(5) It is appropriate during times of high unempoyment to fill unmet needs for public services in such fields as environmental quality, housing and neighborhood improvements, recreation, education, public safety, maintenance of streets, parks and other public facilities, development of the natural resources, rural development, transportation, beautification, conservation, and other fields of human betterment and public improvement.

(6) the deplorable living conditions of American Indians can only be alleviated through a sustained positive, and dynamic Indian policy with the necessary constructive programs and services directed to the governing bodies of these groups for application in their respective communities, offering self-determination and self-help features for the people involved.

(7) Modern day needs of Indian people are no longer responsive to the programs and services of the two major Federal Indian service agencies alone (the Bureau of Indian Affairs and the Division of Indian Health), but the complete solution of Indian problems will require new and innovative services for the full development of Indian people and their communities.

(8) American Indian communities should be given the freedom and encouragement to develop their maximum potential; and

(9) Indian culture and identity should be respected and preserved. It is therefore the purpose of this Act to provide unemployed and underemployed American Indians with needed employment, as well as vocational training, through the performance of useful public services.

ESTABLISHMENT

SEC. 3. The Secretary shall enter into arrangements with eligible applicants in accordance with the provisions of this Act in order to make financial assistance available during times of high unemployment for the purpose of providing employment in jobs providing needed public services and training which would otherwise be unavailable.

ELIGIBLE APPLICANTS

SEC. 4. Financial Assistance under this Act shall be provided by the Secretary only pursuant to Tribal Plans submitted by Indian tribes on Federal or State reservations where the rate of unemployment is equal to or greater than 18% of the labor force according to statistics of Department of Interior, Bureau of Indian Affairs.

TRIBAL PLANS

SEC. 5. (a) Financial assistance under this Act may be provided by the Secretary for any fiscal year only pursuant to a tribal plan which is submitted by an eligible applicant and which is approved by the Secretary in accordance with the provisions of this act. Any such plan shall set forth a public service employment program designed, in times of high unemployment, to provide transitional employment for unemployed and underemployed persons in jobs providing needed public services and, where appropriate, training and manpower services related to such employment which are otherwise unavailable, and to enable such persons to move into employment or training not supported under this Act.

(b) Tribal plans setting forth the public service employment program shall provide for the employment of at least 20 per centum of those unemployed, provided that for good cause shown the Secretary may waive this provision temporarily.

(c) An application for financial assistance for a public service employment program under this Act shall include provisions setting forth—

(1) assurances that the activities and services for which assistance is sought under this Act will be administered by or under the supervision of the applicant, identifying any agency or institution designated to carry out such activities or services under such supervision;

(2) a description of the area to be served by such programs, and a plan for effectively serving on an equitable basis the significant segments of the population to be served, including data indicating the number of potential eligible participants and their income and employment status;

(3) assurances that special consideration will be given to the filling of jobs which provide sufficient prospects for advancement or suitable continued employment by providing complementary training and manpower services designed to (A) promote the advancement of participants to employment or training opportunities suitable to the individuals involved, whether in the public or private sector of the economy, (B) provide participants with skills for which there is an anticipated high demand in the area to be served, or (C) provide participants with self-development skills, but nothing contained in this paragraph shall be construed to preclude persons or programs for whom the foregoing goals are not feasible or appropriate;

(4) assurances that, to the extent feasible, public service jobs shall be provided in occupational fields which are most likely to expand within the public or private sector in the area to be served as the unemployment rate recedes;

(5) assurances that due consideration be given to persons who have participated in manpower training programs for whom employment opportunities would not be otherwise immediately available;

(6) a description of the methods to be used to recruit, select, and orient participants, including specific eligibility criteria, and programs to prepare the participants for their job responsibilities;

(7) a description of unmet public service needs and a statement of priorities among such needs;

(8) a description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired;

(9) the wages or salaries to be paid persons employed in public service jobs under this Act and a comparison with the wages paid for similar public occupations by the same employer;

(10) where appropriate, the education, training, and supportive services (including counselling and health care services) which complement the work performed;

(11) the planning for and training of supervisory personnel in working with participants;

(12) a description of career opportunities and job advancement potentialities for participants;

(13) assurances that the applicant will, where appropriate, maintain or provide linkages with manpower programs for the purpose of (A) providing those persons employed in public service jobs under this Act who want to pursue work with the employer, in the same or similar work, with opportunities to do so and to find permanent, upwardly mobile careers in that field, and (B) providing those persons so employed, who do not wish to pursue permanent careers in such field, with opportunities to seek, prepare for, and obtain work in other fields;

(14) assurances that all persons employed under any such program, other than necessary technical, supervisory, and administrative personnel, will be selected from among unemployed and underemployed persons;

(15) assurances that the program will, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement;

(16) assurances that the applicant will not use employment positions to further any partisan interests or nepotism.

(17) assurances that all public service work projects are located within the area over which the applicant exercises general political jurisdiction of the applicant reservations.

(18) assurances that all persons employed by the applicant shall be Indians except for good cause shown in isolated cases.

(19) such other assurances, arrangements, and conditions, consistent with the provisions of this Act, as the Secretary deems necessary, in accordance with such regulations as he shall describe.

ALLOCATION OF FUNDS

SEC. 6(a) The amounts appropriated under this Act shall be apportioned among the applicant Tribes in an equitable manner taking into consideration the proportion which the total number of unemployed persons in each reservation bears to the total number of such persons on all reservations in the United States.

(b) Not less than 80% of the funds appropriated pursuant to this Act shall be expended only for wages and employment benefits to persons employed in public service jobs pursuant to this Act.

SPECIAL RESPONSIBILITIES OF THE SECRETARY

SEC. 7(a) The Secretary shall establish procedures for periodic reviews by an appropriate agency of the status of each of the applicant tribes and of each of the persons employed in a public service job under this Act to assure that the guidelines prescribed in Sec. — are being followed.

(b) The Secretary shall review the implementation of the procedures established under subsection (a) of this section six months after funds are first obligated under this Act and at six-month intervals thereafter.

(c) The Secretary shall transmit to the Congress annually a detailed report setting forth the activities conducted under this Act, including information derived from evaluations required by subsections (a) and (b) of this section and information on the extent to which segments of the population of unemployed persons are provided public service opportunities in accordance with the purposes of this Act.

SPECIAL PROVISIONS

SEC. 8. (a) The Secretary shall not provide financial assistance for any program or activity under this Act unless he determines in accordance with such regulations as he shall prescribe, that—

(1) the program (A) will not impair existing contracts for services or result in the substitution of federal or other funds in connection with work that would otherwise be performed, and (B) will not substitute public service jobs for existing federally assisted jobs;

(2) persons employed in public service jobs under this Act shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rates of pay for persons employed in similar public occupations by the same employer;

(3) funds under this Act will not be used to pay persons employed in public service jobs under this Act at a rate in excess of $12,000 per year;

(4) all persons employed in public service jobs under this Act will be assured of workmen's compensation, health insurance, unemployment insurance, and other benefits at the same levels and to the same extent as other employees of the employer and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy.

(b) Consistent with the provisions of this Act, the Secretary shall make financial assistance under this Act available in such a manner that, to the extent practicable, public service employment opportunities will be available on an equitable basis in accordance with the purposes of this Act among significant segments of the populations of unemployed persons, giving consideration to the relative numbers of unemployed persons in each such segment.

(c) Where a labor organization represents employees who are engaged in similar work in the same area to that proposed to be performed under any program for which an application is being developed for submission under this Act, such organization shall be notified and afforded a reasonable period of time in which to make comments to the applicant and to the Secretary.

(d) The Secretary shall prescribe regulations to assure that programs under this Act have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

(e) The Secretary may make such grants, contracts, or agreements, establish such procedures, policies, rules, and regulations, and make such payments, in installments and in advance or by way of reimbursement, or otherwise allocate or expend funds made available under this Act, including necessary adjustments in payments on account of overpayments or underpayments.

(f) The Secretary shall not provide financial assistance for any program under this Act unless he determines, in accordance with regulations which he shall prescribe, that periodic reports will be submitted to him containing data designed to enable the Secretary and the Congress to measure the relative and, where programs can be compared appropriately, comparative effectiveness of the programs authorized under this Act and other federally-supported manpower programs. Such data shall include information on—

(1) characteristics of participants including age, sex, race, health, education level, and previous wage and employment experience;

(2) duration in employment situations, including information on the duration of employment of program participants for at least a year following the termination of participation in federally-assisted programs and comparable information on other employees or trainees of participating employers; and

(3) total dollar cost per participant, including breakdown between wages, training, and supportive services, all fringe benefits, and administrative costs.

DEFINITIONS

SEC. 9. As used in this Act, the term—

(a) "Secretary" means the Secretary of Labor.

(b) "public service" includes work in such fields as environmental quality, housing and neighborhood improvements, recreation, education, public safety, maintenance and building of streets, parks, and other public facilities, development of the natural resources, rural development, transportation, beautification, conservation, and other fields of human betterment and public improvement.

(c) "Unemployed persons" means persons who are without jobs and who want and are available for work.

(d) "Underemployed persons" means:

(1) persons who are working parttime but seeking fulltime work;

(2) persons who are working fulltime but receiving wages below the poverty level determined in accordance with criteria as established by the Director of the Office of Management and Budget.

(e) "Indian" means a person who is an enrolled member of an Indian tribe located on a Federal or State reservation.

APPROPRIATION

SEC. 10. For the purposes of carrying out the provisions of this Act there are authorized to be appropriated $150,000,000 for fiscal years 1974, 1975, 1976, 1977, 1978 and 1979.

S. CON. RES. 33

Whereas it is recognized by Congress that American Indians (including Alaska Natives) suffer from deplorable economic, health, education and social conditions which prevent them from sharing equally in the great social and economic advances achieved by our nation; and

Whereas periodic reversals in our government's Indian policy throughout the years have ruled against full development if the human and economic potential of Indian communities, thus prolonging the aforementioned conditions; and

Whereas the Constitution as construed, long-continued legislation and executive usage, and a long line of judicial decisions have recognized that the United States has the continuing duty and legal and moral obligation of trustee to American Indians, requiring the highest degree of loyalty, care, skill and diligence by the United States in fulfilling that trust responsibility; and

Whereas what has come to be known as the termination policy declared in H. Con. Res. 108, now in effect, has had adverse social consequences for tribal communities, which apprehension and uncertainty have severely limited the ability or willingness of Indian tribes to develop fully the human and economic potential of their communities in accord with their cultural values; and

Whereas the Administration's policy has been stated to be one of advancing Indian opportunities for self-determination, without termination of the special federal relationship with recognized Indian tribes: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), that it is the sense of Congress that,

(1) the deplorable conditions under which American Indians and Alaska Natives live will be alleviated only through an Indian policy which contains and supports constructive programs and services directed to the governing bodies of these groups for application in their respective communities, offering self-help and self-determination features, and these Indian governing bodies should be recognized as having the full authority to determine the extent and manner of utilizing all available resources for their communities, with the technical advice and guidance of appropriate federal agencies;

(2) American Indian property will be protected; Indian culture and identity will be respected; the necessary technical guidance and assistance and support will be given to insure future economic independence as well as for continued efforts to reach maximum development of natural resources; inadequate and substandard housing and sanitation will be corrected; a comprehensive health program incorporating and assuring curative and preventive physical and mental health will be further developed for Indians; and a long-term general, vocational and professional education program will be encouraged and developed for both old and young American Indians so that they share fully in our society;

(3) American Indian communities will be given the freedom and encouragement and support to develop their maximum potential, and Congress will pursue a policy of developing the necessary programs and services to bring Indians and Alaska Natives to a desirable social and economic level of full participating citizens;

(4) our national Indian policy will give full recognization to and be predicated upon; the unique relationship that exists between this group of citizens and the federal government and that a government-wide commitment shall derive from this relationship that will be designed to give Indians the freedom and encouragement and support to develop their individual, family and community potential and to determine their own future to the maximum extent possible.

It is further declared to be the sense of Congress that this statement of national Indian policy replaces the policy set forth in H. Con. Res. 108 (83rd Congress [August 1, 1953]); and

The Secretary of the Interior should examine all existing legislation dealing with Indians and Alaska natives and report to the Congress at the earliest predictable date his recommendations for such legislation and such additional legislation and reorganization of existing federal agencies dealing with Indian programs as, in his judgment, may be necessary to accomplish the purposes of this resolution.

By Mr. RANDOLPH (for himself and Mr. ROBERT C. BYRD):

S.J. Res. 126. Joint resolution to authorize and request the President to issue annually a proclamation designating the

fourth Sunday in May of each year as "Grandparents Day." Referred to the Committee on the Judiciary.

DESIGNATING FOURTH SUNDAY IN MAY "GRANDPARENTS DAY"

Mr. RANDOLPH. Mr. President, the quality and strength of a society, according to the historian Arnold Toynbee, can be measured best "by the respect and care given to its elderly citizens." We have, in recent years, attempted through legislation to provide better treatment of our older citizens in the areas of health and economics.

In the matter of respect, our society has in some way regressed, and there is no legislative panacea for this situation. Our sociologists report an increasing fragmentation of the American family, a growing gap between generations created in part by mobility and affluence. Even in the more primitive societies, the elder members are an integral part of the family structure, accorded respect for their wisdom and experience.

There are too many instances in America today where those who created the present generation of affluence—the grandparents—are regarded as a social or economic burden. There are too many instances where those who sacrificed their own economic well-being to rear and educate families are shunted aside to some quiet corner where others are given the responsibility of providing for their needs. There are too many instances where those who could provide the love and patience and understanding to help the troubled and neglected and unhappy children of fragmented families are ignored and unwanted.

I say "too many" because this lack of familial rapport would be excessive if only it occurred in a few cases. I am well aware that there is in this Nation a vast reservoir of abiding affection for grandparents, and they expect no special recognition of their role in the American family.

It is to reaffirm and reinforce this affection, however, that I am introducing a joint resolution authorizing and requesting the President to issue annually a proclamation designating the fourth Sunday in May of each year as "Grandparents Day."

Mr. President, a West Virginian, Anna Jarvis of Grafton, was responsible for originating the National observance of Mother's Day. Today, another West Virginian, Mrs. Joe McQuade of Gauley Bridge, is spearheading the movement to create a nationwide observance of Grandparents Day. Robert K. Holliday, editor of the Fayette Tribune—Oak Hill—has been actively assisting Mrs. McQuade in this effort. Already Mrs. McQuade succeeded at the State level; West Virginia Governor Arch Moore proclaimed May 27 of this year to be officially observed as Grandparents Day in our State. This date was selected in West Virginia because it is midway between Mothers Day, the second Sunday in May, and Fathers Day, the third Sunday in June.

My resolution, if adopted, would call on the people of the United States, together with interested groups and organizations, to observe Grandparents Day with appropriate ceremonies and activities. It would be a day, I feel, not only to honor our immediate grandparents, but also to remember those citizens residing in nursing and boarding care homes.

ADDITIONAL COSPONSORS OF BILLS

S. 37

At the request of Mr. GRIFFIN (for Mr. METCALF) the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 37, to amend the Budget and Accounting Act of 1921 to require the advice and consent of the Senate for appointments to Director and Deputy Director of the Office of Management and Budget.

S. 397

At the request of Mr. MATHIAS, the Senator from Massachusetts (Mr. BROOKE) was added as a cosponsor of S. 397, the full disclosure bill.

S. 838

At the request of Mr. TOWER, the Senator from Arkansas (Mr. MCCLELLAN) was added as a cosponsor of S. 838, to amend title 10, United States Code, to permit the recomputation of retired pay of certain members and former members of the Armed Forces.

S. 1064

At the request of Mr. BURDICK, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1064, the judicial disqualification bill.

S. 1293

At the request of Mr. BROOKE, the Senator from Rhode Island (Mr. PASTORE) was added as a cosponsor of S. 1293, the National Historic Records Act.

S. 1600

At the request of Mr. HUGHES, the Senator from Iowa (Mr. CLARK), the Senator from California (Mr. CRANSTON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Colorado (Mr. HASKELL), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. MOSS), and the Senator from California (Mr. TUNNEY) were added as cosponsors of S. 1600, to require annual authorization prescribing the maximum number of members of the Armed Forces of the United States that may be deployed in major geographic regions of the world outside the United States.

S. 1604

At the request of Mr. TOWER, his name was added as a cosponsor of S. 1604, the Fair Housing Opportunity Act.

S. 1610

At the request of Mr. MOSS, the Senator from Arizona (Mr. GOLDWATER), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Maine (Mr. MUSKIE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from South Dakota (Mr. ABOUREZK) were added as cosponsors of S. 1610, to require the installation of airborne, cooperative collision avoidance systems on certain civil and military aircraft, and for other purposes.

S. 1796

At the request of Mr. MATHIAS, the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from New York (Mr. JAVITS), and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 1796, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for grants to interstate metropolitan organizations.

S. 1818

At the request of Mr. GURNEY, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1818, to authorize issuance of a meritorious service passports to members of the Armed Forces of the United States who were captured and held by an enemy force during the Vietnam conflict to enter, without charge, certain designated units of the national park system and national recreation areas.

S. 1907

At the request of Mr. BURDICK, the Senator from Indiana (Mr. HARTKE) was added as a cosponsor of S. 1907, to establish an arbitration board to settle disputes between supervisory organizations and the U.S. Postal Service.

S. 1949

At the request of Mr. TUNNEY, the Senator from Maine (Mr. MUSKIE) was added as a cosponsor of S. 1949, to amend the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 to expand the definition of "developmental disability" to include autism.

SENATE CONCURRENT RESOLUTION 32—SUBMISSION OF A CONCURRENT RESOLUTION TO REQUEST A PRESIDENTIAL PROCLAMATION OF "UNITED STATES SPACE WEEK"

(Referred to the Committee on the Judiciary.)

Mr. MOSS submitted a concurrent resolution, which reads as follows:

S. CON. RES. 32

Whereas a purpose of the United States space program is the peaceful exploration of space for the benefit of all mankind; and

Whereas the United States space program and its technology directly and indirectly benefit relations among countries, astronomy, medicine, business, air and water cleanliness, urban development, industry, agriculture, law enforcement, safety, communications, the study of the earth resources, weather forecasting, and education; and

Whereas the United States space program has an efficient organization and strong moral leadership, both of which serve as good examples to the people of the United States and to the people of all nations; and

Whereas the National Aeronautics and Space Administration and other organizations throughout the world involved in space exploration programs have cooperated in the cause of the peaceful exploration of space for the benefit of all mankind; and

Whereas the United States space program, through Project Apollo and other space efforts, has provided our Nation with scientific and technological leadership in space; and

Whereas the United States aerospace in-

dustry and educational institutions throughout the United States contribute much to the United States space program and to the Nation's economy; and

Whereas in the week of July 16 through 22, 1969, the people of the world were brought closer together by the first manned exploration of the Moon: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the President is requested to issue a proclamation designating the seven-day period of July 16 through 22 of each year as "United States Space Week", and calling upon the people of the United States to observe such period with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 107

At the request of Mr. MATHIAS, the Senator from Indiana (Mr. HARTKE), and the Senator from Utah (Mr. Moss) were added as cosponsors of Senate Resolution 107, to require due process of law in the formulation of the foreign and military policy of the United States.

LAND USE POLICY AND PLANNING ASSISTANCE ACT OF 1973—AMENDMENTS

AMENDMENTS NOS. 236 AND 237

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

Mr. BARTLETT submitted two amendments, intended to be proposed by him, to the bill (S. 268) to establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands, and to establish an Office of Land Use Policy Administration in the Department of the Interior, and for other purposes.

CONTINUANCE OF EXISTING TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT—AMENDMENT

AMENDMENT NO. 238

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

Mr. HARTKE submitted an amendment, intended to be proposed by him, to the bill (H.R. 8410) to continue the existing temporary increase in the public debt limit through November 30, 1973, and for other purposes.

ESTABLISHMENT OF A FEDERAL FINANCING BANK—AMENDMENT

AMENDMENT NO. 239

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

EXPLANATION OF THE DOMESTIC ENTERPRISE BANK ACT

Mr. JAVITS. Mr. President, the Domestic Enterprise Bank would be established substantially to supplement current efforts to provide job opportunities, stimulate minority entrepreneurship, and encourage the economic development in depressed "high risk" rural and urban areas.

The Bank would be a source of development financing and would provide supportive technical assistance. In essence it would be very much like the World Bank in its purposes, operations, and structure. The World Bank has demonstrated that the provision of attractive credit is a powerful development tool in underdeveloped areas and that such a venture can be economically sound.

The Domestic Enterprise Bank would be established as an autonomous corporation authorized to make long-term, low-interest loans and guarantees, to participate in loans with public or private lenders, to sell participations in its loans, and to provide supportive technical assistance. The financing would be for private business and commercial projects where capital is not otherwise available on normal terms. Loans could go to businesses and projects of all sizes, but with small business loans it might be more efficient for the Bank to operate through guarantees to local banking and financial institutions or by using local banks as agents. Loans could also be made to public agencies for essential public development projects such as transportation or power facilities which could not be financed through other sources, but this would not be the major purpose of the Bank.

The Bank would have the limited authority to make mortgage loans to developers for low- and moderate-income housing in eligible areas in aid of business development, although this would not be a sizable activity for the Bank.

The Bank could take the initiative in bringing management and capital together for projects and could itself act as developer of a particular project until such time as a private purchaser could be found. Unlike a tax incentive economic development scheme, which is essentially passive, the Bank approach would provide an active entrepreneurial agent.

Eligibility for the Bank's programs fall into two broad categories:

First, as to eligible areas, the primary condition would be that the project be located in a development area designated by the Secretary of Commerce as an area having a high proportion or concentration of unemployed or low-income persons or, if not in such area, generate new jobs of which at least 25 in number and not less than 50 percent are to be held by persons who prior to such employment were unemployed or low-income residents of eligible poverty areas. Both urban areas and rural areas would also be eligible since it must be recognized that urban unemployment cannot be eradicated until the massive population migration from rural areas is slowed or halted. The potential borrower under this criteria would also have to be certified by appropriate local officials regarding the adequacy of his architectural design, and the provision of public or private assistance for any families or businesses displaced. Another condition would be a general requirement that the Bank be satisfied that the project would contribute to raising living standards in the area, so that the borrower would have to explain and provide some assurances about the "trickle down" effect of his business into the local community, including employment of local persons and firms in the construction of the project and as employees of the establishment. As a further condition of financing, the Bank would have to be satisfied that the borrower had adequate equity or other financial interest in the facility to insure his careful and business-like management of the project; the share which the borrower would have to put up would vary according to such conditions and be determined by the Bank.

Second, as to eligible enterprises, the primary condition would be that the enterprise is threatened or has been substantially harmed by increase in foreign imports or technological obsolescence. Enterprises could qualify under this criteria without regard to geographical location. As a condition of financing the Bank would have to be satisfied that the changes proposed by the enterprise would enable the enterprise to preserve or create jobs and operate on a sustaining basis. The traditional requirements as to financial interest and management ability would have to be met.

The Bank would be empowered, in connection with its loan activity to undertake insurance arrangements in connection with such an enterprise. Such arrangements might take the form of self-insurance on a project by the Bank, coinsurance of a project by the Bank, coinsurance between the Bank and the borrower, or reinsurance arrangements concluded by the Bank with insurance companies to protect the facility against casualty loss.

The Bank would initially issue $3 billion in capital stock subscribed by the Federal Government. As was true of the World Bank, 20 percent of the Government subscription would be paid in initially—$600 million—with the Bank having a call on the remaining 80 percent—$2.4 billion—as a reserve to meet the Bank's liabilities on its own borrowings on the private bond market. In this manner there would be a guarantee or reserve for private investors in the Bank's bonds. It would sell bonds at market interest rates, just like the World Bank, in order to raise the bulk of its loan funds. The initial $600 million paid in by the Government would be raised by the Secretary of the Treasury through sale of U.S. obligations on the market, so that there would be no drawdown of tax revenues to finance the Bank. This is the manner in which most of the U.S. Government contributions for the international development banks have been raised, including the World Bank, the Inter-American Bank, and the Export-Import Bank. Through this technique, only the credit of the United States is called upon; all the funds for the Bank's activities would come ultimately from private investors without burden on the taxpayer. The Government stock would earn dividends for the Treasury which should more than offset the cost to the Government of paying the interest and principal due on the Treasury bonds sold to

finance its subscription to Bank stock. This method of financing, using the sale of U.S. Government bonds rather than congressional appropriations, is necessary to insure bondholders that the Government guarantee will be made good on the Bank's bonds. Otherwise, the Bank would have to go through the risky appropriation process whenever it called upon its reserves of Government stock.

The Bank would be organized through the establishment of a commission which would appoint incorporators. The commission would be composed of the Vice President, the Secretary of the Treasury, the Secretary of Commerce, the Secretary of Labor, the Director of the Office of Economic Opportunity, and the majority and minority leaders of the Senate and House of Representatives. The commission would appoint incorporators, who would serve as the initial board of directors, two-thirds of whom would be representatives of the private sector and one-third Government officials or employees. The President would thereafter appoint the 20 directors, with the advice and consent of the Senate, for 4-year terms on a staggered basis—10 directors appointed every 2 years. Fourteen of the directors would be from the private sector—6 from business and finance, 2 from organized labor, 2 from private social welfare organizations or foundations which deal with the problems of poverty, 2 representing the general public, and 2 representatives from education. The remaining six directors would be from government, including Federal, State, and local government.

I am submitting an amendment, intended to be proposed by me, to the bill (S. 925) to establish a Federal Financing Bank, to provide for coordinated and more efficient financing of Federal and federally assisted borrowing from the public, and for other purposes.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 114 TO S. 1263

At the request of Mr. HUGHES, the Senator from Iowa (Mr. CLARK), the Senator from California (Mr. CRANSTON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Colorado (Mr. HASKELL), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. MOSS), and the Senator from California (Mr. TUNNEY) were added as cosponsors of amendment No. 114 to S. 1263.

ADDITIONAL STATEMENTS

ALL-VOLUNTEER ARMED SERVICES

Mr. THURMOND. Mr. President, the all-volunteer armed services are now a reality. Although I have never been completely convinced this will be in the best interest of our country, I am willing to wait and see how it works out.

A recent article in U.S. News & World Report explains the educational opportunities the all-volunteer armed services will make available beginning July 1. As the ranking Republican member of the Senate Armed Services Committee, I can attest that many benefits are available for young men and women for the asking. Never in the history of the world have so many benefits been offered for joining the armed services.

In order for this idea to succeed, we must have qualified and competent applicants. The magazine article explains in detail some of the benefits which can be accrued from joining the volunteer force. I believe my colleagues would like to have this information so they can further promote and support this effort.

Mr. President, I ask unanimous consent that the article entitled "One Way to a Free Education," which appeared in U.S. News & World Report, June 18, 1973, be printed in the RECORD.

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

IN THE VOLUNTEER ARMY—ONE WAY TO A FREE EDUCATION

Starting July 1, the Defense Department will be offering free education—all the way from high school through college—to almost everyone who joins the new, all-volunteer armed forces.

There has never been anything like it before, officials said—and they expect it to be a strong spur to recruiting.

Dr. M. Richard Rose, Deputy Assistant Secretary of Defense for Education, told "U.S. News & World Report":

"Four years of service can now be four years of learning and growth. We are determined that, when a man or woman returns to civilian life, society will benefit by having a better citizen with an employable skill."

Altogether, the Pentagon plans to spend 6.6 billion dollars on training and education in the fiscal year beginning July 1.

The separate training and education programs of the Army, Navy, Air Force and Marine Corps are to be consolidated except for special needs. In the process, the U.S. Armed Forces Institute, which offers correspondence courses, will be de-emphasized in favor of more on-the-job and classroom learning at civilian institutions.

About 1,000 high schools, two-year community colleges and four-year universities have been signed up as "Servicemen's Opportunity" institutions.

CHOICE OF CAREERS

At these schools, military personnel will be able to get not only vocational training but advanced college degrees in any field in which they are interested.

Dr. Rose, a former faculty member of the University of Pittsburgh's graduate school of education, said a major goal of the program was to equip soldiers, sailors and airmen for productive lives after they leave the service.

Dr. Rose said a high-school graduate should be able to earn a junior-college degree or its equivalent during four years of military service. By re-enlisting for another two years, he would be able to continue his studies and go for a bachelor's degree in arts or sciences.

The education will be free, Dr. Rose emphasized, and the serviceman or woman will be paid while getting it.

Most schooling for military personnel is to begin after the first six months of active duty, at which time they will become eligible for in-service tuition grants from the Veterans Administration (VA).

By mid-1974, after its first full year of operation, the all-volunteer armed forces are scheduled to reach a strength of around 2.2 million.

Within that period, Dr. Rose said, the Defense Department hopes to have 149,000 servicemen and women enrolled in VA's high-school completion program, working toward diplomas or their equivalents.

Under this program, for the first six months, students go to school on their own time for half the course period and attend the rest of the time under a work-release plan. After that, they study on their own time.

The Defense Department has not broken down costs yet, but the VA will spend 12.5 million dollars on highschool-completion actiivites.

For education beyond high school Pentagon officials hope for an initial sign-up of about 100,000 members of the armed forces.

Ultimately, it is planned that about 335,000 servicemen and women, including officers, will be going to school.

In the past, it has been difficult for military people to earn high-school diplomas or college degrees because of transfers from one duty post to another. They often found schools at their new stations unwilling to accept course credits earned at institutions near their old stations.

This problem has now been solved, Dr. Rose said. With the aid of the American Council on Education, the Defense Department is contracting with schools all over the country, and overseas, to offer continuing education without loss of credit.

THIRST FOR KNOWLEDGE

"About 85 per cent of all people who come into the armed forces are seeking some form of education," Dr. Rose said. "And what we want is an additional return on the 6 billion dollars we invest annually on all training and education. We want to make people better able to compete in society.

"What we are offering, basically, is a chance to map out career goals. We figure our best recruiting vehicle will be the man or woman who goes back to civilian life and reflects satisfaction with what he has been doing.

"Training is based on analysis of the job skills required. We need to bring aptitudes, education and goals into perspective. I think our greatest opportunity in the armed forces is making career education a reality. The armed forces represent an opportunity to serve the country and grow personally."

Dr. Rose added:

"This society is certificate-happy. Unless you have an acceptable certificate, you get the lower-paying jobs.

"I am determined that every guy or gal who comes into the armed forces will go out with a piece of paper equivalent to that held by their civilian counterparts."

GOVERNMENT SECRECY

Mr. MOSS. Mr. President, for some time I have been concerned over the dangerous ramifications of too much secrecy in Government. Because of this concern, I recently appeared before Senator KENNEDY's Subcommittee on Administrative Practice and Procedure to give testimony on Executive secrecy and congressional inquiry. The apparent imbalance in the relationship of Executive and congressional powers and authority that have been leading this Government toward a government of Executive supremacy must end. This can be done only if the Congress reasserts its constitutional prerogatives. Hopefully, such a reassertion will be forthcoming.

A former U.S. Senator from Oregon, Wayne L. Morse, in the June 18, 1973, issue of the Nation also expresses concern over Government supremacy and

secrecy that is leading toward "a government by the Presidency." This article is entitled "Supremacy and Secrecy: The Deeper Meaning of Watergate." Because of the appropriate nature of Senator Morse's statement to the general issue of Government secrecy, I ask unanimous consent that excerpts from his article be printed in the RECORD.

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

SUPREMACY AND SECRECY: THE DEEPER MEANING OF WATERGATE

(By Wayne L. Morse)

We are far along the road toward a government by Executive supremacy and secrecy—a government by the Presidency. If this continues, unchecked by Congress and the courts, we are destined for government of arbitrary, capricious discretion by mere men and women with all their human frailties, instead of constitutional self-government by a free people through law.

Presidents have been leading us for some years toward a government of unchecked Executive will through usurpation of power not granted them by the Constitution. Eisenhower did it frequently, starting in 1953, when he enunciated the Eisenhower-Nixon-Dulles military-containment policy for Asia without the slightest right of constitutional or international law. I warned then that he had set up a military incubator that would hatch a war in Asia and result in the killing and wounding of thousands of American soldiers as well as Asians. The American people were deceived by his rhetoric. Eisenhower, as Nixon is now doing in his shifting alibis of the Watergate scandal, concealed his many acts of outlawry in Southeast Asia from Congress and the American people in the name of national security and with the false claim that Presidents have a right to act secretly, free of Congressional checks.

The trend toward a police state in our country, now dramatized by the Watergate scandal, could have been checked years ago if Congress had kept faith with a basic principle of democratic self-government—that in a democracy there is no substitute for full public disclosure of the people's business. The constitutional crisis in which the nation's finds itself is largely attributable to the war in Vietnam, which has been prosecuted by the usurpation of unconstitutional power on the part of four Presidents—Eisenhower, Kennedy, Johnson and Nixon—unchecked by Congress and the Supreme Court, or by much of the press, or by an outcry from most Americans. It is a political reality that permitting the usurpation of power by officials of government tends to breed further usurpation of power, just as secrecy in government fosters more secrecy. Such practices help create an environment that encourages the use of dictatorial police-state procedures and tactics in the administration of government.

Nixon has already exercised dictatorial rule in both foreign and domestic policies to a far greater degree than did Eisenhower, Kennedy and Johnson combined. The Watergate scandal may now serve as a window through which the American people can see the extent to which some of their basic constitutional rights and procedural guarantees of liberties and freedoms have been gradually subverted.

But Nixon cannot justify his adoption of policestate tactics in the name of national security. It simply is not true—though he and other Presidents have so asserted—that a President has a right, in the name of security, to keep his foreign or his domestic actions secret from Congress. Under our Constitution, with its advise and consent provision, Congress is entitled to be informed of any proposed foreign policy commitment before it is entered into by the President. Nixon and Kissinger both have violated this constitutional principle in their dealings wth China and Russia, as well as with the countries of Southeast Asia. We still don't know to what we have been committed.

The American public must be on guard against the trends toward a police state in our country through the extension of government by Executive supremacy and secrecy. Some of the manifestations are the illegal use of wiretapes, the breaking into homes, offices and other buildings without probable cause, and infiltration and entrapment by covert operatives to induce commission of crime. Additional examples are the use of *agents provocateurs*, blackmail threats by federal officers to force confessions irrespective of the victim's guilt, denial to individuals of their rights under the Bill of Rights. A most dangerous police-state practice is Presidential usurpation of the constitutional power to make war without a declaration of war, as Nixon has done throughout his Presidency and is now doing in Laos and Cambodia. It is nothing less than the exercise of dictatorial power, and amounts to war criminality. The fact that other Presidents before him illegally usurped war-making power without a declaration of war does not excuse Nixon's criminality. Neither does it excuse the Congress for not exercising its constitutional checks.

Likewise, Nixon's impoundment of appropriated funds and his transfer of appropriated funds from the purposes for which they were designated to other unauthorized uses is an example of police-state dictatorship in another area of Executive activity. It is in violation of the Separation of Powers Doctrine of the Constitution. The American people should understand that if the growing trend toward the use of police-state procedures by American Presidents is to be stopped, the Congress and the Supreme Court must exercise the legislative and judicial checks provided in the Constitution against such abuses.

In the event that Presidents themselves or the Congress or the Supreme Court do not protect the American people in their constitutional rights, the voters must unite at the ballot box to make clear to officials in the three branches of our federal government that they are the servants, not the masters of American citizenry. An aroused American public should teach the President and the Congress that it is much more important that our constitutional system of checks and balances remain inviolate than that any federal officeholder, elected or appointed, who violates this doctrine should remain in office.

The types of political corruption which produced the Watergate burglary and its associated crimes are not singular to this one horrible example of politics at its worst. The American public must insist that Congress pass, and the President sign, legislative controls on political campaigning that will cleanse the streams of American politics of their many pollutants. Big money from corrupting sources was part of what made Watergate possible. I have often said that, when I reach the point of writing the chapter on political financing in a book on which I am working, I will probably be writing about the number-one cause of political corruption in American politics.

It is a shuddering and shattering experience for those people who would prefer to believe only the best of politics and politicians to come face to face with the Watergate debacle. However, the ugly fact is that too many politicians are "kept" politicians, in that they are not free to exercise an honest independence of judgment on the merits of each issue that comes before them, and in accordance with the facts as they find them.

Let us hope that one of the results of Watergate will be a sustained and irrepressible public demand for a thorough overhaul of our election campaign laws. Let us hope also that the Senate Select Committee on Presidential Campaign Activities and the Department of Justice, acting through Mr. Cox, the special prosecutor, will see to it that the interests of the American people, in accordance with the rules of justice, are fully protected in the prosecution of all who were involved in the Watergate corruption.

NATIONAL MULTIPLE SCLEROSIS MOTHER OF THE YEAR

Mr. FANNIN. Mr. President, I would like to share with my colleagues a special privilege I enjoyed just recently in my capacity as a Senator from the State of Arizona. It was my privilege on June 6 to meet a very beautiful young lady, Mrs. Mary Ell Ruffner of Phoenix, Arizona, who is also a very exceptional young lady.

Mrs. Ruffner was in Washington to be honored at the White House by Mrs. Nixon as National Multiple Sclerosis Mother of the Year. She has been here many times before, however, as a member of the National Advisory Commission on Multiple Sclerosis, which was established under the provisions of a bill passed by the Senate last October. The Commission is charged with "determining the most effective means of finding the causes and cures and treatments" for MS.

Mrs. Ruffner is the mother of a 3-year-old son, Jason, and the wife of a brilliant young Phoenix lawyer, Jay Ruffner. She shows no visible signs of the disease that struck just a few weeks before her marriage in 1966, yet she must live each day in the fear of what this crippling, neurological disorder may develop into.

It has not stopped her. In addition to being on the National Commission, Mrs. Ruffner is active in Arizona politics and Phoenix community affairs as well as the activities of the Central Arizona Chapter of the National Multiple Sclerosis Society.

Multiple sclerosis is a mysterious disease with an unpredictable course which can, in many cases, result in total disability. We do not know the cause of MS, nor a cure for it. We do not even have an effective treatment, yet every year hundreds of thousands of Americans are affected by it.

We do have hope that the solution is not too far in the future. The $100,000 Ralph I. Straus Award established last month by the New York philanthropist is expected to serve as a strong incentive for more MS research and the National Commission is expected to provide the direction that is needed to pinpoint the proper approaches for that research.

Multiple sclerosis is a terrifying disease, but with the courage and efforts of such people as Mrs. Ruffner it will, by the grace of God, not be with us forever.

TRIBUTE TO OWEN ROBERTSON CHEATHAM

Mr. HARRY F. BYRD, JR. Mr. President, in October 1970. Mr. Owen Robertson Cheatham, an outstanding native Virginian and a dear personal friend, died of a heart attack while attending a University of Oregon football game at Eugene, Oreg.

The Virginia-born industrialist and philanthropist founded Georgia-Pacific Corp., now headquartered in Portland, Oreg., in 1927 with $6,000 in personal capital. During his lifetime, he saw the company take its place among the Nation's top 100 corporations with assets of over $1 billion.

Mr. Cheatham never lost sight of his humble origins and during his lifetime devoted much of his energy, his love, and his financial resources to the tiny church in Concord, Va., which his grandfather helped build and in which his mother and father were married.

On June 3 of this year, distinguished guests from throughout the United States assembled at the New Concord Presbyterian Church to help dedicate a memorial and formal gardens to the memory of Mr. Cheatham.

The Owen Cheatham Memorial is the center for a 47-acre tract owned by the Cheatham Memorial Trust, a family effort which will provide for maintenance of the gardens as part of the old church operation in which the family has been active for more than a century.

The Lynchburg, Va. Daily Advance of Saturday, May 26, 1973 describes the memorial garden and monument in great detail. I commend it to my colleagues as a place well worth viewing whenever they might be in the Lynchburg vicinity, and ask unanimous consent that the article be printed in the RECORD.

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

DEDICATION OF OWEN CHEATHAM MEMORIAL GARDEN

Dr. Terrence J. Dinlay, rector of St. Bartholomew's Episcopal Church in New York, will be guest speaker at the dedication of the Owen R. Cheatham Memorial Garden and Monument at New Concord Presbyterian Church at 11 a.m. June 3.

The Rev. Wilson T. Dowling, pastor of the church, will open the ceremony, which will also include the dedication of the newly-completed maintenance supervisor's residence and library built on the rear of the church.

The Memorial Garden and Monument, which was recently completed, was financed by Mrs. Cheatham, who lives in New York City.

New Concord Presbyterian Church was founded in 1835, and the first section of the present edifice was constructed in 1885. Since that time the Cheatham family has been continuously associated with the church's development and the expansion of its facilities and grounds.

Owen Cheatham's grandfather helped build the original sanctuary from stone which was furnished from his own quarry, Cheatham's mother and father were married in the church, and all eight of their children were baptized and attended services at the church. Cheatham's parents and maternal grandparents are all buried in the church cemetery.

In more recent years, Owen Cheatham, who died in 1970, funded, the church remodeling which included the construction of the vestibule; the addition of the 89-foot steeple and the alterations to the sanctuary including new pews, pulpit, carpets, general repairs and redecorating.

In 1957, Cheatham, a native of Campbell County and founder of Georgia-Pacific Corp., donated the assembly hall with its kitchen, ancillary facilities and water well. In 1963 he built the manse, which is located to the right of the church and presently occupied by Dowling.

The concept of the garden and monument alludes to the formality of the Williamsburg Gardens. However, the church garden design has been softened to blend into the natural beauty of the location as opposed to restoration.

The retention of a twin oak, estimated to be 125 years old, was considered a key to the design. In order to preserve the landmark tree, the curves of the walks were configured to avoid damage to the roots. Thus, the total design evolved into a series of curves in the paving, an oval Memorial wall and flower beds. These aesthetic elements consciously reflect the softness of the countryside. The architectural materials also reflect the sense of traditional Colonial American culture.

The walks are paved with old Virginia, wood mold, Colonial brick made of local shale and clay in Salem, home of Old Virginia Brick Co. The brick is similar to that being used in restoration in Williamsburg and Richmond.

In laying the walks, the "grape vine" joint, which has been in use for hundreds of years, was employed to emhasize the past use of the brick. The Granite Monoliths were obtained from a Massachusetts quarry, linking earlier settlers from two sections of the American Colonies.

All of the plants used in the garden are native to Virginia. The tall shrubs which enclose the Garden are American Boxwood. The trees surrounding the oval are native American Holly, and inside the American Boxwood hedge, the billowing shrubs are English Boxwood, now considered native to Virginia.

Between these beds and the walks are white Azaleas. The oval bed which divides the walk contains Dwarf Yaupon Holly. Outside of the enclosing beds of American Boxwood, American Dogwood are planted and beyond the Memorial six Magnolias are planted. The background surrounding the entire area is a forest of mixed hardwoods. The area, which comprises approximately 50 acres, was given to the New Concord Church by the Cheatham Memorial Trust.

THE PRESIDENT'S REPORT ON FOREIGN POLICY

Mr. GOLDWATER. Mr. President, 6 weeks ago, on May 3, President Nixon submitted to the Congress his Annual Report on Foreign Policy. Although it is the most comprehensive and detailed of his foreign policy messages, it has been little noted by the news media.

The report describes encouraging progress toward an era of international stability and general peace. Noteworthy, and largely ignored, is the President's caveat that détente with the Communist powers has by no means been achieved, however.

An editorial in the June issue of Air Force magazine comments on the wisdom of that cautious judgment and supplies some enlightening comparisons between the United States and Soviet expenditures for military forces, and military research and development. Total annual Soviet investment in these areas is said to exceed our own by a considerable margin. The U.S.S.R. is strengthening its forces in every major category, while our general purpose forces are being cut to the lowest level since the Korean war, against a background of nuclear parity.

These diametrically opposed trends in the United States and Soviet defense efforts already have made the United States the second ranking military power, at least in terms of quantity. What effect may that have on future negotiations for mutual arms reduction, international security, access to a fair share of the world's energy resources, and a host of other issues that are vital to U.S. interests and pertinent to our responsibilities to the world community?

The questions raised by this editorial are worth pondering. I commend it to your attention, and ask unanimous consent that it be printed in the RECORD.

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

THE PRESIDENT'S STATE OF THE WORLD MESSAGE

(By John L. Frisbee)

On May 3, President Nixon submitted to the Congress his Annual Report on Foreign Policy, better known as the "State of the World" message. The 190-page document is by far the most comprehensive and enlightening in Mr. Nixon's series of annual foreign-policy statements. It is an outline of the course he wants the U.S. to follow in shaping a durable peace between now and the end of his Administration in the nation's bicentennial year. Equally significant, it contains some hardheaded warnings in the section on national defense—warnings that are sorely needed on the Hill and in the public at large.

We are concerned primarily with the message's observations on three aspects of defense policy, which is still the foundation on which our foreign-policy structure rests.

The Nixon Administration has made more headway toward accommodation with the two major Communist powers than has any of its predecessors. There is plenty of evidence in the foreign-policy report that Mr. Nixon and his advisers have not been taken in by their own success, however. That, we believe, is among the most important revelations of the message.

Despite progress toward détente (which too many people believe is already here), the Administration warns that "the Soviet Union is strengthening its armed forces in every major category, including those in which the United States traditionally has had a substantial margin of superiority. A Soviet military presence now has been established in many strategic areas of the world. . . . We have no responsible choice but to remain alert to the possibility that the current trend toward détente with the Soviet Union and China may not prove durable."

Although the Administration clearly believes it neither feasible nor useful to attempt to regain nuclear superiority, it is "determined to maintain a national defense second to none." Ongoing programs in the strategic area are judged to be sufficient to deter all-out nuclear war in the foreseeable future, and both flexible and controllable enough to provide the President those options that he has called for "to face any potential aggressor contemplating less than all-out attack with unacceptable risks." This

we can only read as an endorsement of the continued need for a Triad of strategic systems: submarine-launched missiles to help guarantee assured destruction of Soviet cities as part of the deterrent to all-out nuclear war, and the more accurate and controllable land-based missiles and bombers in their dual role of acting as deterrent to all-out war and providing the President options against a less than all-out attack on the U.S. or its allies.

In this era of approximate nuclear parity, the report stresses that "greater reliance must be placed on nonnuclear forces. . . . Our ground, naval, and air forces have now reached the absolute minimum necessary to provide a credible conventional deterrent in an age of strategic parity. Compared to . . . 1964, we have a third fewer combat ships, thirty-seven fewer aircraft squadrons, and three and a third fewer ground divisions. . . . They are at the lowest level since the Korean War." There has been no reduction in comparable Soviet forces, which outnumber ours and are undergoing "significant qualitative improvements."

The report goes on to say that the U.S. defense budget now takes only six percent of our Gross National Product and represents less than one-third of the total federal budget. (By comparison, it has been estimated that the Soviet military budget absorbs as much as forty percent of the USSR's GNP, that it probably is about $10 billion a year higher than ours, and that the Soviets may be investing up to $26 billion a year in military research and development, compared to our $8 billion in FY '73. These comparisons do not suggest a lasting Soviet dedication to détente.)

While the State of the World message reflects guarded optimism concerning the attainment of a durable peace, it also contains, as we have indicated, sober warnings that need to be taken to heart as Congress sets about cutting the FY '74 defense budget. We believe the forces that budget will support are no more than minimally adequate. If they are, in fact, "second to none," it is not by virtue of size, but of quality and combat experience.

It will become increasingly difficult to maintain even a minimum acceptable level of U.S. defense unless two very hard facts of life are better understood by the American people. The first, as information in the President's report suggests, is that we are running second to the USSR in force size, defense investments, and probably most significant in the long run, military research and development. That gap must not be allowed to widen.

Second, there is, as the report makes clear, only a "trend toward détente." It is not an accomplished fact, and no amount of wishful thinking will make it so.

So any "trend toward détente"—an unmeasurable factor—must be weighed against the measurable and quite visible trend toward clear-cut Soviet military supremacy.

It now is not, as we suggested some months ago, a case of being between the rock and the hard place, but between the rock and the *soft* place. And, in this analogy, the United States does not represent the rock.

THE INTERNATIONAL FINANCIAL CRISIS

Mr. HARRY F. BYRD, JR. Mr. President, on May 30, June 1, and June 5, the Subcommittee on International Finance and Resources of the Senate Finance Committee, held hearings on the causes of and possible solutions for the international financial crisis.

On June 1, one of the witnesses was Mr. Eliot Janeway, a financial writer and analyst, who presented very interesting testimony.

Subsequent to the hearing, Mr. Janeway wrote a column published in a number of newspapers on June 11, describing the hearings and his own proposals. I believe his column will be of widespread interest.

I ask unanimous consent that the column, "U.S. Agripower Called Means to Stability," be printed in the RECORD.

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

U.S. AGRIPOWER CALLED MEANS TO STABILITY

(By Eliot Janeway)

NEW YORK CITY.—The daily devaluation of the dollar is adding a new dimension to Dr. Milton Friedman's classic definition of inflation as a "hidden tax." The Nixon Administration is pointing with permissive pride to devaluation as just a "normal readjustment"—just as some judges and educators are talking about lapses of personal responsibility where law-and-order is concerned. But devaluation is levying a tax on every family in the country, one that is being toted up with each trip past the cash register at the supermarket.

Before the latest run quickened into a stampede, the dollar had suffered something like a 40 per cent devaluation since the supposedly epochal Smithsonian readjustment negotiated in December, 1971. The other side of the coin from this drop in the international dollar saw the cost of food inside America jump by the same telltale 40 per cent. Penny for penny, percentage point for percentage point, every loss suffered by the international dollar was literally eaten by Ameirca's food buyers. To paraphrase Ernest Hemingway's immortal title, the bell that has been tolling for the dollar around the world has been tolling for America's consumers at their own kitchen tables.

Dealing from financial weakness has always been a sure way for any country to invite indignity and to organize chaos. The coldness of the rebuff dealt President Nixon by French President Georges Pompidou in Iceland suggests that the place for the meeting was well chosen, if not the time. Further frantic political probes aimed to offset domestic shocks with diplomatic surprises are fated to produce more bad news until the dollar begins producing good news.

Making the dollar do just this is within America's ready reach—and not as they used to say about the stock market, because "the dollar is now so cheap." Despite the defensive posture into which she has been thrust, America commands economic resources which are not only distinctive, but unique. Dealing from her native economic strength could recoup the financial losses which have been swamping the dollar since America has been dealing from financial weakness.

The way to do it is to mobilize America's world monopoly on the commercial availability of "agripower." In the new world taking shape in the shaky 1970s, agripower promises to pack a more potent political punch than nuclear power, air power, propaganda power, student power, woman power, black power, labor power—and by no means just inside America. In every country, without exception, any claimants to power are sure to lose it unless they can count on feeding their supporters with agripower. Even Leonid Brezhnev, Russian Communist party leader, admits it, which is reason enough why inviting him to Washington is another giveaway instead of the takeback that has been overdue since he took Kissinger for a hay ride. Not even countries eating relatively high on the hog can manage without Americanizing their diets by paying off in hard cash to American agripower.

But America can turn the tables on her successful industrial customers who have taken over as her harsh creditors—who, in fact, now have more to say about how much the dollar is worth than the American government itself. The way to do so is to mobilize American agripower both as a shield to protect the dollar and as a battle axe to get its own back. Last week I presented a proposal to the Senate Finance Committee's Subcommittee on International Finance and Resources calculated to do so.

The Subcommittee's roster attests to its representative character. Its Chairman, Sen. Harry F. Byrd Jr. [Ind., Va.], a major figure in the present Senate, is winning still new luster for the most distinguished name in America's continuous public service. Sen. Byrd is an independent in thought as well as in stance. On his Democratic flank, Sen. Vance Hartke of Indiana commands the firm support of every traditional source of majority power voting block strength; and Sen. Mike Gravel of Alaska is not likely to be outdone by populist competitors. On Byrd's Republican flank, Sen. Robert Dole of Kansas is the former Chairman of the Republican National Committee; and Sen. W. V. Roth Jr. of Delaware is earning in his own right the respect which flows automatically to any Republican senator from the tiny state whose favorite sons are big corporations. The five interrelated questions which the subcommittee posed in its call for its present hearings reflect the nonpartisan sense of urgency rapidly uniting America in demanding the defense of the dollar.

All five questions offer the alternative of America acting unilaterally or in concert with other trade powers. How to strengthen the dollar is question No. 1. What can be done to cut the United States payments deficits is question No. 2. How can international money speculation be cut is question No. 3. Funding short-term overseas dollar liabilities is question No. 4. The need for a new Bretton Woods is question No. 5.

I offered a single solution to all five of these interrelated questions. More precisely, I offered it as a single-purpose solution to the four substantial questions; and as an explanation of how to finesse the fifth question, which is the procedural one about the need for a new Bretton Woods. I expressed the confidence that the assertion of American agripower could and would overnight solve the four interrelated problems of strengthening the dollar, cutting the dollar payment deficit, inhibiting speculation of the dollar, and funding the huge overhang of short-term dollar liabilities now being called.

Without an effective American initiative in asserting American agripower, I argued, no new Bretton Woods is thinkable as a respite from the present retreat via chaos en route to panic. With it, I concluded, no new Bretton Woods would be needed. Next week, I will detail the proposal aimed at catapulting American agripower into its own and at bringing the dollar back as American agripower moves forward.

THE ANCHOVY CRISIS

Mr. SAXBE. Mr. President, we are all aware of the growing reliance on the soybean as a food supplement for both humans and animals, and the resulting increase in the demand for this proliferate legume.

But, unfortunately, the real reasons behind the popularity of the soybean do not always come to the public's attention.

It was gratifying, therefore, to find an article in Scientific American—June, 1973—that indirectly sheds much light

on the growing use of the soybean and its importance to the world food supply.

The article, entitled "The Anchovy Crisis" and written by C. P. Idyll, describes the recent decline of the anchovy fishing industry in the waters off the coast of Peru. The article points out that fishmeal made with the anchovy has been used for many years to enrich feed for poultry and other livestock, and that, because of the abundance of anchovies, such meal could be produced most inexpensively.

Now, however, with anchovy production running only about one-third as much as in 1965, the availability of anchovy fish meal has been sharply reduced, forcing feed grain manufacturers to seek a new enriching supplement for their product.

The alternative selected by most feed grain suppliers is the soybean, thereby creating a demand for millions and millions of tons just to satisfy these new requirements.

Mr. Idyll presents a thorough explanation of the anchovy crisis, showing how overexploitation, combined with periodical ecological disturbances, has brought about a reduction of the anchovy supply.

But, more than that, he helps us with his discussion of the anchovy problem to identify just one of many situations that have created so great a need in the world today for the soybean.

This, in turn, helps us to recognize the reasons why the price of soybeans, and consequently the cost of feed grains—and ultimately the cost of poultry and other livestock—continues to rise.

I ask unanimous consent of my colleagues in the Senate to print the aforementioned article in the RECORD.

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

THE ANCHOVY CRISIS

(By C. P. Idyll)

Over the past decade the world's largest fishery has been in the Peru Current. A periodic ecological disturbance, combined with the heavy fishing, now threatens to destroy the industry.

The world of the Peruvian anchovy is the sweep of a great cold ocean current. In a slow northward drift the current carries the little fishes along in company with countless tiny plants and animals that the anchovies avidly devour and with larger fishes, squids and a host of other marine animals. The anchovies form thronging legions that wheel and dart in the current. Their world is often entered by aliens: birds that plunge from above, snatching up the anchovies by the hundreds of thousands, and men who cast great net enclosures around the fishes, carrying them off to shore by the millions.

In the brief life-span of the anchovy, rarely longer than three years, its cold-current environment usually changes only within narrow limits. During the lifetime of some generations, however, their world may be put out of joint. The slow northward drift of the current, only two-tenths to three-tenths of a knot (compared with the six knots of the Gulf Stream off Florida), becomes still slower and may even reverse itself. The water grows warmer and less salty; the makeup of its populations changes and many of the usually abundant microscopic plants and animals dwindle in number. Finding their world poorer, the little anchovies scatter; many may die prematurely and many in the successor generation may not be born at all. The sea change known as El Niño has arrived.

Coastal Peru is normally a cool and misty land, quite unlike the steamy Tropics that occupy the same latitudes on the eastern coast of South America. The Peru coast is kept that way by the temperature of the ocean current, which in the south can be as cool as 10 degrees Celsius (50 degrees Fahrenheit) and only reaches about 22 degrees C. (71.6 degrees F.) in the north. Although the northernmost part of Peru is a mere three degrees of latitude below the Equator, the average air temperature is a moderate 18 to 22 degrees C. (64.4 to 71.6 degrees F.). Along the 1,475 miles of Peruvian coastline, a distance 100 miles longer than the Pacific coast of the U.S., there are no marshes, mudflats and estuaries—only arid desert, most of it a treeless, monotonous, barren brown. This bleak strip of sand extends a short distance inland, rarely more than 40 miles or so, to the upthrust Andes, one of the most awesome mountain ranges in the world. The high rain shadow of the Andes robs the prevailing southeast winds of their moisture and keeps the coastal region arid. A few streams that rise in the mountains cross the desert; their narrow valleys suport what little agriculture exists along the coast.

The Peru Current consists of four components, the interaction of which creates, molds and changes the world of the anchovy. Two of the components travel in a northerly direction: the Coastal Current, flowing next to the shore, and the Oceanic Current, located farther out to sea. Between the two, on and near the surface, runs the Peru Countercurrent. Beneath all three runs the Peru Undercurrent. Both the Countercurrent and the Undercurrent flow southward.

The Coastal Current runs deep and hugs the land from about Valparaiso in Chile in the south to north of Chimbote in Peru, a stretch of some 2,000 miles. The anchovies live mostly in the northern part of this great band of water, which constantly changes shape and size, becoming wider or narrower, deeper or shallower, altering and twisting like an elongated amoeba. The Oceanic Current is longer than the Coastal Current. It is often several hundred miles wide, and it runs as deep as 700 meters. It flows north to a point about opposite the Gulf of Guayaquil before bending west.

The great northward sweep of water is often called the Humboldt Current, after the German naturalist who described the phenomenon following a visit to South America in 1803. Humboldt thought that the cold of the water was the chill of the Antarctic. His conjecture was partly right: the current does include subantarctic water. Much of the cold, however, is the cold of subsurface water. As the water on the ocean surface is swept away by the prevailing winds, deeper low-temperature water wells up slowly to replace it. The trade winds in this part of the world, channeled and bent by the Andes, blow from the south and southeast, mostly parallel to the shore. This prevailing wind urges the surface water northward at the same time that another influence, the Coriolis force, deflects it to the west. As the resulting steady offshore drift skims off the surface layer the cold subsurface water rises with stately slowness to replace it, traveling vertically at a rate ranging from 20 to 100 meters per month, depending on the location and the season.

The biological effect of the upwelling is enormous. That stretch of water, only a tiny fraction of the ocean surface, produces fully 22 percent of all the fish caught throughout the world. Its richness springs from a constantly renewed supply of the chemical nutrients—principally phosphates and nitrates—that stimulate plant growth. Accumulated gradually in the deep layers of the ocean as the debris of dead marine plants and animals sinks to the bottom, the nutrients travel with the upwelling water to the top levels. There the light is sufficient to drive photosynthesis, and the nutrients help the marine plants to flourish. The concentration of nutrients in the Peru upwelling is many times greater than that in the open ocean. In terms of the amount of carbon fixed photosynthetically per cubic meter of water per day, the range in the upwelling region is from 45 to 200 milligrams, compared with less than 15 milligrams in the water immediately adjacent. Perhaps only one other part of the world ocean is richer: the Benguela Current of the southwestern coast of Africa.

The Peru upwelling sustains an enormous flow of living matter. The food chain begins with the microscopic diatoms and other members of the phytoplankton that comprise the pasturage of the sea. The plants absorb the nutrients and grow in rich profusion, providing fodder for billions of grazing animals, principally minute crustaceans such as copepods but including arrowworms and a wide variety of other small marine herbivores. The food chain can then go on to several more links, progressing from the small fishes that eat the herbivores to the larger fishes and squids that prey on the small fishes and perhaps continuing to include one or more further advanced levels of marine predation. The food chain in the Peru Current does go on in this fashion to some degree, but most of its energy flow stops with the anchovies. This single fish species has succeeded in capturing an extraordinarily high proportion of the total energy available in the ecosystem and in converting it into enormous quantities of living matter. At the height of the anchovies' annual cycle the total bulk of the species is probably of the order of 15 to 20 million metric tons.

The Peruvian anchovy belongs to the same genus (*Engraulis*) as the common anchovy of the eastern Atlantic and the Mediterranean (*E. encrasicolus*), but it comprises a separate species (*E. ringens*). Its life begins in the form of an egg, a tiny oval spot of nearly transparent protoplasm adrift in the sea. Eggs can be spawned at almost any time of the year but there are two periods when the anchovies' reproductive activity is highest. The major spawning occurs in August and September, during the southern winter, and it is repeated on a lesser scale in January and February. Anchovies are precocious: most females are capable of spawning when they are a year old. By then each female, a little over four inches long, may produce 10,000 eggs. If she survives to the age of two and reaches a length of six inches, her output increases to some 20,000 eggs.

The delicate larvae that hatch from the eggs lead a perilous existence. Many species of fish produce eggs that contain a considerable store of yolk; the reserve of nutrient helps to sustain the newly hatched young until they adjust to finding their own food. The anchovy egg has a negligible yolk store, and so the larva must locate food quickly or starve. To make matters worse, the larva has limited swimming powers and a high rate of metabolism. If more than a few wiggles are required to obtain the food it needs, it will not survive. Because every larva consumes plankton in substantial amounts and because the peak hatches produce larvae numbering in multiples of billions, only enormous swarms of miscroscopic plants and larval crustaceans can sustain the anchovy stock. Nor is starvation the only peril; the larval anchovies feed swarms of predators. They are eaten by the same copepods that will, if the little fish survive, be the anchovies' own main sustenance. Arrowworms also devour them, and so do their own parents.

One month after the time the anchovy larvae are hatched more than 99 percent of them have perished. Even with such a

high mortality rate, a process that begins with billions of spawning fish, each casting 10,000 to 20,000 eggs, produces enormous quantities of anchovy larvae. The little fish grow rapidly; in the course of the first year they attain a length of 4.2 to 4.3 inches. The year-old fish are so slender, however, that they weight a scant third of an ounce.

The anchovy schools do not move at random; apparently because of a strong preference for the cold water of the Coastal Current they remain within a comparatively restricted zone. The Coastal Current is at its narrowest during the southern summer, running close to shore and seldom exceeding 200 meters in depth. Within this shrunken world the anchovies press together in enormous concentrations near the shore and close to the surface. It is now that predators fare best. The larger fishes and the squids feed well; the several species of guano birds have to fly only short distances from their island nesting grounds and need not dive deep to reach their prey. The greatest of the predators, the fisherman, finds summer work the easiest. He can often set his purse seine within sight of port and gather in anchovies 100 tons at a time.

El Niño occurs at regular intervals. There is said to be a seven-year cycle, but in actuality the phenomenon is far less precise in its appearance. The severe environmental dislocations may be repeated for two or more years in a row or may not recur for a decade or longer. Another kind of regularity, however, has given El Niño its name. The change usually begins around Christmastime and so is given the Spanish name for the Christ Child. The complicated chain of events in a year of El Niño disturbs the anchovies, sometimes profoundly. The wind now comes from the west rather than from the southeast, and it is laden with moisture from the Pacific. With no mountains to rob the air of its burden of water the arid coast is often subjected to torrential rains and severe windstorms. In a desert region where even a heavy mist can cause problems the floods of El Niño are are often devastating. Oddly enough, however, in some Niño years no rain falls.

A warning that the sea change may be on its way is given when the temperature of the coastal water begins to rise. If the increase in temperature persists and spreads, the delicately adjusted world of the anchovy tilts. With the warm water comes unfamiliar inhabitants of the northern Tropics: the yellowfish tuna, the dolphinfish, the manta ray and the hammerhead shark. Some of them feed on the anchovies. A greater threat to the anchovies' survival, however, is a slowing of the northbound Coastal Current and a decline or even a halt in the usual upwelling of subsurface waters. As the supply of nutrients diminishes, the planktonic plant life that provides the base of the ocean food chain becomes less abundant. As a result herbivorous planktonic animals become scarcer, and so it goes link by link up the chain. Furthermore, the water temperature is now too high to suit the anchovies themselves. Even if the shortage of food has not yet greatly reduced their numbers, the fish scatter, no longer forming the enormous schools that normally afford the guano birds and fishermen such rewarding targets.

The effect on the guano birds and marine animals is among the most serious of the changes wrought by El Niño. The birds starve or fly away, deserting their nestlings. Fishes, squids and even turtles and small sea mammals die. Their decaying bodies release evil-smelling hydrogen sulfide that bubbles up through the water and blackens the paint on the boats in the harbors. This unpleasant phenomenon is called El Pintor (The Painter). Patches of reddish, brownish or yellow water similar to the "red tides" that upset the Florida tourist industry become relatively common. They are caused by prodigious blooms of dinoflagelaltes: microscopic planktonic plants that are toxic in high concentrations. The greater frequency of the blooms during Niño years may be because the nutrient composition of the seawater suits the organisms better then or because the less vigorous currents fail to disperse accumulating clusters of dinoflagellates as quickly as usual.

The causes of El Niño are wind changes and sea changes on a very large scale. When the steady southeast trade winds weaken or when the wind blows from the west, the ocean currents that run to the northwest are no longer pushed along with the same vigor. Under normal circumstances the south-flowing Peru Countercurrent is weak, but when the prevailing winds fail or are reversed, the Countercurrent thrusts a tongue of warm water into the cleft between the now less vigorous Coastal and Oceanic currents. As it meets less resistance the Countercurrent penetrates farther south, pushing the weak north-flowing currents aside and covering their cold waters with a 30-meter layer of warm tropical water. The water may have come from as far away as the Panama Bight, north of the Equator, and part of it may even have originated as a land runoff in Central America. It can be as much as seven degrees C. warmer than the north-flowing Coastal Current and is lower in salinity, deficient in oxygen and poor in nutrients. In some Niño years the Countercurrent pushes the tropical water as far as 600 miles south of the Equator.

The organisms most obviously affected by a Niño year are the guano birds, various species that are colloquially lumped together under the same name that is applied to the droppings that accumulate in large quantities on the rocky islands where they nest. There are three principal species: the guanay, or cormorant (*Phalacrocorax bougainvillii*); the piquero, or booby (*Sula variegata*), and the alcatras, or pelican (*Pelicanus thagus*). Over the millenniums the bird droppings have accumulated in piles as high as 150 feet on some islands. Because guano is perhaps the finest natural fertilizer known, the guano islands have provided the foundation for a valuable industry. Of the guano birds' diet between 80 and 95 percent is made up of anchovies, and the coastal waters of Peru support what is probably the largest popualtion of oceanic birds anywhere in the world. In recent years estimates of the birds' total number have gone as high as 30 million. The five million individuals that inhabited one particular guano island are believed to have consumed 1,000 tons of anchovies a day. The guano birds' annual catch in recent years is calculated to average 2.5 million metric tons, or between a fourth and a fifth of the commercial-fishery catch.

Following every Nino year of any consequence the bird population declines just as the anchovy population does. When the warmer water scatters the dense surface schools of fish, the birds find it harder to feed themselves, let alone their nestlings. Adult birds fly to other areas. Juvenile birds, less efficient fishers than their parents, perish in large numbers. The deserted nestlings are doomed to starvation. After the severe Nino year of 1957 the guano-bird population, then estimated to be 27 million, plummeted to six million and dropped to a low of 5.5 million the following year. Numbers slowly increased thereafter, so that there were 17 million birds when the Nino year of 1965 arrived. The year the population fell to 4.3 million.

Since then the guano birds have failed to recover at the normal rate. There is concern that the commercial anchovy fishery, which has expanded greatly in the same period, is depriving the birds of so much food that their numbers may fall below the level that is critical to their survival as social species. The late Robert Cushman Murphy of the American Museum of Natural History devoted some years to the study of these populations, and it was his opinion that the birds and the fishermen were essentially incompatible. It seems likely, however, that in spite of Murphy's contrary view the two competitors will be able to coexist at some suitable level of commercial fishing. At the same time it may well be that the size of the commercial catch in recent years has prevented the bird population from regaining its former numbers.

It is not commonly known that in the past few years the anchovy fishery has made Peru the world's leading fish-producing nation. Until recently Peru was harvesting anchovies at a rate of 10 million metric tons or more per year. This is a greater weight than that of all the species of fish being caught by any one nation in the Old World, and is twice the tonnage of the combined all-species catch of all the nations of North and Central America. The fish meal made from the Peruvian catch is sold around the world to enrich feeds for poultry and other livestock; the fish oil goes into margarine, paint, lipstick and a score of other products. In 1970 the export of fishery products brought Peru some $340 million, nearly a third of the nation's foreign-exchange earnings. In addition to this the tax revenues from the industry and the domestic employment it provides have become major elements in Peru's economy.

The anchovy industry began in earnest in 1957. Within 10 years the profits that could be made from catching and processing the fish attracted hundreds of fishing boats and led to the construction of dozens of fish-meal factories. No fish stock, however, can stand unchecked exploitation. Government authorities and fishery biologists became concerned about the future of the resource. Peru was a newcomer to large-scale commercial fishing and had neither fishery scientists nor administrators with experience in management. The Peruvian government turned to the United Nations for help.

In 1960, with a grant from the UN Development Programme and a matching amount in Peruvian funds, the Instituto del Mar del Peru was set up to conduct research on the anchovy stocks and to advise the government on management of the fishery. The Food and Agriculture Organization of the UN (FAO) recruited experienced fishery scientists from around the world to work at the institute, conduct research on the anchovy stocks and train a Peruvian staff. Located in Lima, the institute is now a firmly established fishery-research center where more than 50 young Peruvian scientists are conducting the studies needed to establish conservation regulations for the anchovy fishery. The Peruvian staff is advised by a few resident FAO scientists and by a panel of distinguished experts from around the world, organized by the FAO, that meets twice a year.

It has taken biologists nearly a century to unravel the intricacies of fish populations and the complexities of their response to the dual stresses of environmental change and human exploitation. Until last year fishery biologists could point to the management of the Peruvian fishery as an exemplary application of this hard-won knowledge. A major stock had been put under rational control before exploitation had depleted it, and conservation measures seemed to be ensuring an enormously high yield at the limit of the biological capacity of the Peru Current ecosystem. Then in 1972 such pride was chastened, if not utterly humbled.

After the Niño year of 1965 the fishery had enjoyed several very successful seasons, culminating in 1970 with an anchovy catch of 12.3 million metric tons. Then, toward the end of April, 1972, and only a few weeks after the start of the season, fishing suddenly faltered. By the end of June catches had dwindled to almost nothing, and at the close of the 1972 season only 4.5 million tons of anchovies had been harvested. The catch this

year threatens to be even poorer. Indeed, there is some reason to fear that the world's greatest stock of fish may have been irreversibly damaged, in which case the Peru fishery would be destined to collapse altogether.

That is the gloomiest outlook. It is based on two disturbing circumstances. First, the size of the "standing stock" (the total anchovy population) now appears to be far smaller than normal. It may be as low as one or two million metric tons, compared with an average of 15 million tons in recent years and an estimated 20 million tons in 1971. Second, "recruitment" (the numbers of fish grown big enough to enter the commercial fishery in any year) has been by far the smallest ever observed. It is scarcely 13 percent of the recruitment in a normal year.

What is causing the trouble? Very possibly El Niño has been a major factor, but some puzzling circumstances have made the scientists closest to the subject uncertain about the extent of the relation between the sea change and the reduction in the anchovy stock. It is clear, however, that the Niño year of 1972 was one of the most severe ever observed. Instead of remaining at the normal level of 22 degrees C. the surface temperature of the Coastal Current rose to 30.3 degrees in February. Although the temperature fluctuated thereafter, it remained higher for the rest of the year and was still above normal in January, 1973. It did not fall to near-normal temperature until March of this year. At the same time that the temperature rose the salinity of the water declined from a normal 35 or 36 parts per 1,000 to 32.7 parts per 1,000.

Tropical and subtropical marine plants and animals began to appear far south of their usual limits: dolphinfish, skipjack tuna and the tropical crab *Euphilax*. The guano birds fled from their nesting islands, abandoning their young; their population may now number no more than a million. The warm Countercurrent forced the cold-seeking anchovies so close to the shore that the fishermen often found the water too shallow for their nets. Moreover, the crowded fish did not spawn as abundantly as usual and the eggs and larvae, already reduced in numbers, did not survive at the usual rate because of greater predation by their own close-packed parents.

Biologists are nonetheless unwilling to blame El Niño for all these occurrences. For example, with respect to the anchovies they note that recruitment of young fish to the adult population was observed to fall below normal levels before it became obvious that the surface temperature of the Coastal Current had risen. In seeming contradiction to this, however, the tropical crabs too made their appearance before the surface temperature rose, apparently indicating that a body of tropical water had by then already invaded the world of the anchovies. In the light of such oddities the experts frankly admit that they do not know how much influence El Niño exerted on the anchovies in 1972.

Quite apart from the sea change, however, the Peruvian commercial fishery must accept a share of the blame. The 1970 catch of 12.3 million tons considerably exceeded the 10-million-ton level that fishery biologists had estimated to be the maximum sustainable yield of the Peruvian stock. Several economic and political stresses were responsible for the excessive catch. Foremost among these harsh realities is that there are many more fishing boats and fish-meal factories in Peru than are needed to harvest and process the catch. The anchovy fleet is so large that it could harvest the equivalent of the annual U.S. catch of yellowfin tuna in a single day or the annual U.S. salmon catch in two and a half days. The fleet could be reduced by more than 25 percent and still comfortably harvest a rational quota of 10 million tons of anchovies a year. Moreover, the record 1970 catch figure does not measure the full toll the fishery took of the anchovy stock that year. Conservative estimates of losses from spoilage at sea and unloading and processing ashore raise the commercial total to some 13 or 14 million tons.

At this writing the future of the Peruvian anchovy is uncertain. The gloomy forecasts based on biological sampling in 1972 have been confirmed by additional observations early this year and by the results of trial fishing allowed at that time. For three weeks in March the anchovy fleet went to sea and about one million tons of fish were caught. During that brief period the catch per unit of fishing effort (a statistic that provides a measure of the size of the stock) declined rapidly. This suggests that the fleet had caught a significant proportion of all the fish that were available. Most of the catch consisted of fish recruited since July, 1972. There will not be any substantial additions to the stock until this coming October, when the progeny of the present population, much reduced by the fishing in March, have grown big enough to enter the fishery. Even so, fishing was authorized again in April with the quota set at 800,000 tons. Only 400,000 tons were taken. At present the 1973 catch is forecast at no more than three million tons.

If things are as bad as the worst prognostications indicate, the anchovy fishery may, like the California sardine industry and the Hokkaido herring industry, collapse forever. Many aspects of the history of the Peru fishery bear a disturbing resemblance to the events that brought about these earlier disasters.

Nature being what it is, the Peruvian coast will sooner or later once again have normal winds and ocean currents. If the anchovy population has not been too severely reduced, the fishery will then begin to recover. On the other hand, human nature being what it is, difficulties may arise in enforcing soon enough and strictly enough the moderate catch quotas required to avoid overexploitation of the diminished population. Unless such a policy of moderation is achieved, not only will the fish stock suffer but also the world of the Peruvian anchovy will be permanently changed. The guano-bird population will be further reduced and perhaps even eliminated. There will also be enormously complex effects among the many other animals that depend to a greater or lesser degree on the presence of the little fish. Finally, if the anchovies' world is allowed to go awry, the biggest loser will be man. He will have lost not only a rich natural resource but also some of the quality of his own world.

A TRIBUTE TO FORMER PRESIDENT HARRY S. TRUMAN

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD a tribute to former President Truman by the distinguished Senator from Mississippi (Mr. STENNIS).

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

A TRIBUTE TO FORMER PRESIDENT HARRY S. TRUMAN BY SENATOR STENNIS

The people throughout the nation mourned the passing of former President Harry S. Truman. He was of the people, he spoke the language of the people, and he fought for the principles that can make our nation strong.

President Truman was a man of high integrity who also had tremendous personal and political courage.

He served as President during turbulent times, and it became his lot to make many difficult decisions. He made them wtih courage and stood with the consequences. He had to decide on the use of atomic weapons to end the war with Japan. In 1946 he had to deal with vast strikes in the railroads and mines. In 1947 he had the problem of resisting communist expansion in the Eastern Mediterranean, and he propounded the Truman Doctrine. In 1948 the Marshall plan for the recovery of Europe was brought into being. Then there was the North Atlantic Alliance, and the Berlin Airlift. In 1950 he had the decision of whether to stand in Korea, and in 1951 the question of whether or not to relieve General MacArthur. These were indeed troubled times.

President Truman, however, was a man who rose to the occasion in difficult times. His experiences in life had prepared him well. He lacked many advantages in his earlier years, and had experienced adversity, including a business failure wherein he ultimately paid all his debts to the last dollar. He had learned at the county level of government to understand the people and to make sound decisions that represented the wishes of the majority of the people. His life in public service had formed his abilities.

He was a man of great strength of character and dedication, and with these qualities he combined an uncommon amount of common sense. During the time he served as President it was not always possible in the time available to be sure that all of the facts had been completely obtained and analyzed and it was sometimes necessary to proceed on the basis of assumptions, but he had a fine instinct to sense the right decision. He made sound judgments and carried them out with courage.

Mr. Truman's personal characteristics served him well in office. He had an unusual amount of vitality and stamina, and this helped him to devote the necessary energy toward solving the great problems that arose successively during his tenure in office. He was a man who was very human and approachable, and who had more than his share of humility for one who held his high office. This made it easy for Americans to understand him and to place themselves in his position when he arrived at national decisions. This also enabled him to understand very thoroughly the American people, as he repeatedly demonstrated over the years, and especially in his campaign for reelection in 1948.

I have read with the utmost interest the book "Harry S. Truman," written by his daughter, Mrs. Margaret Truman Daniel. It makes clear some facts that have been misunderstood by a great many people, and it is a definite contribution to history. I have written Mrs. Daniel a personal note to tell her that I think she rendered the country a splendid service in writing the book.

I think that while Mr. Truman was President, and making the many decisions that were so crucial for the free world, it was not evident that in time he would be readily recognized as one of the best of our Presidents. Perhaps this was because he did not recognize this himself. He thought of himself only as a hardworking man who did the best he could. Time has proven that most of his major decisions were correct. History is proving that he was one of our great Presidents.

Mrs. Stennis and I extend every expression of condolence to Mrs. Truman, Mrs. Daniel, and other members of the family.

TIME TO MAKE PUBLIC THE INTELLIGENCE COMMUNITY BUDGET

Mr. PROXMIRE. Mr. President, my examination of the intelligence community has led me to conclude that there would be no security risk in publishing publicly the aggregate budget of the various intelligence components. Former high Government officials have agreed

with this position as well as other Members of Congress.

There would be no security risk because it would not reveal anything of a sensitive nature to our potential adversaries. The Soviet Union or the People's Republic of China would not be able to exploit this information. It could not be turned against us. In fact, it would be a deterrent to attempts at surprise attack or other devious hostile actions. Knowledge of the active and accurate U.S. intelligence efforts, at a budgetary level, would remind adversaries that we will not let down our guard.

SUSPICIONS CONFIRMED

Now, however, there is confirmation of the highest quality that just such a release of budgetary information would pose no security threat. No less than the current Director of Central Intelligence, James Schlesinger, has testified before the Armed Services Committee that the combined budget of the intelligence community is not classified for reasons of national security.

Mr. Schlesinger has reservations about releasing this budgetary data even though it does not rest on national security. The real reason it should remain classified, he asserts, is to limit the number of people in Congress who have access to it. Again the purpose is not to hide sensitive facts but, astonishingly, to keep Congress from reviewing that budget and possibly cutting it back.

The rationale goes like this. If all Members of Congress have access to the combined budget of the intelligence community, then someone might object to its size without any particular knowledge of its operations and offer an across-the-board cut.

END RUN AROUND CONGRESS

So there we have it. Classifying the intelligence community budget is just a protective device to preserve autonomy and budgetary flexibility.

The Department of Defense undergoes the most detailed examination. HUD, NASA, Veterans, Agriculture, Commerce, Transportation, and all other Government departments also receive scrutiny that is beneficial for the organizations involved and the taxpayer. This is our system of government. It is the check and balance so necessary to curbing excesses.

Obviously the intelligence community cannot undergo the type of searching public review that these other agencies are subjected to. But we should not overrate this concern for security. The Department of Defense is a stronger institution due to congressional oversight. Many successful reforms have started as the result of congressional interest.

So must it be with the intelligence community.

Now that the Director of Central Intelligence has confirmed that no danger of exposing national security information would be involved, it is time for the oversight committees to make the budget of the intelligence community public.

PEARL BRACKETT

Mr. BEALL. Mr. President, "What you do depends on what you believe in." These words are part of the philosophy of a truly remarkable woman. She is Mrs. Pearl Brackett, assistant superintendent of public schools in Baltimore City. Mrs. Brackett is a concerned, active person who is involved with many community activities, but most importantly, she is involved with people.

She is particularly concerned about the development of community education and said:

I see on every hand how ultimately it will help us solve social and city problems. It is not a racial issue. Color has nothing to do with the solution. We must develop the capacity to mingle with all kinds of people.

Mrs. Brackett has made an impact on many people in Baltimore City through her talking, smiling, and her quest for quality education.

Recently, the May 29, 1973, edition of the Baltimore News American carried an article in tribute to Mrs. Pearl Brackett. I ask unanimous consent that the article entitled "A Smiling Bustling Dynamo Who Gets People Together," by Dorothea T. Apgar be printed in the RECORD so that my colleagues may share the spirit of this fine woman.

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

PEARL BRACKETT: A SMILING, BUSTLING DYNAMO WHO "GETS PEOPLE TOGETHER"

(By Dorothea T. Apgar)

"What you do depends upon what you believe in," might be a simplification of Mrs. Pearl Brackett's personal philosophy.

The pleasant-faced Assistant Superintendent for Baltimore City Public Schools is a dynamo of energy—bustling, talking, smiling her way from one task to another "getting people together"—but far more than that, encouraging and inspiring people and groups to face community problems, educational problems, neighborhood, racial and ethnic problems.

Pearl Brackett places great stress on friendship-communication between people. Friendship she defines as "freedom to talk to each other; you don't have to agree on many things."

The product of an educated middle-class family that included a long line of ministers, Anna Pearl Cole was raised by her godparents (her aunt and uncle) in Washington, D.C., where her uncle held a minor government position and her aunt was a teacher.

Pearl attended a private school in Washington until she was 14, when she returned to Baltimore to live with her mother, Mrs. Rosina M. Cole. Because her secondary schooling had been so advanced, Pearl went into an accelerated program at Douglass High School and then on to Coppin State College, from which she graduated at the age of 18.

The summer she spent when she was 16 with Dr. Mary Bethune, founder of Bethune College, remains as a time of inspiration to her. "I have never heard a voice like hers," Mrs. Brackett related, the memory still fresh. "Though Dr. Bethune was homely, she inspired people, because she believed in them. She was a great exponent (of the viewpoint) that you should believe you can do something even if someone else says you can't do it," a view Mrs. Brackett has followed faithfully and interpreted for others throughout her career in education.

The young Pearl knew she would have to earn her living, and had no question about the field. "Education has always been a highly regarded value in my family," she said very simply. When she first started as a teacher, her pay was $3.00 a day.

As an interesting sidelight to the value of friendship one of her Coppin State classmates was Rebecca Carroll. Rebecca was valedictorian and Pearl was salutatorian at their commencement exercises. Rebecca Carroll is now acting assistant superintendent for elementary education in the city schools. They have remained friends as well as professional colleagues.

Mrs. Brackett's challenges began during her years as principal of first Gilmor (School 108) then School 74, where she was the first black principal to work with an integrated staff. In 1962 she was made principal of the new Belmont School (School 217).

At Belmont, Mrs. Brackett created a parent-teacher community association that residents of the area who didn't have children in the school could also join, because she wanted all neighborhood residents to feel part of the school.

That way, she felt, they would take personal pride in the school. She instituted classes two nights a week for adults: children could enroll too if they were interested. She encouraged it to be everyone's school. Part-time custodial care for nights when the school was open was staffed by residents in the community.

Her viewpoint was "this was our school, our investment in the community. Community education and involvement—that is a concept which we lived at Belmont."

There were jobs the students could sign up for—office worker, lunch aid, play leader, class librarian, and so forth. Each child spent only one hour a week away from class. "But everybody had to do something in connection with the school."

Mrs. Brackett herself taught a class in enriched reading—"to inspire and instill interest in learning—an incentive program." Those were good years. She smiled, and added "we dared to do at Belmont."

That was the period immediately before social unrest came to the surface. "I never had seen or known of militant groups in my life until the middle 60's," she said. Because of her upbringing and environment, she had no personal knowledge of racial unrest.

When Mrs. Brackett was appointed area director it was her first contact with the real depth of unrest in society. "I was exposed for the first time to problems of emerging school revolution in the city and changes in behavior."

In the beginning, she said, she wasn't equipped to withstand the animosity and what was behind it. Eventually she realized "you have to develop an insulation against four-letter words, differences in hair styles, behavior patterns, etc."

She saw then that the staffs needed training in human relations. She wanted to make it possible for people to work together; to put into effect "my belief in the ability of people to do what they can do—once they are trained—and that people can do much more than they think they can do" (after that training).

"The first premise is: I believe that a person must, first of all, be conscious of something he can do well before he can respond to any training in other areas; for instance, a janitor can paint a cabinet well, a poorly educated woman can make good jelly or crochet. The point being to dignify the person, so they will accept something more (and presumably better)."

Mrs. Brackett explains her philosophy and ideology in brisk, rapid, clear speech; sometimes caught up with her own enthusiasm. Her concern for the city schools is evident. "It is a persisting problem," she said, "the community school should be part of the neighborhood, all day and evening, not just occasionally. I tried to evaluate it as—what are the strength, what are the things that needed changing, what can you do to help effect that change?"

Mrs. Brackett was the first black woman to be appointed to her present position. "I had no feeling that to be black was any different," she said in clear forthright tones. "I was raised with a feeling of adequacy. Even today my mother does not use or like the term black.

"I always sought to recognize what I was able to do and to do it as well as I possibly could. Those have been my goals. My approach in working with any effort is a multiethnic approach. I don't think color is a factor in being effective.

"I've been proud and black all my life." She said it proudly, but gentled it with a cheerful smile.

Most important on her agenda, beyond her own community involvement, is instituting community education. "I see on every hand how ultimately it will help us solve the social and city problems. It is not (just) a racial issue. Color has nothing to do with the solution. We must develop the capacity to mingle with all kinds of people." She thinks there is a responsibility "to keep plowing so more and more people come to the surface."

Mrs. Brackett serves on a round dozen boards including National Council of Christians and Jews, Baltimore Museum of Art (trustees) and the advisory board of the Junior League—the first black person to serve on that board.

Her aim in serving, she explained, is to "try to make way for those of other minority backgrounds to serve on these boards." She also has membership in community and educational organizations too numerous to mention.

Somewhere along the line she achieved an additional B.S. from Morgan State College, a master of arts degree at New York University, and has taken graduate study at the Universities of Vermont and Maryland and Johns Hopkins.

She admits she has always enjoyed being innovative—likes to think up a new way to do something.

Mrs. Brackett has a cross section of acquaintances that spans ethnic, racial, economic and social levels. "I seek with just fervor every opportunity to educate and socialize not only my group but other groups to the point that they can deal with their own needs."

She leaned forward, hands clasped. "We all have prejudices of some kind. If we keep our eye on an issue, we find that all the techniques of working in a group minimize the force of racial issue."

There have been times when some embarrassment (because of race) has angered her. "However I'm not reluctant to protest," she said. "I don't ignore the reality of the grave injustices that have been imposed upon people of my race," she added.

"Each of us has a responsibility to be able to joke about our 'hang-ups' especially in group relations."

She loves to cook—calls it her weakness. She learned to cook as a teenager. "My mother believed every member of the family should have a task." Hers was cooking. "I made it into a task I enjoyed."

Mrs. Brackett participates in benefits such as the Committee for the Mayors Ball on June 16, which will promote free presentations of cultural arts and live performances throughout the city, because it shares in the cultural life of the city. "Baltimore," she said, "will be as great as each of us tries to make it be."

She smiled a broad smile and lifted her hands a little: "My attitude is—getting the big picture. That's my favorite saying. You don't go off on a tangent or just see one facet. You have to see the whole picture."

AWARDS GIVEN BY THE FUND FOR HIGHER EDUCATION—IN ISRAEL

Mr. CRANSTON. Mr. President, I would like to draw the attention of the Senate to the recipients of awards to be given by the Fund for Higher Education—in Israel—on June 23 and 28. Twenty of the 23 recipients are executives and employees of Daylin, Inc., a company based in Beverly Hills, Calif.

Although geared toward making profits for its investors, Daylin, Inc., has shown a strong sense of social responsibility that has been reflected year after year by the actions of its guiding executive officers.

The newest manifestations of the dedication will be expressed on June 23 and June 28 when, at parallel dinners in New York and Los Angeles respectively, the Fund for Higher Education—in Israel—will honor 23 individuals, 20 of whom are Daylin executives and employees. All are being recognized for their signal contribution in support of the ideals of the fund.

Those dinners mark the Second Tri-University Dinner of the unique Fund for Higher Education—in Israel—an organization that supports institutions of higher learning, both in Israel and the United States. The beneficiary institutions of these two fund-raising events are Tel Aviv University and Hebrew University in Israel and Stonehill College in North Easton, Mass.

Mr. Amnon Barness, board chairman of the fund, as well as Daylin, is the general chairman of the dinners. His fellow cofounders of Daylin, Inc., Mr. Max Candiotty, president, and Mr. Dave Finkle, chairman of the executive committee, have leading roles in the responsibility for the success of these events.

I salute those men and women who will be honored by the Fund for Higher Education—in Israel.

In New York it will be William M. Wolff of Daylin, and his two brothers, Charles M. Desenberg and Milford M. Desenberg, Jr. Each will receive the flame of truth award, and the Desenberg-Wolff Center for Theoretical Studies will be established at Tel Aviv University.

The Maimonides Laurel of the fund will be presented to Gerson Reichman and Seymour Edelman, and posthumously to Samuel Denenberg, all Daylin executives.

Other Daylin officials who will become diplomates of the fund are Steve Adler, Robert Karan, Noel Kleinman, Bernard Nebenzahl, Bernard Rackmil, Sheila Saperstein and Robert Schiller.

In Los Angeles the flame of truth award will be conferred on Charles "Chic" Watt, in whose name will be established the intramural gymnasium and tennis courts complex at Stonehill College; and Bernard Kritzer, for whom there will be named a wing in the Daylin Building of a residence center at Hebrew University.

The flame of truth will also be awarded posthumously to Eugene L. Wyman, a founding director of the fund and former National Democratic Committeeman. The award will be accepted by his widow, Mrs. Rosalind Wyman, a woman of extraordinary ability and understanding.

The Maimonides Laurel will be conferred on Jerry Zellner and George Lehman.

Five individuals who will be made diplomates of the fund are Ted Crey, Phyllis Friedman, Curt Silberberg, Arnold Prepsky, and Pat Long.

I want to extend my sincere congratulations to Daylin, Inc., a fine company with an active sense of social responsibility, and to its outstanding executives.

RESOLUTIONS APPROVED BY MEMBERSHIP OF RESERVE OFFICERS ASSOCIATION IN SUPPORT OF ADEQUATE NATIONAL SECURITY

Mr. THURMOND. Mr. President, one of the Nation's leading associations, the Reserve Officers Association of the United States, conducted its national convention in Las Vegas, Nev., last week.

At this convention 37 resolutions were approved, many of which go to the heart of the needs of a strong national defense.

Also, the convention elected as the new national president, Rear Adm. B. Hayden Crawford, U.S. Naval Reserve, of Tulsa, Okla. Admiral Crawford succeeds Army Brig. Gen. Robert D. Upp of Los Angeles, Calif.

Mr. President, these resolutions are important, especially to the Members of Congress who will have to decide upon many of the issues they address. I ask unanimous consent that these resolutions be printed in the RECORD.

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

RESERVE OFFICERS ASSOCIATION OF THE UNITED STATES REPORT OF THE NATIONAL RESOLUTIONS COMMITTEE TO THE 1973 NATIONAL CONVENTION RECOMMENDING ADOPTION OF CERTAIN RESOLUTIONS IN SUPPORT OF ADEQUATE NATIONAL SECURITY

A CALL FOR ACCOMPLISHMENT OF THE RESERVE "BILL OF RIGHTS"

Whereas, the Congress of the United States in 1967, after extensive and thorough investigation, enacted a Public Law (PL 90-168) designed to revitalize the Armed Forces Reserves and to provide for the personnel thereof a "Bill of Rights", and

Whereas, this law required the Department of Defense and the Military Services give full support, manning, management, equipment and training to the military Reserve organizations, in structures compatible with that of the Active Duty Forces, and

Whereas, this law requires the Military Services, the Department of Defense, and the Secretariat thereof to make periodic reports of progress in organization and training of the Reserves, and the state of readiness of the Reserves as required by law, and

Whereas, indigenous to this public law is the requirement for equal and full partnership of the Reserves in preparation for possible actions to defend this nation, and to preserve its peoples' freedoms, and

Whereas, pursuant to this law, the Secretary of Defense has promulgated the Total Force Concept, assigning to the Reserves a major responsibility never before envisioned in the history of this nation for the nation's defense, strengthening the aims and purposes of the Reserve Vitalization Act, and

Whereas, there are growing signs and easily ascertainable evidence that the full spirit and letter of this law is not being fulfilled, and that such failure of fulfillment is detrimental to the best interest of this nation and national security, and

Whereas, in various elements and facets of the military services there are growing signs of inequality, imbalance, and nonsupport.

Now therefore be it resolved that the Reserve Officers Association of the United States respectfully calls to the attention of the Congress the need fully to examine discrimination against the Reserves, inequality of various kinds of fringe benefits and incentives to service, and the existence of so-called "Lip Service" to the Reserves and the Total Force Concept, and

Be it further resolved that the Secretary of Defense, the Secretaries and staffs of the various Military Services, and the military leaders themselves apply their attention to the facts which may be revealed and the issues which may be raised, to the end that both the Spirit and the Letter of Public Law 90–168 shall be served, and the security and safety of this nation secured for now and for posterity.

EXPRESSION OF APPRECIATION TO GEN. LEWIS B. HERSHEY

Whereas, General Lewis B. Hershey has maintained a long and illustrious military career in the service of the United States spanning more than 56 years, and

Whereas, General Lewis B. Hershey has devoted more than 35 years to the planning and the operation of the Selective Service System, serving under six presidents and through three wars, and

Whereas, General Lewis B. Hershey concluded his long and distinguished career by serving from 1 February 1970 through 27 March 1973 as Manpower Advisor to the President of the United States, and

Whereas, General Lewis B. Hershey has demonstrated a love for the people of this country, on a parity with his love of country, through his many years of meaningful service to our citizens in working with the American Red Cross, the Boy Scouts of America, Veterans organizations, and other civic groups, and

Whereas, General Lewis B. Hershey has been a long time leader in the Reserve Officers Association of the United States, serving as National Chairman for the Minuteman Memorial Building Fund, and by Convention vote has for several years served as Honorary National President Emeritus,

Now therefore be it resolved that the Reserve Officers Association of the United States publicly recognize General Hershey's tireless and selfless devotion to duty, to country, to community, and to his fellow man, and extend to him an expression of our great appreciation for his service to both active and Reserve Armed Forces in maintaining our National Security.

HONORARY LIFE MEMBERSHIP NOMINATIONS

Whereas, the below listed patriotic Americans and allied officers have earned the respect and esteem of this Association and its members, and

Whereas, it is desired to give merited recognition to these individuals and to extend to them the rights as members to participate in programs focused on the ROA objective of adequate national security,

Now therefore be it resolved that Honorary Life Memberships in the Reserve Officers Association of the United States be awarded to:

Capt. Jack Jacobs of New Jersey, an ROTC graduate and recipient of the Congressional Medal of Honor,

Mr. James R. Wilson, long time director of the American Legion's National Security Commission,

Adm. John S. McCain, U.S. Navy,

Gen. Ralph Haines, U.S. Army, and

His Royal Highness, Prince Peter of Greece and Denmark, former International President of the Interallied Confederation of Reserve Officers.

(Approved by the National Executive Committee 17 February 1973.)

EQUAL JUSTICE FOR RESERVISTS

Whereas, Brig. Gen. Robert D. Upp, the National President of the Reserve Officers Association of the United States, has worked diligently during the entire term of his office and sounded a clarion call for equal justice for members of the Reserve who are engaged in training for possible full time service to their country, and

Whereas, with the support of other National, Department, and Chapter officers, as well as the National Staff, he has advanced a program which is designed wholly to encourage and motivate the Service Forces to the end that their effectiveness will be greatly enhanced,

Now therefore be it resolved by the Reserve Officers Association of the United States in National Convention assembled that every effort be expended by Gen. Upp's successor to achieve "Equal Justice".

EXTENSION OF SELECTIVE SERVICE ACT

Whereas, the Selective Service Act expires on June 30, 1973, and

Whereas, the need for rapid expansion of the military forces of the United States is a military necessity for the defense of America,

Now therefore be it resolved that the Reserve Officers Association of the United States urges Congress to *extend* the induction provisions of the Selective Service Act on a Standby basis and to implement the Selective Service System to provide for registration and capability for immediate call-up.

STATUTORY PROTECTION OF RESERVISTS IN EMPLOYMENT

Whereas, present statutory protection of Reservists in employment is limited to prevention of discrimination of those Reservists currently employed by their employer, and

Whereas, there is no protection for a Reservist who is denied employment by virtue of the fact that he is a member of the Reserve Components,

Now therefore be it resolved that the Reserve Officers Association of the United States recommends that remedial legislation be adopted by the Congress of the United States, protecting members of the Reserve Components from discrimination in initial hiring by virtue of the fact that they are a member of the Reserve Components.

SOCIAL SECURITY OFFSET IN THE SURVIVOR BENEFIT PLAN

Whereas, the Survivor Benefit Plan inaugurated in September 1972 provides a substantially improved plan for the support of surviving dependents of qualified military retirees, and

Whereas, the Survivor Benefit Plan, in its present form includes a provision requiring the reduction of a survivor's annuity by an amount equal to the survivor's entitlement to Social Security benefits due to military service, and

Whereas, many veterans have sufficient covered employment in non-military occupations to authorize maximum Social Security payments to survivors without coverage attributed to military service, and

Whereas, in such cases, Social Security entitlement is unaffected by additional military coverage,

Now therefore be it resolved that the Reserve Officers Association of the United States seeks a clearly established policy that there shall be no Social Security Offset, in the administration of the Survivor Benefit Plan in any case where the amount of Social Security entitlement has not been increased by coverage acquired in military service.

ASSISTANT SECRETARY OF DEFENSE FOR RESERVE AFFAIRS

Whereas, the defense program of the United States provides that the Reserve components are the immediate back-up force for the active forces, and

Whereas, this mission requires the Reserve forces to maintain the highest state of readiness in their history, and

Whereas, the volunteer force environment combined with the increased importance of the Reserve mission, requires that the Reserve components have effective spokesmen and be represented properly at the highest decision making level, and

Whereas, the position of Deputy Assistant Secretary of Defense for Reserve Affairs, a statutory position created by the Reserve Bill of Rights, reports to the Assistant Secretary of Defense for Manpower in Reserve Affairs, and

Whereas, the Office of the Deputy Assistant Secretary of Defense for Reserve Affairs has greater responsibility than just manpower aspects of Reserve affairs but in addition covers all details concerning not only personnel but training, logistics and budget, responsibilities that are not found in the office of the Assistant Secretary of Defense for Manpower Reserve Affairs, thus covering greater responsibility than its superior office.

Now therefore be it resolved that the Reserve Officers Association of the United States hereby recommends that the Congress of the United States adopt legislation, creating the office of the Assistant Secretary of Defense for Reserve Affairs separate and distinct from the Assistant Secretary of Defense for Manpower.

PARTICIPATION IN THE BICENTENNIAL CELEBRATION

Whereas, members of the Reserve forces are the direct military descendants of the minute men of the American Revolutionary War of Independence, and

Whereas, other civic and national agencies are planning elaborate programs to celebrate the Bicentennial,

Now therefore be it resolved that the Reserve Officers Association of the United States strongly advocates active participation of the entire Association in the national and local programs of the Bicentennial celebration.

RECOMMENDING THREE STAR RANK FOR CHIEF OF ARMY RESERVE, CHIEF OF NATIONAL GUARD BUREAU, AND CHIEF OF AIR FORCE RESERVE

Whereas, the defense program of the United States provides that the Reserve components are the immediate back-up force for the active forces, and

Whereas, this mission requires the Reserve forces to maintain the highest state of readiness in their history, and

Whereas, the volunteer force environment combined with increased importance of the Reserve mission, requires that the Reserve components have effective spokesmen and be represented properly at the highest decision making level, and

Whereas, the position of Chief of Naval Reserve calls for a Vice-Admiral whereas the positions of Chief of Air Force Reserve, Chief of Army Reserve and Chief of National Guard Bureau only call for Major Generals,

Now therefore be it resolved that the Re-

serve Officers Association of the United States urges the Congress of the United States to adopt legislation specifying that the positions of Chief of the Air Force Reserve, Chief of the Army Reserve, and Chief of the National Guard Bureau, be elevated to the grade of Lieutenant General.

INCREASE IN THE NUMBER OF MARINE RESERVE CORPS FLAG OFFICERS

Whereas, from staff studies made by Headquarters Marine Corps and by Marine Corps Reserves Policy Boards, approved by the Commandant of the Marine Corps and the Secretary of the Navy, it is evident that the Marine Corps Reserve upon mobilization will need at least 5 additional Marine Corps Reserve General officers, and

Whereas, the House has previously passed legislation on three separate occasions recognizing that the studies had clearly identified the Marine Corps' need for additional Reserve General Officers, and

Whereas, the Reserve forces are a vital part of the National Defense and an integral part of the Total Force Concept,

Now therefore be it resolved that the Reserve Officers Association of the United States support the passage of legislation authorizing at least 5 additional Reserve General Officers.

NAVAL RESERVE FLAG OFFICERS

Whereas, the present utilization of inactive duty flag officer talent in the Naval Reserve relates only to mobilization assignments, and

Whereas, organizationally, with one exception, they are not in the chain of command as it relates to the Reserve Force, and

Whereas, it is believed that their talents and abilities could be more fully utilized if they had organizational positions within the Naval Reserve Force, and

Whereas, their identification organizationally with the training and force programs would be a boon to the entire Selected Naval Reserve,

Now therefore be it resolved by the Reserve Officers Association of the United States that the Secretary of the Navy be urged to provide additional inactive duty Naval Reserve Flag Officer Billets within the Naval Reserve Force structure.

STATUTORY TOURS FOR RESERVE OFFICERS

Whereas, under the pending proposed reorganization of the Army and Air Force, certain Reservists will be afforded the opportunity of contract tours of active duty.

Now therefore be it resolved by the Reserve Officers Association of the United States that statutory tour commissioned officers of Reserve components of the Army and Air Force on Active Duty not be charged against the strengths in grade of the active Army and Air Force.

OPPOSE CLOSURES OF NAVAL RESERVE CENTERS AND NAVAL RESERVE AIR STATIONS

Whereas, it is understood planning is underway in the Navy Department to further reduce the number of Naval Reserve Centers and Naval Reserve Air Stations, and

Whereas, any such reductions would further deplete the capability of the Naval Reserve to maintain its numerical personnel requirements, and

Whereas, this is particularly significant in an atmosphere of an All Volunteer Force, and

Whereas, the geographic spread of Naval Reserve Activities is essential to the Navy's community relations throughout the country and to a sound recruiting program, and

Whereas, through repeated base closures during recent years, Naval Air stations and Centers are at a minimal number to support the Naval Reserve.

Now therefore be it resolved that the Reserve Officers Association of the United States opposes closure of Naval Reserve Centers and Air Stations which will deprive the Naval Reserve of the geographical spread essential to properly maintain its Reserve program, and

Be it further resolved that the Reserve Officers Association of the United States urges the Secretary of the Navy to maintain the existing geographic spread of Naval Reserve Activities.

CREWS FOR RESERVE FLEET SHIPS

Whereas, recent and planned drastic reductions in the number of active ships in the Navy reduces the Navy's overall combat capability, and

Whereas, many of these ships have been decommissioned and placed in the Reserve Fleet, and

Whereas, in a contingency situation, many of them would inevitably be reactivated, and

Whereas, trained crews would not be available,

Now, therefore be it resolved that the Reserve Officers Association of the United States urges the Secretary of the Navy to implement a Naval Reserve Program to provide trained crews to man designated Reserve Fleet ships.

THREE-YEAR ENLISTMENT IN RESERVE COMPONENTS

Wheras, in the need to encourage enlistment in the Reserve components, a shorter period of enlistment may be effective, and

Whereas, a statement of obligation is no longer appropriate to the Reserve components, and

Whereas, the Reserve components should not be placed in a more difficult position than the active services in regards to recruiting,

Now, therefore be it resolved that the Reserve Officers Association of the United States supports legislation to allow a three-year initial enlistment in the USAR without reference to obligation.

EQUITABLE TREATMENT FOR ENLISTED RESERVE PERSONNEL IN TO AND NON-TO POSITIONS

Whereas, geographic and other conditions often deny Enlisted Reservists the opportunity of filling TO positions in units authorized training for pay, and

Whereas, promotions for Enlisted Reservists above grade E–7 are not authorized for personnel in non-pay status,

Now, therefore be it resolved that the Reserve Officers Association of the United States support amendment of applicable regulations to provide Reserve of all Services personnel in non-pay status be given equal consideration for promotion with similar personnel in pay status.

SPAR PROGRAM COORDINATOR

Whereas, the former Secretary of Transportation authorized increased numbers of women to serve on active duty, and

Whereas, the Commandant of the Coast Guard has commenced increased recruiting and training of inactive duty SPARS, and

Whereas, there has not been a Coast Guard training program for women since World War II, and initial coordination by an experienced officer is of utmost importance.

Now therefore be it resolved that the Reserve Officers Association of the United States urges the Secretary of Transportation to establish an advisor and coordinator billet for these new programs, for so long as is necessary to ensure success, and to assign a senior woman officer with prior training by the Coast Guard, whose responsibilities should include advising and coordinating the efforts of those responsible for matters involving recruiting, training, housing, discipline, welfare, and related activities of women on active and inactive duty.

SUPPORT OF VETERANS BENEFITS

Whereas, the United States has been involved in a military conflict in Southeast Asia, defending the principles of freedom for which our nation was founded, and

Whereas, many Americans in the Armed Forces of the United States served their country both proudly and honorably in this most difficult conflict,

Now therefore be it resolved that the Reserve Officers Association of the United States urges the widespread support of any and all rehabilitation and employment programs, as well as any and all constructive educational and financial aid programs, which are designed to assist the veterans of this conflict in attaining their rightful place in today's society, and

Be it further resolved that the Reserve Officers Association of the United States commends all those who have honorably served their country during this conflict, and that all ROA chapters and individual members are encouraged to initiate and support programs which will be of assistance and benefit to such veterans in general and particularly to those disabled.

NAVAL SELECTED RESERVE

Whereas, present planning in the Navy Department is to reduce the budgeted manning level for the Naval Selected Reserve from 129,000 to 116,981, and

Whereas, the existing number does not meet requirements indicated in Navy testimony to the Armed Services Committees, and

Whereas, the stated objective of this reduction is to provide funds for upgrading and procuring modern training equipment and ships for the Naval Reserve, and

Whereas, since the present budgeted strength of the Naval Reserve is not sufficient to meet a major contingency, any plan to reduce manpower levels is considered unwise, and

Whereas, recent and planned reductions in the active forces emphasize the necessity for increasing the Naval Selected Reserve if realistic contingency and/or mobilization personnel requirements are to be met,

Now therefore be it resolved by the Reserve Officers Association of the United States that the Secretary of the Navy be urged to maintain the Naval Selected Reserve at the present manning level of 129,000 and institute a program to increase the Naval Selected Reserve strength as the active Navy is further decreased.

NAVAL RESERVE FACILITIES

Whereas, the immediate requirements for augmentation personnel to meet the Navy's contingency and mobilization need must come from the Naval Reserve, and

Whereas, to support an effective Force requires adequate facilities and modern training equipment, and

Whereas, most of our Reserve Centers have high backlogs of essential maintenance and antiquated training equipment, and

Whereas, the entire complex of facilities is in need of an updated master plan for maintenance and installation of modern equipment, and

Whereas, such action would be in keeping with the intent of the recent Secretary of Defense's directive of all Services relating to the maintenance and support of the Reserve Forces,

Now therefore be it resolved by the Reserve Officers Association of the United States that the Secretary of the Navy be urged to establish requirements for modern training equipment and maintenance at Naval Reserve Activities and budget for an orderly modernization program on an appropriate long range plan.

(This Resolution supersedes and updates Res. No. 21, June 1972.)

SEPARATE RESERVE CONSOLIDATED BASE PERSONNEL OFFICES—CBPO

Whereas, the Department of the Air Force plans to merge the Reserve and active duty CBPOs and

Whereas, the support previously furnished Reservists by active duty CBPOs left much to be desired, and

Whereas, the justification for placing the servicing responsibility of all Reservists, regardless of command channels, with the Reserve CBPO was a savings in manpower and increased efficiency, and

Whereas, Reserve support is needed at times when active duty personnel are generally not on duty, and

Whereas, Reserve personnel are available for duty in the CBPO when needed and have proven themselves capable of more effectively servicing Reservists, and

Whereas, the Reserve and active duty personnel systems, ostensibly basically similar, are in reality quite different, and

Whereas, it is important to maintain the Reserve unit's integrity,

Now therefore be it resolved that the Reserve Officers Association of the United States urges the Secretary of the Air Force to disapprove this merger of Reserve CBPOs into the active duty CBPOs.

CONCURRENT RECEIPT OF VA COMPENSATION AND EARNED RETIRED PAY

Whereas, there is a basic inequity in the field of military retired pay because of the continuing practice of deducting VA compensation from such retired pay, and

Whereas, non-military retirees may receive their VA compensation in full without deduction from other income, and in justice it would seem that those who have given a large measure of their lives to the military service should be the last to have such compensation, when justified as determined by the VA, in effect refused them, as is now the case, and

Whereas, the President's Advisory Commission on Veterans Affairs reviewed this subject and made a report recommending the permission of concurrent payment of VA disability compensation and retired pay for military personnel based on longevity, and

Whereas, that Commission also has emphasized the absence of any similar prohibition against the concurrent payment of VA disability compensation and retirement benefits from other sources,

Now therefore be it resolved that the Reserve Officers Association of the United States urges that steps be taken to provide legislation that will correct this inequity to the end that VA compensation and military earned retirement pay be paid concurrently where both have been independently justified by the service and the disabilities of the individual military retiree.

INTEGRITY OF EARNED RETIRED MILITARY PAY

Whereas, this Association has long supported the principle of the inviolability of earned retired pay, as evidenced by our Resolution of 24 February 1967, which is still a valid mandate of the Association, and

Whereas, we continue, as then, in the conviction that military retired pay is earned income, as repeatedly established by many court decisions, and in justice should not be subject to elimination or reduction by reason of the receipt by a military retiree of income to which he may have become entitled from other sources,

Now therefore be it resolved that the Reserve Officers Association of the United States urges that there be added to an appropriate military measure under consideration by the 93rd Congress an amendment in substantially the following words, or in words carrying the same meaning and intent: "Notwithstanding any other provisions of law, earned military retired pay shall not be reduced by reason of income received by a military retiree from other sources, whether civilian or governmental."

ANCILLARY BENEFITS FOR SURVIVORS OF RESERVISTS WHO DIE WHILE ON RESERVE DUTY

Whereas, Dependency and Indemnity Compensation (DIC) is provided by the Veterans Administration for survivors of military personnel who die in line of duty while on extended active duty, active duty for training or on inactive duty training, and

Whereas, ancillary benefits, such as military medicare, exchange and commissary privileges, are provided by DOD only to survivors of those who die while on extended active duty, and

Whereas, this is an obvious discrimination against survivors of Reservists who died in line of duty, while on active duty for training or on inactive duty training, or as a result of a service connected disability suffered while serving on inactive training or active duty for training,

Now therefore be it resolved that the Reserve Officers Association of the United States supports action to extent these ancillary benefits to all survivors of military personnel who are eligible for Dependency and Indemnity Compensation.

"SINGLE MANAGER" CONCEPT FOR AIR FORCE RESERVE INDIVIDUAL MOBILIZATION AUGMENTEE PROGRAM

Whereas, in past wars and emergencies, when the Reserve has been mobilized, individuals of many and varied specialties have contributed immeasurably to our national defense, and

Whereas, there is in the Air Force Reserve inventory a wealth of talent and skills which could likewise be used in future mobilizations, and

Whereas, the development of requirements, training standards and programs of the Individual Mobilization Augmentee programs, has been characterized by a considerable lack of uniform effectiveness, and

Whereas, there are "Single Manager" programs which have been developed in certain career fields and skill specialties, and which are considered successful, and

Whereas, it is feasible to develop such "Single Manager" programs in other career fields in the Air Force occupational spectrum,

Now therefore be it resolved that the Reserve Officers Association of the United States urges Air Force officials to take steps to establish "Single Manager" Individual Mobilization programs in all feasible career fields.

JET TRANSPORT AIRCRAFT FOR THE NAVAL AIR RESERVE

Whereas, the Naval Air Reserve airlift capability is the only organic airlift remaining in the Navy, and

Whereas, its equipment is obsolete and increasingly ineffective, and

Whereas, the C–118 type aircraft in the Naval Reserve VR Program are reaching the stage where replacement by modern aircraft is essential, and

Whereas, in order to provide a mobilization airlift capability and to meet present airlift requirements, the transition of Naval Air Reserve transport aircraft into jets should be an item of the highest priority,

Now therefore be it resolved by the Reserve Officers Association of the United States that it supports the Secretary of the Navy in his efforts to provide adequate jet airlift capability for the Naval Reserve.

PHYSICAL DISABILITY RETIREMENT FOR MEMBERS OF THE RESERVE COMPONENTS

Whereas, the President and the Secretary of Defense have announced a policy of reliance on a strong and ready Reserve to meet augmentation requirements in any future emergency, and

Whereas, the Congress, in passing the Military Selective Service Act of 1971, recognized this policy by requiring that any increase in the size of the Armed Forces beyond statutory limits would come through mobilization of the Reserve components, and

Whereas, this requires that members of the Reserve components attain and retain a degree of physical fitness which would qualify them for immediate mobilization, and

Whereas, through no fault of their own some Reservists may fall below the physical requirement for retention in the Reserves, after having served faithfully over a number of years yet short of the 20 satisfactory years required for eligibility for retired pay under Chapter 67, U.S. Code, and

Whereas, there are no retirement benefits for such persons who have performed faithfully to maintain a state of readiness,

Now therefore be it resolved that the Reserve Officers Association of the United States seek legislation which would provide prorated retired pay at age 60 for those who, after 10 satisfactory years of Reserve participation were prevented from completing 20 satisfactory years under Chapter 67, U.S. Code, by reason of physical disability.

MINIMUM NOTIFICATION OF REDUCTION-IN-FORCE ACTIONS

Whereas, the policy of some Department of Defense agencies has been that Reserve officers subject to being terminated from active duty because of a reduction in force action have been given advance notice of approximately three months, and

Whereas, such short notice has adversely effected many personnel in accomplishing necessary personal affairs in making the adjustment of relocation and decision on a future career,

Now therefore be it resolved that the Reserve Officers Association of the United States urges the enactment of legislation precluding termination from active duty because of a reduction in force action unless there has been advance notification of 180 days to the Reserve officer concerned or unless the officer concurs in writing with a date prior to the minimum period.

DELAY RELEASE OF RESERVE NURSES

Whereas, Navy and Army Selection Boards for the grade of Commander and Lieutenant Colonel in the Nurse Corps had before them many Selection Folders, with a small quota to fill, and

Whereas, of the officers considered the overwhelming majority were Regular Officers, and

Whereas, the said Selection Boards did select all Regular Nurses, some of whom were in the primary zone and some below the zone, and

Whereas, a large number of experienced Navy and Army Nurses, all Reserves, were not selected, the majority of whom are being involuntarily released as of 30 June 1973, and

Whereas, the Navy and the Army are engaging in a recruiting campaign to secure qualified nurses, from which it follows that the Navy and Army Nurse Corps are below strength, and

Whereas, it being apparent, even though the Navy and Army, because of budgetary limitations, must cut down on its active duty officer strength, that the cut is not being equitably distributed as between Regulars and Reserves,

Now therefore be it resolved that the Reserve Officers Association of the United States petition the Secretaries of the Navy and the Army to delay the release from active duty of all concerned Reserve Nurses unless and until a new Selection Board has reviewed their records and an equitable distribution of available billets be made, and

Be it further resolved that the Reserve Officers Association of the United States petition the Secretary of Defense to direct uniform nurse retention and elimination procedures among the Armed Forces.

SUPPORT OF THE AIR RESERVE SQUADRON TRAINING PROGRAM

Whereas, new programs are continuously being developed in response to changing AF requirements, and

Whereas, the resource of trained, experienced personnel is a limited resource, and

Whereas, there is a continuing requirement for the retention and availability of such resources, and

Whereas, the Air Reserve Squadrons have demonstrated their value in the past as a trained manpower resource from which other Reserve Programs can be supported, and

Whereas, the AF Reserve has a capability

for maximum utilization of all reserve personnel through centralized assignment processes,

Now therefore be it resolved that the Reserve Officers Association of the United States urges the Secretary of the Air Force to institute an appropriate program providing the necessary training opportunities and manpower resources to support changing and future Air Force Reserve missions.

(This resolution updates Resolution No. 14, June 1970.)

EXPANDED ROLES AND MISSIONS FOR THE FORCES

Whereas, the total force concept is fundamental to Air Force planning, and has been since the early 1960s and recently the Secretary of Defense, in his 21 August 1970 memorandum, broadened significantly the meaning and application of this concept in support of Reserve Forces, and

Whereas, one objective of the total force concept is integration of planning, programing, and management by the Reserve Forces of active force mission, and

Whereas, a trend toward greater reliance on the Reserve components permits the active force to reduce their involvement in current roles and missions, and

Whereas, management actions must be intensified and a broader base of involvement be established for Reserve units and supporting elements toward assumption of a more active force role and mission, and

Whereas, the Reserve Forces have affectively proven that they are "cost effective", and

Now therefore be it resolved that the Reserve Officers Association of the United States urges Congress, and the Department of Defense to appoint a committee to examine potential roles and missions for the Reserve Forces on an Air Force-wide basis where savings may be realized by converting to Reserve management.

SUPPORT OF THE ESTABLISHMENT OF BASE SUPPORT SQUADRONS

Whereas, the Tactical Air Command has eliminated the Base Support functions from the Reserve Wing structure, and

Whereas, the recall of Reserve flying units in case of national emergency does not now provide for additional base support personnel to supplement the existing active duty base functions, and

Whereas, such capability is deemed necessary to provide for such large increases of personnel and flying activities,

Now therefore be it resolved that the Reserve Officers Associations of the United States encourages the establishment of separate Reserve Base support squadrons to be available as needed to augment the increased activity in base support functions associated with National Emergency situations.

OVERGRADE MANNING AUTHORITY—AIR CREW POSITIONS

Whereas, current Reserve UDLs (manning documents) call for large number of Lt. and Capt. rated/designated positions, and

Whereas, all rated/designated personnel being released from EAD are being released as Captains, and

Whereas, experienced rated/designated personnel are not able to secure assignments due to this situation, and unit manning is being affected.

Now therefore be it resolved that the Reserve Officers Association of the United States supports the establishment of overgrade manning authority for Air Crew positions during the interim period of extensive conversion and reconversion of flying units.

THE BACKGROUND OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, The United Nations Convention on the Prevention and Punishment of the Crime of Genocide was adopted by the General Assembly of the United Nations in 1948 and was transmitted to the Senate of the United States on June 16, 1949.

Last week marked the 24th anniversary of this treaty's transmission to the Senate. At this time I feel that it is appropriate to review the background of the Genocide Convention as summarized by the report of the Senate Foreign Relations Committee which was issued on March 6, 1973:

I ask unanimous consent that the background review be printed in the RECORD.

There being no objections the review was ordered to be printed in the RECORD, as follows:

BACKGROUND OF THE CONVENTION

While genocide is not new it was the Hitler persecution of various minorities, particularly the Jews, during World War II that gave impetus to this convention. Drafted under United Nations auspices, it was adopted by the General Assembly on December 9, 1948, by a vote of 55 to 0, and entered into force in 1951. As of today, 75 nations are parties to it.

On June 16, 1949, the convention was transmitted by President Truman to the Senate. Hearings were held by a subcommittee of the Foreign Relations Committee in 1950, and the convention was favorably reported to the full committee together with recommended understandings and a declaration. No final committee action, however, was taken.

In 1953, Secretary of State John Foster Dulles expressed "some doubt as to whether * * * the Genocide Treaty is going to accomplish the purposes which were in the minds of those who drafted it." Dulles added: "I believe that the solution of the problem which must be envisaged by that treaty could better be reconsidered at a later date. I would not press at the moment for its ratification."

In 1963, Secretary of State Dean Rusk said that the Kennedy administration would ratify the Genocide Convention if the Senate gave its advice and consent, and this was repeated on behalf of the Johnson administration in 1965.

On February 19, 1970, President Nixon urged the Senate "to consider anew this important convention and to grant its advice and consent to ratification." Such action, said the President, "will demonstrate unequivocally our country's desire to participate in the building of international order based on law and justice." The President added that "the Attorney General concurs in the Secretary of State's judgment that there are no constitutional obstacles to United States ratification."

COMMITTEE ACTION

The committee considered the President's request at several meetings in 1970 and, because the last hearings were held in 1950, decided to refer the convention to a subcommittee consisting of Senator Church, chairman, and Senators Symington, Pell, Cooper, and Javits. On April 1, the subcommittee announced that it would hold hearings on April 24 and 27 on the constitutional and legal implications of the Genocide Convention. These hearings took place as scheduled and everyone who asked to testify was heard. Specific invitations were sent to representatives of the American Bar Association but declined at that time. A further hearing was held on May 22 to receive the views of Senator Ervin. The hearings are printed for the use of the Senate.

The subcommittee considered the convention in executive session on May 12 and subsequently recommended that the full committee report the convention favorably with understandings.

On July 28, 1970, the full committee by a vote of 6 to 5 ordered the convention reported favorably to the Senate but reconsidered this vote by a vote of 7 to 5. The votes on the two motions follow: To report favorably, ayes, Senators Fulbright, Church, Symington, Pell, McGee, Javits; naays, Senators Sparkman, Mansfield, Aiken, Cooper, and Williams of Delaware. To reconsider the vote, ayes, Senators Sparkman, Mansfield, Church, Aiken, Case, Cooper, and Williams of Delaware; nays, Senators Fulbright, Symington, Pell, McGee, and Javits. A request by the American Bar Association to be heard on the Convention was received under date of September 17 and this was considered at a meeting on November 23. The committee then took note of the fact that the House of Delegates of the American Bar Association in February rejected by a vote of 130 to 126 a motion to reverse its opposition to ratification of the Genocide Convention and therefore upheld the 1949 resolution presented to the committee at the 1950 hearings which are also available for the information of the Senate. The committee, after further discussion on November 23, voted 10 to 2 to report the convention favorably to the Senate, subject to the understandings and declaration. The vote was as follows: voting in the affirmative, Senators Fulbright, Mansfield, Gore, Church, Symington, Pell, Aiken, Case, Javits, and McGee; voting in the negative, Senators Sparkman and Cooper.

The convention was formally reported to the Senate on December 8, 1970, but was not brought to a vote before the close of the 92d Congress. In accordance with subsection 2 of rule XXVII of the Standing Rules of the Senate the treaty was returned to the Committee on Foreign Relations at the beginning of the 92d Congress.

Inasmuch as a fresh start had to be made on the convention in 1971, the committee decided to hold one more hearing for the purpose of taking testimony from those not previously heard. This was done on March 10 and the record of this hearing, too, is printed and available to the Senate.

On March 30, 1971, after thorough discussion, the committee again voted 10 to 4 to report the convention favorably to the Senate subject to the understandings and declaration previously recommended. Voting in the affirmative were Senators Fulbright, Church, Symington, Pell, McGee, Muskie, Spong, Case, Javits, and Scott. Voting in the negative were Senators Sparkman, Aiken, Cooper, and Pearson. Prior to this vote, the committee voted to table a reservation offered by Senator Cooper (which is further discussed in a later section of this report), by a vote of 7 to 6, as follows: in favor of tabling, Senators Fulbright, Church, Pell, McGee, Muskie, Javits, and Scott; against tabling, Senators Sparkman, Spong, Aiken, Case, Cooper, and Pearson.

The 92d Congress adjourned without further action on the convention and again, in accordance with subsection 2 of rule XXVII of the Standing Rules of the Senate, the treaty was rereferred to the Committee on Foreign Relations, where it was considered at an executive session on February 27, 1973. There have been no new developments, nor indeed requests to testify, that would warrant holding further hearings. Therefore, in view of the already voluminous record made on the treaty, the Committee on that date and by voice ordered the convention reported favorably to the Senate without a dissenting vote.

As noted, the 1950 (in limited numbers), 1970, and 1971 hearings on the convention are available to the Senate, but a few words in summary may be helpful. In 1950, representatives of numerous groups, with a claimed total combined membership of approximately 100 million people urged ratifi-

cation. Only the American Bar Association appeared in opposition. In addition to the executive branch, represented by witnesses from the Departments of State and Justice, the following organizations presented favorable testimony in 1970 and 1971: the American Civil Liberties Union, Ad Hoc Committee on the Human Rights and Genocide Treaties, New York State Bar Association Committee on International Law, Ukrainian Congress Committee of America, and the U.S. Constitution Council. Individuals testifying in favor were Senator William Proxmire and Bruno Bitker, attorney at law. Organizations testifying against the convention were the American Coalition of Patriotic Societies, the Liberty Lobby, and the American Bar Association, Individuals presenting opposition testimony were Senator Sam J. Ervin, Jr., Senator Russell Long, Harry Leroy Jones, attorney at law, and Dr. William L. Pierce (representing himself as a "white American and as a National Socialist"). Other statements were submitted for the record. In connection with the latest hearings, the committee expresses its appreciation to the Ad Hoc Committee on the Human Rights and Genocide Treaties for representing 53 national citizens organizations which otherwise might have sought to present testimony on their own. These 53 constituent organizations, composed of religious, veterans, labor, social, ethnical, and women's groups are listed on pages 113 and 114 of the 1970 hearings and the committee directs the attention of the Senate to them.

The committee also wishes to note, in connection with the testimony of the American Bar Association, that in addition to the very close vote in the House of Delegates, the following sections and committees of the association were reported to be in favor of ratification: Section of Individual Rights and Responsibilities (with a dissent and minority report); World Order Under Law Committee (with a dissent); Criminal Law Section; Section of International and Comparative Law; Section of Family Law; and Section of Judicial Administration Opposed was the Young Lawyers Section (p. 141, 1971 hearings).

Mr. PROXMIRE. Mr. President, I urge the Senate to delay no longer in ratifying this important human rights convention.

THE FEDERAL GOVERNMENT AND PRIVATE AVIATION

Mr. DOMINICK. Mr. President, for about as long as I can remember and certainly as long as I have been in the Congress, I have been speaking out against the ever-increasing impositions of the Federal Government on private aviation. As a longtime private pilot, I am becoming more and more disturbed over the increasing rise in charges to the private aircraft user while the services he is entitled to have shown a steady decrease. I am not alone in my concern. More and more of my aviation comrades are telling me they, too, are upset. They want to know why the Federal Aviation Agency has reportedly grown from 39,835 employees with a budget of $567.9 million in 1960 to 52,825 employees with a budget of over $1.5 billion today. Why has all this growth occurred while at the same time attention to the needs of private aviation has diminished.

The latest is another attempt to further tax general aviation. Well, I intend to fight that one all the way. Increased user charges to private aviation are not in order. Mr. Butterfield, all the editorials I am inserting are worthy of your attention. Hopefully, you will, during your tenure as Administrator of FAA, take some of these editorial comments to heart and direct the FAA accordingly.

Mr. President, I ask unanimous consent that these editorials, entitled "Dear Mr. Butterfield," "Government Go Home," and "A Federal Auto Agency?" be printed in the RECORD.

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

DEAR MR. BUTTERFIELD

(By Archie Tramwell)

The other day I was in Washington and tried to see you, but was told that you were tied up being briefed by members of your staff. Since it was your first week as FAA Administrator, staff briefings were obviously necessary, however, it's unfortunate that we missed one another because I had hoped to brief you, also, on some things about the FAA that your staff will undoubtedly neglect to cover.

One thing I would have mentioned is the attitude at 800 Independence Avenue. As I rode up on the elevator I overheard one of your staff members tell his companion, "Remember, Joe, around here *planning* is an acceptable alternate to *doing* something," and he laughed.

As a taxpayer, and an aircraft owner who is about to be hit with user charges to cover the FAA budget, I couldn't even smile. Until someone shows me figures proving I'm wrong, I'm going to hold the opinion that the bureaucracy you have just inherited is the most inefficient organization ever created.

For instance, while you were being briefed did any of your staff members mention that you have one employee for every 2.6 airplanes in the civil fleet?

Think about it; that means you have enough employees to assign a man to every individual airplane in the fleet for 15 hours 20 minutes *each week!* Heavens, Mr. Butterfield, the *owner* of an airplane doesn't spend that much time with it each week. And that 15 hours 20 minutes doesn't take into account all the designees, medical examiners and authorized inspectors who help in the FAA's business.

It's also improbable that any of your staff pointed out that you have one full-time employee for every 13.8 pilots in the country. Breaking it down, one or another of your employees can spend two hours 45 minutes *per week* with *each* pilot in the nation! The average general-aviation pilot only *flies* 45 minutes per week. Two hours 45 minutes is more time than a doctor spends with a patient in the hospital and you can't convince me that I need more attention from my government because I hold a pilot's certificate (which my government tested me for, remember) than I do from my doctor when I am sick.

I expect that your staff members did brief you on FAA budgetary matters, but did they really lay it *all* out? The proposed 1974 budget is $2.126 billion. That's a *lot* of money. It's $15,185 for each civil airplane in the fleet. Damn, that's half what my airplane is *worth*. Of that $2.126 billion, $1.225 billion is earmarked for day-to-day operation. Extrapolating from the Department of Transportation's Cost Allocation Study, one third of that bill, or about $365.5 million, is spent to provide the services FAA feels are necessary to keep general aviation in line—*exclusive of airport and airways improvements*. (The remaining $859.5 million in day-to-day operating expenditures, you know, theoretically go for services to less than 2,500 airliners and FAA's services to the military.)

That also is a lot of money. Again using Cost Allocation Study numbers, general aviation can be expected to fly 30 million hours, give or take a million, in 1974. Therefore, the bill for FAA operating services will be $12.25 *per hour* in 1974. That may not seem like much to a man like you whose background is flying multi-million-dollar military jets, but that $12.25 is the average, and the *average* general-aviation airplane is probably like my own—single-engine, under five years old, more than 200 horsepower.

Do you know what $12.25 will buy in *other* than government services for my airplane? It'll buy enough fuel to fly it *two* hours, enough maintenance to fly it *three* hours, enough insurance to fly it 12 hours, enough oil to fly it 25 hours. In fact, fuel, maintenance, insurance and oil all together cost me less than $12.25 per hour.

The point is that your predecessors gave a lot of lip service to cost effectiveness, but none of them did anything about it—like can half the bureaucrats at 800 Independence and build a fire under the butts of the other half. Perhaps they didn't because when they got the briefings you were getting the other day, no one dared tell it like it is.

Although we haven't met yet, I think I may learn to like you, Alex, and so this letter: I don't want you to begin your Administration with the same handicap previous Administrators may have had.

GOVERNMENT GO HOME

(By Richard L. Collins)

Threatened changes in aviation have a disquieting effect on many people. Regardless of the source of the thunder—the Environmental Protection Agency, the Department of Transportation, the FAA or the Office of Management and Budget—some pilots tend to greet each new cloud as a potential straw to break the airplane's back, or at least to shift the CG so far aft that the poor thing spins in.

The argument that something is impossible to do or is too expensive to bear is a lousy one. More important, there are hopeful signs that aviation will approach the problems of the 1970s with positive instead of negative thinking. Aviation cannot progress by moaning over every change and asking for preferred poor-boy status. Aviation can become stronger and more valuable to the consumer only by welcoming and meeting challenges responsibly as a means toward progress.

The most important current storm is over something called public benefit. Basically, the Administration proposes to say that since there is no public benefit to aviation, no public funds should be spent on it. They are saying that no deleterious effect on the economy would result from general aviation's just fading away. If this could be proved and sold to Congress, the scheme would be to collect all of the costs of the airport/airways system and other aviation-related items for the user.

There *is* public benefits to aviation. We have editorialized about it and hope you are in contact with your representatives in Washington on the subject. We could still lose the battle, though, and the optimistic way to ponder that possibility would be to feel that aviation could make a good thing out of such a loss.

In trying to maintain the status quo, aviation has been put in a position of having to justify itself. If, however, it is decided that there is no public benefit to aviation, then the shoe will be on the other foot. The Government will have to justify *its* role in aviation—to the user, who pays. If you think that proving the public benefit of aviation could be difficult, think of trying to justify the Government's role in a no-benefit aviation system.

If, in fact, there is no public benefit to aviation the FAA's and the DOT's roles in aviation should be reduced drastically—to the point that the aviator-Government relationship would be like the present boater-Government relationship. The Coast Guard, with fewer employees than the FAA and a hell of a lot more boats than we have airplanes to worry about, is the sailor's FAA. It is charged with maintaining safety and order on the high seas and navigable waters subject to the jurisdiction of the United States. The primary purpose of most of the Coast Guard's duties is to prevent loss of life or property due to unsafe or illegal practices. A few changes in its wording and the Federal aviation Act could be modified to comprise such relatively simple obligations.

A Government phase-out would not bring chaos to aviation, because the Government has done very little for aviation over the years. If anything, the attitude of some people in Government has been one of working against aviation instead of for it. The regulatory system that has been developed is confusing. Enforcement of regulations more often than not comes after the crash. Air-traffic has become nightmarish and wasteful. Airport development has been needlessly expensive because of unnecessary regulation. (Some states and communities have found it less costly to build an airport without Federal aid and red tape than to meet Federal specs and get matching funds.) The FAA's role in bringing more safety features to airplanes is lifeless when compared to what Ralph Nader and the legal profession have done. The insurance companies often do more to assure that airplanes are flown by competent pilots than does the FAA, since insurance requirements are generally in excess of those required by the FAA.

The list could go on endlessly, yet I don't think you could prove that aviation would be measurably less safe today if it had been decided 30 years ago that there was no public benefit to aviation, and if the FAA's role had been limited to being similiar to that of the Coast Guard in the manufacture, navigation and general use of boats in the United States. The cost of flying today might be more equal to that of boating.

So if the Powers That Be decide tomorrow that there is no public benefit to aviation, don't listen to the prophets of doom who say that "*this* is the end." *This* could be made into a good thing. Aviation might be unshackled from the chains of an overgrown bureaucracy that now spends most of its time complicating what is basically simple. The airplane could then develop in a new and purer atmosphere—with services and support existing only where the need is so clear and absolute that the user is willing to pay for it.

A Federal Auto Agency?

What would the gigantic automobile industry be like if it were ruled by a Federal bureau comparable to the Federal Aviation Agency?

Take the automobile itself. Huge piles of engineering material are submitted by the auto manufacturer's engineering department to a division of the Federal Auto Agency, which itself is full of engineers. These engineers go to work on the efforts of the manufacturer's engineers, snipping, prodding, poking, and ordering changes. They must be made, because the law says so—and besides, it's all in the interest of safety, isn't it? The cost starts skyrocketing. . . .

Test drivers from the Federal Auto Agency next must work it over. By the time they get through, and order more changes, the cost has gone up again. But the car finally gets on the market complete with Federal certificate, even though the initial cost of reaching this point is several million dollars more than it ever used to be. Now you, the consumer, buy it. You must maintain detailed logs of everything you do with your car. The FAA requires that you take it to a Federally certificated facility every 5,000 miles for inspection. Once a year you must take it to such a facility and have it completely recertificated.

To operate it? The fuel and oil must be "approved." If a spark plug fails, it must be replaced only with an approved plug at a properly certificated facility. Flat tire? Certificated facility must fix it, and the tire itself must be approved. Buy a new radio? The set must be approved, but it can't be installed at all unless the FAA approves. Valves ground? Federal approval.

What about you, the driver? You can't even touch the wheel without a Federal certificate. If you're new, an FAA-certificated instructor must be with you. A whole set of Federal rules says how long you must study and prescribes the elaborate and detailed curriculum. Once the instructor okays you, you're ready for your driver's license test by a Federal agent—with one exception. . . .

Before you can get over that hurdle, you must submit your body to a special Federally designated doctor who sees to it that you meet physical standards arbitrarily set by a tight little band of Federal doctors—auto-medical specialists they call themselves. Before you can drive the family to the country for a picnic or to the corner drug store, you'll probably have to get someone to drive you 50 miles to find one of those special FAA doctors, pay an excessive fee (because he's special, you understand), then drive 50 miles to get home.

But let's say that you've managed to survive all this, and still retain your desire to drive. What happens to you, once you drive off with all the legal documents, in a legal auto? You must be wary. Because the Federal Auto Agency has the grave responsibility of looking out for the safety of the entire populace, they are strict. If you stop and ask a Federal employee for directions, likely as not you'll be hauled before a Federal inspector and charged with not being able to navigate your car properly. If you run into bad weather and pull over to the side of the road to play it safe, you're liable to be charged with a Federal violation for not having properly prepared yourself in advance with a full analysis of the weather. And if a Federal agent finds one suitcase too many in your trunk—which, of course, must carry a sticker showing the Federal limitations—you're likely to end up in a Federal court.

You may be terrified occasionally by a 100-passenger gas turbine bus screaming by you on the highways at 100 mph or more. But these are the very latest developments in buses, and that's the price you pay for progress. The Federal Auto Agency is forever preoccupied with these buses, worried lest ordinary motorists get in their way, and is constantly at work trying to figure out how to restrict all the nation's major turnpikes to the buses.

You might even see (or feel) an occasional military weapons carrier of some kind go screaming by or around you at 200 mph, scaring you half to death. Don't worry too much about that either. FAA is well aware of all this and has actually approved it. Matter of fact, a fair percentage of its top officials are military men. These death-defying military operations on the highways, you're reassured, are "in the interest of national defense." Obviously, you don't object—unless you are opposed to the defense of your country.

If a Federal Aviation Agency like we have now can be justified, we surely must need a Federal Auto Agency. After all, there are 70,000,000 motor vehicles on the roads; nearly 40,000 people were killed in autos last year, and about 1,400,000 more were injured. Now that it's a Federal policy to protect everyone against both himself and everyone else at the same time, the need for a Federal Auto Agency is long overdue. The fact that the U.S. automobile death rate has decreased steadily since 1920 (just as has the death rate in general aviation for the past 15 years) should not be permitted to stand in the way of so gigantic a Federal bureaucracy.

Would such an FAA help? Depends on how you look at it. The number of autos and people on the road would be reduced by at least half, a major safety step in itself. The few rugged individuals left would be excellent physical specimens, would know all the rules inside out, and you couldn't tell the professionals from the nonprofessionals. Every automobile would be a blue ribbon piece of machinery, complete with a Federal certificate of approval.

But the automobile industry as we know it today would be nonexistent. A so-called economy model car would cost at least $25,000; a "good" car would hit $100,000. As is already the case with aviation, the Federal Government would probably have one employee for every two or three cars. True, the economy of the United States would probably be wrecked.

But things would sure be a hell of a lot safer.

FEDERAL CUTBACKS CREATE SEVERE UNIVERSITY PROBLEMS

Mr. BIDEN. Mr. President, in recent months, members of the University of Delaware administration have contacted me concerning the fiscal difficulties that school is facing because of current administration policies toward funding for higher education.

The impact of impoundment of funds, and proposed cutbacks in various existing Federal programs will have severe impact on the university disrupting the financial planning and causing the elimination of many currently offered curricula choices.

Dr. Donald F. Crossan, vice president for university relations presented me with a brief summary of just what the detrimental effects these cutbacks will have on the University of Delaware.

According to Dr. Crossan:

The proposed federal budget contains none of the funds for general support to institutions of higher education which were authorized in the Omnibus Higher Education Law enacted last year. If the President's budget prevails, many worthwhile programs in land grant colleges and universities will be adversely affected.

The problem of continuing funds for higher education is not confined to Delaware alone, but will attack the quality of higher education across the country.

I request unanimous consent to print the entire text of Dr. Crossan's statement in the Record.

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

Statement of Dr. Donald F. Crossan

The University of Delaware faces a very real budgetary problem created by the straitened revenue situation in the State of Delaware and the proposed cutbacks in federally-supported educational programs.

The federal budget calls for phasing out the following programs of vital importance to higher education: interest subsidies on academic facilities and college housing loans;

college teacher fellowships; aid to college libraries; university community services; new capital contributions to the National Direct Student Loan Fund; undergraduate teaching equipment, and capitation grants to land-grant colleges for various professions including nursing. The proposed federal budget contains none of the funds for general support to institutions of higher education which were authorized in the Omnibus Higher Education Law enacted last year. If the President's budget prevails, many worthwhile programs in land-grant colleges and universities will be adversely affected. This is certainly true for the University of Delaware.

The University calls attention to some specific examples of effects of the federal cutbacks as they relate to State and the University of Delaware. The elimination of the Bankhead-Jones and Morrill-Nelson Act funds will result in $165,000 deficit in the University's 1973–74 funding. These funds were built into the budget of the University over many years and support five (5) professorships in the Department of English; two (2) professorships in the Department of History, and two (2) professorships in the Department of Chemistry. A loss of this magnitude in federal dollars in the academic budget of the University will have unfortunate consequences.

The proposed cut in the Federal Agriculture Research Service budget for fiscal 1974 will result in a decrease of $106,521 in the budget of the University of Delaware's College of Agricultural Sciences.' To absorb this drastic cut, the University will have to reduce the staff of that College by at least two (2) combination faculty/research positions and their supporting funds for supplies and supporting staff. Furthermore, operational funds and supporting personnel on one year contracts will have to be cut back in order to help balance the budget. This will mean the loss of at least one (1) full-time research assistant and three (3) graduate student assistantships. In the State of Delaware, 25% of the total income of the State comes from the farm sector, and the College of Agricultural Sciences enrollment has been increasing. Such cutbacks will, therefore, have far-reaching, deleterious consequences for the University's service to the State's agricultural sector.

The effects of the federal cutbacks in health education programs will directly reduce the number of graduate traineeships in the College of Nursing previously available through the National Institute of Health and the National Institute of Mental Health, and will directly reduce or eliminate support of graduate instruction. Furthermore, the elimination of the capitation grant program will particularly affect instruction in the College of Nursing since that College especially depends on those funds for resource persons and specialists to enrich the instructional program.

The total reduction in income from federally-financed programs at the University will approach $800,000. A loss of revenue of this magnitude will seriously affect the educational programs of the University.

THE VOLUNTEER ARMY AND THE BUDGET

Mr. CRANSTON. Mr. President, those who continue to support the draft have tried to place the blame for higher defense spending on the volunteer army.

Congressman WILLIAM STEIGER, a distinguished Representative from Wisconsin who has spent much time and thought on the issues associated with the volunteer army, has written a revealing article with some startling facts about the real sources of higher spending. He points out that: Only one-tenth of the increase in defense spending over the last year is due to the volunteer army; even without ending the draft, an armed force of 2.3 million today would cost $5.5 billion more than a force of the same size in 1969 because of inflation; the phenomenon of "grade creep," or too many people in the higher ranks, costs an added $1 billion in fiscal year 1973; 15 percent of the FBI's criminal investigations, and no less than two-thirds of the FBI's total apprehensions, have been draft-related, with taxpayers' money paying for these cases.

Mr. President, at a time when the Congress is taking a hard look at the budget, I think that Congressman STEIGER's article deserves special attention. I ask unanimous consent that the article, printed in the Christian Science Monitor on June 13, 1973, be printed in the RECORD.

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

THE BUDGET AND THE DRAFT

(By WILLIAM A. STEIGER)

With the impending expiration of the draft, June 30, those who would regiment the young and militarize our foreign policy are making a last ditch effort to extend the power of conscription. Their chief vehicle is a campaign to blame the increase in defense spending on the volunteer force.

The facts do not support this claim. It is true the defense budget as a whole has risen $4.1 billion over last year; but less than one-tenth ($400 million) of that increase is attributable to volunteer force costs. Moreover, by placing Selective Service on a standby basis, we will have $45 to $50 million that we have been spending every year on classification and registration, without impairing our ability to mobilize in an emergency.

An important side benefit from the end of inductions will be a return of the Justice Department to the fight against such real threats to our security as organized crime, drugs, and crime in the streets. This past year, when only 25,000 men were inducted into the military, U.S. attorneys handled 10,444 draft cases—11 percent of the Justice Department's entire criminal case load.

During the same period, the FBI investigated 17,353 draft cases and 26,591 desertions—15 percent of their criminal investigations. These cases accounted for a startling two-thirds of the FBI's total apprehensions. With the volunteer force, there will be few, if any, draft evasion cases, and desertions should decrease considerably as men join the armed forces out of free choice rather than coercion.

Under compulsory military service there are further unmeasured social costs. An estimated 35,000 people have worked full-time as draft counselors. More than 750 attorneys who specialize in draft law have spent a substantial amount of time handling selective service cases. Ironically, the major result of this enormous effort is simply that some youths were exempted from service, while others were forced to take their place. For the most part, those involved in draft-related activities are able, bright, and committed to reform. In view of the wide variety of social problems which could have benefited from citizen involvement, the draft has caused a serious drain of talent from productive activity.

When we compare current military personnel costs with those in effect in 1969 (the year in which the program to end the draft was initiated), it becomes clear that the military's bugetary problem stems from expenses that bear no relation to the volunteer force. Miscellaneous payments enacted long ago account for 77 percent of the military pay appropriation increase since FY (fiscal year) 1969; only 23 percent is attributable to the volunteer force. Critics also forget that the bulk of the "volunteer force" pay increase would have been necessary even under conscription to eliminate the disgrace of forcing young men to serve for wages below the poverty line.

The greatest culprit in increasing personnel costs has been inflation. Even if no steps had been taken to end the draft, an armed force of 2.3 million men today would cost $5.5 billion more than a force of the same size in FY 69, simply due to cost-of-living increases. Another nonvolunteer force item, retired pay, has skyrocketed by $2.3 billion since FY 69. The phenomenon of "grade creep"—too many individuals in the higher grades—counts for an added $1 billion this fiscal year.

The budgetary cost retirement, grade creep, and the pay schedule can be reduced through careful and comprehensive planning. Long-term savings can be generated through prompt Congressional passage of the Special Pay Act. The selective reenlistment provisions, for example, eliminate a bonus which is currently paid to every individual who signs up for a second tour, whether or not his skill is in short supply. Nearly $125 million will be saved by FY 78 through this action, and the institution of a system which is directed only at skills in demand.

In addition to the reduction in outlays which will result from a more efficient program, even greater savings will accrue through increased retention of skilled personnel. Experience with the nuclear incentive (the one special pay authority which was signed into law last year) demonstrates the potential of the Special Pay Act. Before Special Pay was instituted, the reenlistment rate among nuclear qualified petty officers in the critical 6–9 year retention period was just 14 percent. Use of the incentive more than doubled the rate to over 30 percent—and reductions in training costs for the few men involved in this limited skill produced an annual savings of nearly $10 million.

Applying the same principle to nuclear officers has led to even greater cost avoidance. For each $13,000 spent on incentive pay, the Navy avoids the expenditure of at least $26,000 which would otherwise have been budgeted for training costs. When the Special Pay authority is expanded beyond the nuclear field to the many skills where there are manpower shortages and high training costs, the savings will be dramatic.

The volunteer force presents defense planners and budget specialists with a unique opportunity to reform military personnel policies and save the taxpayers billions of dollars. That opportunity will be lost if those responsible for change insist on focusing their attention on the extension of the executive's induction authority, rather than on a comprehensive overhaul of the military compensation system.

THE FAIR HOUSING OPPORTUNITY ACT

Mr. TOWER. Mr. President, I am pleased today to join my distinguished colleague from Tennessee (Mr. BROCK) in cosponsoring legislation designed to further eliminate the vestiges of discrimination on the basis of sex in our society. The measures I associate myself with today address two specific areas of discrimination against women—discrimination in housing sales and mortgage lending and discrimination in credit transactions.

In reviewing the question of equal opportunity, I found confusion regarding the interpretation of the fair housing amendments of 1968 which prohibit discrimination on the basis of race, color, religion, or national origin only. S. 1604, the Fair Housing Opportunity Act, would extend the provisions of sections 804, 805, 806, and 901 of the fair housing amendments of 1968 to include a prohibition against discrimination on the basis of sex in sales and mortgage lending transactions. With this clarification, congressional intent would be manifest.

I was further dismayed to learn the full extent of discrimination against women in credit transactions following hearings held by the National Commission on Consumer Finance last summer. Credit is an integral part of this Nation's economic system. Consequently, when women are restricted in their participation in credit transactions, they are denied full participation in that system. Certainly, this cannot be tolerated in today's society. Credit must be made available to individuals solely on the basis of their creditworthiness. S. 1605, the Equal Consumer Credit Act, would therefore amend the Truth in Lending Act to prohibit discrimination on the basis of sex or marital status in any consumer credit sale thereunder. This development in the legal framework of our Nation is a natural step as the role of women in our society continues to change. It will not only benefit the individual affected, but will also assure that we have a strong economy and a high level of employment to the ultimate benefit of us all.

Let us look briefly at the present situation. One of the most persistent misconceptions in this area is the notion that women generally seek employment simply to earn "pin money." This basic misconception accounts for many of the present inequities, for, in response to it, many employers hire women at lower salaries than comparable men, and deny them raises, for they believe women do not need the money. While this notion is contradicted on a daily basis by reliable statistics, it continues to persist.

Recently, the University of Michigan Institute for Social Research released results of a survey showing that 40 percent of all employed women are independently supporting themselves, 32 percent are the sole breadwinners for their families, and 8 percent are the major wage earners in their homes. These women include professionals and nonprofessionals. They include women putting husbands and children through college, career women living alone, and women supporting families in the lowest economic segments of our society. In fact, in families with total incomes of less than $5,000, the institute survey shows 57 percent of the wage earners to be women. This would appear to conclusively refute the pin money theory.

For many working women, employment is the only alternative to public assistance. This includes some 13 million women with full responsibility for the welfare of more than 10 million minor children. Furthermore, Census Bureau statistics indicate that working women have often been responsible for raising poor families into the middle class. Certainly, it appears that America's employed women are accomplishing that which the Federal Government has been unable to accomplish; namely, providing the essentials for existence to many of this Nation's poorest families and raising a substantial group of them into the middle class.

With these facts in mind, it is impossible to rationalize or justify the blatant and persistent discrimination against women in the credit community. Nevertheless, the Commission on Consumer Finance reports that women experience discrimination in several major areas:

First. Single women are often required to meet higher income, employment tenure, and residence standards than men of any marital status when applying for credit cards or personal loans;

Second. Single women are traditionally unable to obtain mortgages to purchase real estate, regardless of their individual creditworthiness, without a male cosigner whose creditworthiness is often not questioned;

Third. When single women with established credit marry, their creditors generally require that they reapply for credit, and often will only renew credit in the husband's name. This results in a loss of personal identity to married women within the financial community. Similar restrictions are not generally placed on men, however, and are, therefore, discriminatory;

Fourth. Widows, divorcees, and separated women have a particularly difficult time reestablishing credit as individuals, even though they may have been handling their family finances and credit transactions for many years; and

Fifth. When married couples apply for credit, creditors often refuse to consider a wife's income.

Certainly these examples of discriminatory practices seem irrational and inconsistent when considered in light of the statistics presented earlier on employed women. I feel it is extremely important that we in the Congress move to expedite enactment of both the Fair Housing Opportunity Act and the Equal Consumer Credit Act, and as ranking minority member of the Banking, Housing and Urban Affairs Committee to which they have been referred, I shall certainly urge early hearings and a favorable report.

OIL AND GAS

Mr. BARTLETT. Mr. President, I ask unanimous consent that there be printed in the RECORD an article entitled "Blaming It on the Oil Men," by Jenkin Lloyd Jones and published in the Washington Evening Star-News on June 16, 1973.

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

BLAMING IT ON THE OIL MEN

In connection with the Emergency Petroleum Allocation Act of 1973, Sen. Henry Jackson, D-Wash., has insisted that the Federal Trade Commission investigate whether major refineries are not squeezing out independent retailers.

If the investigation is conducted fairly, by all means let's have it. There would certainly be a temptation to knock off the 2-cents-less unbranded gas station if the major companies find that they can market all the gas that they can make through their own brand-name outlets.

The oil business is a peculiar three-headed animal. It produces. It refines. It markets. Not all these functions are compatible. For example, it would seem idiotic for a company that both refines and markets to supply cutrate competitors. Yet a refinery operating at close to capacity produces cheaper gas than one operating at half-capacity.

Since in the past it was deemed certain that independent retailers would band together to build their own refineries if they couldn't buy gasoline from the plants of the majors, the rule was to welcome any tank wagon to the loading dock.

That incentive has now disappeared. The trading stamps and premiums are vanishing. And as demand outruns supply there is no doubt that the major companies would prefer to see No Gas signs go up last on their own stations.

But the reaction of many "liberals" to the oil-gas crunch was predictable—blame the oil men. The stereotype of the grasping exploiters of our petroleum resources is deeply ingrained in their own peculiar demonology.

A new movie, "Oklahoma Crude," is instructing a new generation that American oil men in the boom days murdered like the Mafia, cheated like carnies and looked like Jack Palance. The anxious wildcatter with a decent wife and kids who gradually lost his shirt on a succession of dusters was never very good theater.

So the cry is arising that the petroleum shortage is a phony, dreamed up by the oil barons to kite prices. How phony is it?

Four years ago the American Petroleum Institute was pointing out that consumption of petroleum products and natural gas in the United States was rising about 4 percent a year and that unless the 10 billion barrels on the Alaska North Slope could be tapped, unless offshore fields could be exploited and unless refinery capacity could keep pace, we'd soon be in trouble.

There was one miscalculation. Pollution-control devices on new cars have lowered gas mileage about 10 percent, and by 1976 can be expected to lower it another 15 percent. Moreover, people are simply driving more. So the consumption is rising about 6 percent a year.

In the meantime, the ecologists have succeeded in blocking the Alaskan pipeline. They have succeeded in locking up most new offshore drilling leases. And the howl every time some company has tried to build a refinery has resulted in just one new one in five years. So the jam has arrived.

We're in natural gas trouble, too, thanks largely to the Federal Power Commission that held the price down to such an unrealistic level that factories and homes all over America dashed for it. What the gas producers should have done was to agree jointly to withhold their precious product from the market until a realistic price was set. But that, of course, would have put them all in jail for violation of antitrust.

So we have been blithely burning this resource in broad daylight in our curb lamps when it's nearly a lead-pipe cinch that three generations from now much of the world's population will be depending on proteins extracted from natural gas to keep from starving.

The ecologists meant well. The politicians meant well. But having been caught in a series of gross blunders in spite of the oil industry's warnings, they are now beginning to point fingers at the warners and hint of conspiracy.

There's not much more easy oil in America—oil within 5,000 feet of the surface. We can go to deep formations—15-20 thousand feet at a price. We can cook our oil shales and if Canada will let us we can mine out its tar sands. And we can import from overseas which will require not baloney dollars but solid exports competitive in the world market, sans unrealistic wages and featherbedding. The labor bosses may have to figure that one out.

But mostly we'll need to drive smaller engines fewer miles. The bicycle might get us to the supermarket but you can't pedal intercity trucks or freight trains or combines. Unless we can find a radical new source of power, we'll be scrambling for oil.

That's what the much-cussed petroleum industry was trying to tell the kids who were happily driving their jalopies to the damn-the-pipeline rallies.

DEATH OF RAYMOND M. LAHR

Mr. SCOTT of Pennsylvania. Mr. President, it was with much sadness that I learned of the passing of Raymond M. Lahr, chief political correspondent for United Press International in Washington, this past week. Ray was a fine newsman, highly respected by his colleagues.

His career with United Press began in 1937. He worked in UP bureaus in Chicago and Springfield, Ill., and in Lincoln, Nebr., before coming to Washington in 1943. He covered labor news and later headed the House UP staff and then the Senate UP staff. When UP merged with the International News Service in June 1958, Ray became chief political writer for United Press International.

Mr. President, Ray Lahr was a responsible and fair reporter who will be much missed by those of us who knew him and worked with him. I ask unanimous consent that his obituary as it appeared in the Washington Star-News be printed in today's RECORD.

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

RAYMOND LAHR DIES, REPORTER FOR UPI

Raymond M. Lahr, 58, chief political correspondent here for United Press International for the past 15 years, died yesterday after a heart attack in Johns Hopkins Hospital in Baltimore. He lived on Laurel Court in Falls Church.

Mr. Lahr came here with UPI in 1943 and covered labor news. He later headed the House United Press staff and then the Senate staff. While covering the Senate he reported on the Senate investigation of the ouster of Gen. Douglas MacArthur and the Army-MacArthur dispute.

He became chief political writer in June 1958, coinciding with the merger of UP and International News Service.

Born in Kokomo, Ind., he graduated from the University of Chicago in 1936 and went to work for UP the next year. He worked in UP bureaus in Chicago, Springfield, Ill., and Lincoln, Neb., before coming to Washington.

He was co-author, with Hearst newsman J. William Theis, of "Congress: Power and Purpose on Capitol Hill."

He leaves his wife, Sarah, a former member of the Fairfax County School Board.

STRENGTHENING THE OCCUPATIONAL SAFETY AND HEALTH ACT

Mr. DOMINICK. Mr. President, a radio editorial which was broadcast recently by station WEEI in Boston has been brought to my attention. The editorial, entitled "Strengthening OSHA", endorses my bill, S. 1147, to amend the Occupational Safety and Health Act.

S. 1147, which I introduced on March 8 this year, proposes the changes I think are necessary to make OSHA work effectively. It has been cosponsored by 22 of my colleagues: Mr. BEALL, Mr. BELLMON, Mr. BENNETT, Mr. BENTSEN, Mr. BROCK, Mr. COOK, Mr. DOLE, Mr. DOMENICI, Mr. EASTLAND, Mr. ERVIN, Mr. FANNIN, Mr. GOLDWATER, Mr. GURNEY, Mr. HANSEN, Mr. HATFIELD, Mr. HELMS, Mr. HRUSKA, Mr. MCCLURE, Mr. SCOTT, Mr. TAFT, Mr. THURMOND, and Mr. TOWER. It is my hope that hearings will be scheduled in the near future on this and other bills proposing amendments to OSHA.

I ask unanimous consent that the editorial be printed in the RECORD.

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

STRENGTHENING OSHA

You may think that OSHA is the name of a new foreign car, but not if you are a businessman. In that case you know that the initials stand for the Occupational Safety and Health Act of 1970. WEEI thinks the goal of the act—to make our jobs safer for all of us—is beyond reproach. In fact, we think OSHA should be given every chance to work. That's why we support legislation sponsored by Senator Peter Dominick of Colorado.

His bill—already co-sponsored by 22 other senators—would make for a more workable approach to better safety and health standards on the job. Here's what it would do. The legislation would allow the small businessman to call in OSHA inspectors for advice and technical assistance without the danger of citations being handed out during this consultive visit. At the present, if an OSHA inspector sees a violation, he has no choice but to issue a citation. The chance of this happening all but prevents the small businessman from asking OSHA's assistance in making his plant or office safer for the workers.

The bill would also make OSHA look at the entire picture. In determining whether or not to fine the business, officials would have to take the gravity of the violation and the good faith of the employer into account. And it would make the law flexible enough to realize that a safety procedure being used by a company could be equal to, while not necessarily the same as, a recognized OSHA standard. None of the provisions of Senator Dominick's bill would lessen the protection of employees, and not a single employer would be exempted from coverage.

WEEI believes the legislation would strengthen, not weaken, the Occupational Safety and Health Act of 1970. Job safety is very important. It calls out for cooperation between the government and the employer—not coercion. We urge you to contact your Senator or Congressman and ask him to support Senator Dominick's proposed changes for OSHA, Senate Bill 1147. Your action now could make your hours on the job a little bit safer.

THE REPORT OF THE PRESIDENT'S COMMITTEE ON MENTAL RETARDATION

Mr. TOWER. Mr. President, the report of the President's Committee on Mental Retardation, entitled "MR 72, Islands of Excellence," presented a number of national, State, regional, and local programs that typify the positive approach to prevention and alleviation of mental retardation. One of the articles highlighted the efforts of the Texas Education Agency to bring the handicapped children of Texas into the mainstream of education and life. Rather than labeling and isolating the handicapped child, the State plan provides for giving each child an education suited to his ability to learn. I commend the efforts of the Texas Education Agency and the local school districts.

Mr. President, I ask unanimous consent that the report be printed in the RECORD so that it will be available to Senators.

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

TEXAS REMOVES THE LABEL

If you are interested in EMRs, TMRs, MBIs or other such labels, don't go to Texas. If you are looking for the usual special education classrooms, proudly displayed, you will find few in Texas.

However, if you care about *children* and their individual, special needs, take a look at Texas.

Something special is happening to special education there. And what is happening may well be a preview of a new era in education in general. The new concept of comprehensive, personalized education for individual needs is called Plan A.

The primary goal in this child-centered plan is to provide each handicapped child in the state with an education suited to his ability to learn. Specialists are available to give the special help required to the child as well as to the teacher.

By deemphasizing labeling and isolation in self-contained classrooms, and by focusing on the learning needs of each child rather than on the handicap, Texas is giving an increasing proportion of its handicapped children the opportunity to move into the mainstream of education—and of life.

Contrary to fears that handicapped children would drown in this mainstream, they are being taught to swim.

"They used to bring these kids in here and tell me, 'this one's got an I.Q. of 55. This one's MBI.' I don't want to know what their I.Q. is or what they can't do. All I care about is what they can do."

The speaker was a muscular shop teacher in North East San Antonio's Roosevelt High School. He was standing by, unconcerned, as a group of students, most of them handicapped, expertly handled makeshift levers and ramps to load onto a truck the 7 x 9 foot house they had built. The scaled-down red and white building, a highly professional construction job, was to be the Christmas toy collection headquarters for a local radio station.

Across town, at Alamo Heights Junior School, a resource teacher was working in a

"resource room" with four students who had reading problems. Later one would go to math class, two to social studies, and the fourth to shop, where he is learning on lawnmowers, tractors and auto engines, to be an expert mechanic. The school does a brisk business in lawnmower repair. In the old system, all would have been labeled mentally retarded and isolated in a special education self-contained unit.

The same system of integration was taking place with children in classrooms through the school. Those with special needs were receiving personalized help, then returning to art, music, physical education, shop, or regular classrooms.

"We still have to match the child carefully with the regular teacher, the principal explained. "Those who may discourage or squash the child's initiative don't get these children."

Until higher education catches up with the changes in elementary and secondary education, a great deal of the success of a comprehensive system depends on the understanding of the principal and administrative staff, and the individual teacher's attitude and instincts, in addition to teaching techniques.

Directors of Special Education are discovering that principals trained in primary and early childhood education generally are more realistic toward children with varying special needs than are those coming from other education fields. The latter seem more oriented toward rigid, chronological criteria for grade placement.

Technique and instinct both are apparent in Victoria Plaza Elementary School, where trained residents of Victoria Plaza, a model housing unit for aged persons, across the street, regularly take part in the school's program, and supply an extra dimension of care for the children.

Integrated regular classrooms and resource rooms buzz with teacher-child dialogues:

"Tell me why you chose that picture, Robert." Probing into the learning process.

"Let's break up this ball of clay. Now, with all these pieces, do we have *more* than we had before? Or less? Or the same amount?" Developing concepts of conservation of matter.

"Would you like to make some figures with the clay?" Creativity.

Piaget all the way.

The newest educational techniques are most obvious, however, in the early childhood education programs. At Edgewood's Cardenas Early Childhood Center, children from three to five years are given highly specialized attention. Although most are handicapped mentally or physically and are predominantly Mexican-American, there is a mixture of children from several cultures and with a wide range of IQs.

Brilliantly colored, and carpeted throughout, the demonstration school is alive with the joy of children discovering the world and themselves. But it is ordered exuberance.

In one learning area of a large room, a group marches around in a circle, beating out a ragged rhythm with whatever can be turned into a percussion instrument. One child has thick glasses, two or three have hearing aids, one a brace on her leg, and a few are marching to the rhythm of a very distant drum. With them are a teacher assistant and a Spanish-speaking volunteer, who is young and male.

Over in a "learning well," two carpeted steps down, a little girl sits with a teacher who is giving her individual instruction. In several intimate, quiet rooms, small groups of children are working with teachers who are specialists in specific fields, such as speech therapy, or emotional disturbance.

Around a table in another corner there is a social event—a party. A mother sits a little apart, observing over a cup of coffee. She is a member of the parents' group, PIENSA, an integral part of the center's program.

Every few minutes, the action changes, to keep pace with the attention span of these young children.

The scenes at the San Antonio schools are being duplicated in many parts of the State, now that Plan A is expanding to 187 school systems. It is expected to cover the state by 1976, serving the needs of every handicapped child in Texas.

As it grows, the effect it is having in regular primary and secondary education, as well as teacher training, is slowly becoming noticeable, though not fast enough to keep up with Plan A's pace.

It is the early childhood programs, more than any other educational advancements, however, that are moving Texas' special education program out of the column marked perpetuation of mental retardation and into the column of prevention.

Plan A had a nebulous beginning in the late '60s, with the State plan for education of handicapped children, provided for under Title VI of the Elementary and Secondary Education Act of 1965, as amended.

In-depth research on the Texas State Plan, as well as on many other State plans, indicated that special education was not being responsive to the obvious call for massive restructuring of education in general. Instead, the special education plans seemed to be perpetuating the status quo. And the status quo was not working.

In 1968, for example, less than half of all *known* handicapped children in Texas were participating in the type of special education program they needed. (In one school district, there were 8 *known* multi-handicapped children under 6 years of age. After the Plan A program started, 42 were found.)

More than 40 counties provided no special education for their handicapped children.

Under 6 percent of the school-age population throughout the State were receiving special education services in 1968, while educators estimated that 10–20 percent needed such services. Many, receiving little or no help, dropped out of school.

A disproportionate number of minority children were enrolled in special education. There were unanswered questions concerning the adequacy of the standards by which they were measured.

In addition to these statistics, there was the ever-present label, the stigma, the isolation that perpetuates and accentuates the handicap. And the dehumanization of the category—an EMR, a TMR or some other faceless designation.

Costs were increasing; benefits decreasing.

Researchers brought in experts in special education and related fields, distilled their ideas into a report with 17 recommendations for drastic changes in special education.

Major recommendations were:

Discontinue labeling and categorizing children. (Do not label one child as brain injured, another as emotionally disturbed, a third as mentally retarded, etc.)

Shift the emphasis from the handicapping condition to the educational needs of each child. (Discontinue emphasizing the fact that a given child is crippled. Instead, assess his individual needs and program his education accordingly.)

Shift the emphasis from the self-contained special class to mainstream or regular education facilities. Where a handicapped child can achieve, provide him with an education in the regular school program with modifications and support as needed.

The research findings and recommendations, supported by the Texas Education Agency, resulted in legislation that was passed unanimously by both houses of the Texas Legislature in 1969.

With wholehearted support from the State Board of Education and the Commissioner of Education, Plan A began during the 1970–71 school year, with a pilot project in five school systems. In 1972–73 there are 70,000 handicapped Texas children receiving these special services. By 1976, Plan A is expected to serve all of Texas' handicapped children, from 3 to 21 (with infant stimulation programs in many areas).

Case finding is the responsibility of the local school district, and because of the change in funding patterns, it is to the district's financial advantage to get the children in school.

Under Plan A, however, funds are alloted to school districts according to average daily attendance, and exceptional children who spend more than half of their time in regular classes—including art, music, gym, shop, homemaking, etc—are eligible to be counted in average daily attendance. For each 3,000 children in average daily attendance, the school district is allotted 20 professional instructional units, 7 teacher aides, and 3 professional supportive personnel units. For each additional 1,000 pupils there is an additional entitlement.

School districts may form cooperative programs, especially for severely handicapped children. Several have done this. Some regional programs have been established for children who cannot cope with a regular classroom.

Previously, there was little or no assistance to teachers in regular classrooms that included handicapped children. Supportive staff positions were not available, nor was there a possibility of contracting for services.

To assist the regular classroom teacher, specialists are now available, including educational diagnostician, helping teacher, resource teacher, teacher aide, counselor, visiting teacher, speech therapist, teacher of the deaf, blind, and others for special needs.

Funds are available for appraisal of handicapped children, with each child receiving an individual prescription. Each child is given individual help in this program, rooted in Piaget's theories of cognitive learning.

In addition to the programs in the early childhood centers, there is a homebound program for stimulation of infants and for the bedridden.

The Texas Education Agency's Special Education Department is currently holding a continuing series of institutes to create awareness of the need for curriculum change, and to train teachers and administrators in the application of Piaget's learning theories to curriculum development for exceptional children.

Each participant is responsible for bringing ideas and results of the conference back to the school district, and implementing changes if there are implications for that school district.

Those attending return to their schools and children with a heightened interest in the child as an individual rather than in terms of norms or as a subject to be located within a set of statistics. They are filled with Piaget's commitment to adapt the school to the mind of the child, to adapt teaching techniques to the cognitive structures of the child's thinking process, and to adapt the content of what is taught to that which is relevant rather than traditional.

They learn to replace teacher monologues with dialogues between child and teacher, and between child and materials. Teachers are taught to listen, to teach the child *how* to learn, to stimulate his own activity and

to encourage him to direct that activity into meaningful channels.

Strategies for curriculums change are growing out of these progressive concepts, which are based on sound knowledge of human development as it relates to the learning process itself.

While these educational changes are taking place, Plan A classes are being examined in minute detail by Project PRIME (Programmed Re-entry Into Mainstream Education), the largest single study ever undertaken for the Handicapped, the Texas Education taken in special education. Findings will give policy makers across the nation firm data on how handicapped children can benefit most from integration into the regular classroom, and to identify strategies and climates in administration and teaching necessary to accomplish this goal.

PRIME is a cooperative venture of the U.S. Office of Education's Bureau of Education Agency, local school districts and higher education institutions.

The outcome of this study, combined with the dynamic concept of Plan A, promises an impact that will spread beyond the limits of special education, and far beyond the borders of Texas.

LITHUANIA—ONCE A FREE NATION

Mr. SCOTT of Pennsylvania. Mr. President, June 15 was a day of sorrow because it marked another year of waiting for the people of Lithuania and for my many Lithuanian American constituents. Thirty-three years ago last Friday, Lithuania was forcibly annexed by the Soviet Union. The country was taken, but the hearts of the people were not. They want to be free.

Throughout my Commonwealth of Pennsylvania there are thousands of Lithuanian Americans, many of them in Philadelphia, Pittsburgh, Wilkes-Barre, Scranton, and Erie. They have emigrated to America, where there is freedom and where there is peace. They have come to live in a State that played so great a role in the attainment of American independence, nearly 200 years ago, after much struggle against tyranny.

But today their thoughts return to their proud and brave homeland where they seek freedom and seek peace. But there is tyranny and much struggle. They remember the sacrifice last year in Kaunas of a young man, Romas Kalanta, who burned himself to death to protest Soviet oppression. They remember and grieve, but they also continue to hope and pray that Lithuania will someday be a free nation, and that the sacrifices of her people will not be in vain but in the just attainment of independence.

Mr. President, the people of Lithuania and all the Baltic states must be assured that America cares. One way they can know this is by our continued support of Radio Free Europe and Radio Liberty. Eastern Europe needs to hear the news, objectively reported and presented without censorship. I strongly urge that we support legislation that will keep open channels of information and opinion on matters of vital concern to this part of the world.

I also strongly share the sentiments of Lithuanian Americans on their day of sad reflection.

INFLATION—CONTROLLING ECONOMY THROUGH TIGHT MONEY ALONE WILL NOT WORK

Mr. DOMENICI. Mr. President, a recent nationwide public opinion survey indicates that 70 percent of the American people consider inflation and the high cost of living to be this Nation's No. 1 problem. And I am sure there is not one of us here today who does not wish he could come up with a solution to this matter that concerns so many of our citizens. But we all know the problem of inflation is caused by numerous forces, and just as the problem cannot be traced to one single cause, we cannot realistically call upon one single agency or segment of the economy to find a workable solution to inflation.

But we have been doing just that. We have been asking Mr. Arthur Burns and his Federal Reserve Board to manipulate the prime interest rates to control spiraling inflation. And we have found this ineffective, because we have been asking for a single solution to a terribly complex problem. Certainly, the Federal Reserve Board's regulation of the commercial banking system is an ingredient in a cure for our economy's problems, but control of the money supply alone is simply not a total answer.

Early in my term here in the Senate, I wrote to leading financial experts in my State of New Mexico to ask them to share their views on inflation with me. Although each had different suggestions for solutions, they agreed unanimously that we cannot rely on the Federal Reserve Board and higher interest rates alone to curtail inflation. This method, when used alone, is ineffective and eventually hurts the wrong people. High interest rates do not stop consumers from buying homes. They just make the homes more expensive. And high interest rates do not keep our citizens from buying on credit, they just make the debt larger.

Mr. R. L. Tripp, president of the Albuquerque National Bank, believes that a joint approach of using our Government spending policy as well as our monetary policy will help solve our economic problems. He writes:

> In 1969, the entire burden of stablization, it seems to me, fell upon the Federal Reserve System. In an attempt to control inflation, the Board created an extremely tight money situation which led to the credit crunch and interest rates that went through the ceiling.

Mr. Tripp believes that placing the entire burden on monetary policies is a mistake. There needs to be a fine balance between monetary and fiscal policies. He adds that the worst possible situation is one in which we are faced with the possibility of each blaming the other and attempting to place full responsibility on the other. And this is what we have today.

And Mr. Bruce J. Pierce of the Bank of New Mexico says:

> Arthur Burns prefers a tighter Federal budget so that he will not have to use his monetary policy weapon while the President and Congress ask that the FRB tighten down the screws on the money supply so that they will not have to use their weapon of less federal spending.

He adds it is important that the Congress also take up the fight against inflation by disapproving any over-large and wasteful spending bills.

Although most of those responding to my inquiry believe the Federal Reserve Board should retain its autonomy in the interest of maintaining a good system of checks and balances, they also agreed the Federal Reserve Board alone cannot cure inflation. It is important that each of us accept responsibility for that segment of the economy upon which we can have an impact. We cannot continue to point the finger of blame at one another. That will solve nothing.

Said David Livingston of the First National Bank in Albuquerque:

> The primary role of the Federal Reserve Board is to promote the economic health of the country in the long run by providing the necessary funds for orderly economic expansion while protecting the dollar abroad.

He adds:

> Stabilization of the economy in the short run is primarily the responsibility of the President and Congress. Fiscal responsibility must be exercised if short run economic problems are to be overcome and dislocations between the private and public sectors of the economy are not to be exaggerated.

Mr. President, I am calling upon Congress and I am calling upon the Federal Reserve Board to each realize and recognize their own areas of responsibility and to exercise that responsibility in the interest of a healthy economy for our Nation and for the sake of our strength in the international trade and monetary markets.

SURVEY OF STATES ON TEACHER PREPARATION FOR THE TEACHING OF READING

Mr. BEALL. Mr. President, the Library of Congress, at my request, has completed a survey of the reading certification requirements of the 50 States for the regular elementary teachers and for reading specialists.

I had this chart prepared in conjunction with S. 1318, the Elementary School Reading Emphasis Act of 1973, which was introduced by me on March 22, 1973, and which was cosponsored by Senators DOMINICK, PASTORE, MONTOYA, and DOMENICI.

This measure has already received the endorsement of a number of State superintendents as well as considerable interest on the part of educators and the general public, not only in my State of Maryland, but throughout the country.

Because my colleagues may be interested in the requirements in their State, and because of the national interest in this subject, I ask unanimous consent that this chart prepared by Mr. Wayne Riddle of the Library of Congress, be printed in the RECORD.

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

50 STATE SURVEY BY THE LIBRARY OF CONGRESS AT THE REQUEST OF SENATOR J. GLENN BEALL, JR. (R-MD.) ON THE CERTIFICATION REQUIREMENTS IN THE METHODS OF READING INSTRUCTION FOR PUBLIC SCHOOL TEACHERS IN SELECTED STATES

State	Regular elementary school teachers				Reading specialists at the elementary school level			
	Number of course hours (credit)	Type(s) of course(s)	Percent meeting present requirements	Changes in requirements in the past 5 years	Number of course hours (credit) [1]	Type(s) of course(s)	Percent meeting present requirements	Changes in requirements in the past 5 years
Alabama	0	NA [2]	NA	None		NA	NA	None.
Alaska	"3 courses"	Techniques, diagnosis, prescription.	50	1971—no specific requirement in the methods of reading instruction previously.	M.A	Techniques, diagnosis, prescription, materials.	NS [3]	None.
Arizona	3 s.h	Methods	100	None	15 s.h	Methods, remedial, practicum or internship.	100	1971—Course sequence mandated.
Arkansas	3 s.h	NS [3]	NS	1972—none before	M.A	Methods, remedial, laboratory practice.	NS	None.
California	"1 course"	Methods, to include phonics.	100	1971—Inclusion of phonics not previously specified.	NS	Certification based upon recommendation by local educational agency and passage of examination; or observation by a panel appointed by the State educational agency.	100	None.
Colorado	0	NA	NA	None	NS	NA	NA	None.
Connecticut	6 s.h	Methods (3) children's literature (3).	NS	1972—None before	M.A	Methods, remedial, practicum, children's literature.	NS	None.
Delaware	3 s.h	Methods	100	None	15 s.h. (graduate).	Methods, remedial, practicum	100	None.
Florida	2 s.h	Methods	NS	None	21–33 s.h	Foundations, methods, remedial, children's literature.	NS	None.
Georgia	5 q.h. [4]	Methods	90	None	25 q.h	Methods, remedial	100	None.
Hawaii	0	NA	NA	None		NA	NA	None.
Idaho	0	NA	NA	None		NA	NA	None.
Illinois	2 s.h	Methods	90	None	32 s.h	NS	100	None.
Indiana	6 s.h. [4]	Developmental and corrective reading.	NS	1970—none before	30 s.h	Foundations, diagnosis, laboratory practicum.	100	None.
Iowa	3 s.h	Methods	80	None	M.A. plus 4 years of experience.	Approved program basis	100	1970.
Kansas	0	NA	NA	None	12 s.h. (graduate).	Foundations, remedial, practicum.	80	1971—requirements specified.
Kentucky	6 s.h	NS	NS	1972—none before	12 s.h. (graduate).	do	NS	Do.
Louisiana	3 s.h	NS	25	1971—none before		NA	NA	None.
Maine	0	NA [5]	NA	None	12 s.h	Remedial	100	Do.
Maryland	3 s.h	Methods	80–85	1972—none before	12 s.h	Foundations, remedial, practicum.	85	Do.
Massachusetts	0	NA	NA	None	18 s.h	NS	"Most"	Do.
Michigan	0	NA	NA	do	12 s.h. plus 4 years of experience.	Methods, diagnosis, treatment of difficulties.	87	Do.
Minnesota	0	NA	NA	do	"6 courses"	Developmental reading, remedial, practicum.	NS	Do.
Mississippi	6 s.h	Methods	99	do	15 s.h	Developmental reading	99	Do.
Missouri	4–5 s.h	Methods	20	None	NS	Methods, remedial, psychological testing, practicum.	90	1970—Psychological testing requirement added.
Montana	0	NA	NA	None		NA	NA	None.
Nebraska	0	NA	NA	None		NA	NA	None.
Nevada	2 s.h	Methods	100	None	M.A	NS	100	None.
New Hampshire	0	NA	NA	1970—from specific requirements to approved program basis.	M.A	NS	95	1970—from specific requirements to approved program basis.
New Jersey	"1 course"	Methods	100	None	24 X.h	Methods, practicum, psychological testing.	NS	1971—requirement raised from 18 to 24 s.h.
New Mexico	3 s.h	Methods, remedial.	85	None	10 s.h. (for elementary reading teachers).	Foundations, remedial, practicum.	70	None.
New York	6 s.h	NS	70	1972—none before		NA	NA	None.
North Carolina	0	NA	NA	None	18–30 s.h	Methods, remedial, practicum	NS	None.
North Dakota	0	NA	NA	None	"8 courses" (graduate).	Foundations, remedial, practicum.	100	None.
Ohio	3 q.h	Methods	100	None	18 q.h	Foundations, developmental, remedial, practicum.	100	1972—none before.
Oklahoma	3 s.h	Methods and materials.	100	None	12 s.h	Foundations, remedial, practicum.	100	None.
Oregon	6 q.h	Methods	75	1972—minimum specified	15 q.h	Methods, remedial, practicum	90	1972—minimum specified.
Pennsylvania	NS	NA	NA	1969—3 s.h. required previously.	NS	NS	NS	1969—general guidelines outlined.
Rhode Island	3 s.h	Methods	NS	None		NA	NA	None.
South Carolina	3 s.h	Methods	NS	None	12 s.h	Methods, remedial, practicum	NS	None.
South Dakota	0	NA	NA	None		NA	NA	None.
Tennessee	3 s.h	Methods	NS	None		NA	NA	None.
Texas	"1 course"	Methods	100	None	6 s.h	Methods, diagnosis	100	None.
Utah	0	NA	NA	None		NA	NA	None.
Vermont [6]	NA	NA	NA	NA	NA	NA	NA	NA.
Virginia	3 s.h	Methods	NS	None	M.A	Foundations, remedial, practicum	NS	1972—none before.
Washington	"1 course"	Methods	100	None	20 q.h	NS	100	None.
West Virginia	2–3 s.h	Methods	33	None	27 s.h	Foundations, remedial, clinical experience.	100	None.
Wisconsin	"1 course"	Methods	60	1973—requirement made mandatory.	M.A. or 30 s.h	Advanced methods, measurement, remedial, supervision, internship.	100	1972—none before.
Wyoming	8 s.h. [5]	Methods	95	None	6 s.h. (additional to standard requirement).	Remedial	95	None.

[1] Where this space is left blank (—), no separate certification for specialized reading teachers at the elementary school level exists.
[2] NA—Not applicable.
[3] NS—Not specified (if in a "Number of course Hours" column, a requirement exists but the number of hours is not specific; in other columns, NS indicates that the data is unavailable).
[4] s.h.—semester (credit) hours; q.h.—quarter (credit) hours.
[5] 8 s.h. of courses in the methods of teaching elementary skills, including reading.
[6] Due to staff limitations, the State of Vermont has declined to answer all inquiries related to this study (see attached note).

OLD-TIME MUSIC HALL

Mr. SCOTT of Pennsylvania. Mr. President, last week I spent a memorable evening at the British Embassy, accompanied by a number of my congressional colleagues, members of the administration, and members of the Washington diplomatic corps. We were invited by His Excellency, the British Ambassador, the Earl of Cromer and Lady Cromer to attend a performance of the "Old-Time Music Hall," staged by the British Embassy Players.

For a few hours we were transported back in time to the period of the First World War, as this band of talented amateur and semiprofessional actors, singers, and musicians brought back to life the entertainment of that era.

My colleagues and I were impressed not only by the caliber of the performance, but by the obvious enthusiasm of the performers as they shared with us these glimpses of English and Scottish culture and tradition.

Lord Cromer expressed the views of all of us when he said:

> What better example could be found of the Anglo-American "natural relationship" than members of both Houses of Congress, officials of the U.S. Administration, and others from many walks of life joining together under the roof of the British Embassy to sing with equal fervor "Yankee Doodle Dandy" and "Land of Hope and Glory"?

The British Embassy Players were formed in 1964, and this, the 9th version of Old-Time Music Hall, is the group's 36th full-scale production. Currently 160 strong, the players' membership is drawn mainly from the staff of the British Embassy and from British and Commonwealth subjects residing in the Washington area, along with a number of Americans with family or cultural ties with Britain.

The Old-Time Music Hall has developed into a Washington tradition in only 9 years, playing to capacity audiences for a 2-week period every summer.

In addition to major productions, which include comedies, dramas, mystery plays, Shakespeare, Gilbert and Sullivan operettas, musicals, and variety shows, the players stage a great many 1-night productions for special causes. In the last 2 years, the group has donated approximately $11,000 to various charities.

MINIMUM WAGE LEGISLATION

Mr. DOMINICK. Mr. President, a recent editorial appearing in the Detroit Free Press is highly critical of the minimum wage bill recently approved by the House of Representatives. I bring it to the attention of my colleagues because it zeroes in on the major issues which will be raised when minimum wage legislation is considered in the Senate again this year.

The minimum wage bill I have introduced on behalf of Mr. TAFT and myself, S. 1725, is similar to our substitute, which failed by one vote in the Senate last year. It does, however, contain several significant changes—including greater increases in minimum wage rates, more limited application of the youth differential, and extension of minimum wage coverage to Federal, State, and local government employees.

I ask unanimous consent that the Detroit Free Press editorial be printed in the RECORD, to be followed by a chart my staff has prepared comparing the various minimum wage proposals pending in this Congress, as well as the 92d Congress.

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

DETROIT FREE PRESS EDITORIAL ASSAILS HOUSE PACKAGE

Like the decision to double the President's recommendations for Social Security benefits made by the last Congress, this new Congress has gone far beyond Mr. Nixon's own high but reasonable recommendations.

The President had supported a proposal to increase the minimum hourly wage from $1.60 to $1.90 this year, $2.10 a year later and $2.20 after two years. He would not have included any new workers in the coverage, and advocated a 'youth differential' for beginners or summer job-seekers.

The House went way beyond it. It voted for a $2 minimum this year and $2.20 next year. It jacked up the rate for agricultural workers, who now get a minimum of $1.30 an hour, to a schedule which would reach the same $2.20 rate in 1976.

It included an estimated one million household domestics, not now covered, and put them on a schedule which will reach the $2.20 level in 1975. It extended coverage to about five million federal, state and local government employes, and by a narrow margin beat down the youth differential.

It will affect those it was designed to help, but the effect, we fear, will be disastrous. It will, quite simply, price a lot of jobs out of existence, invite evasion of the law and, at the same time, increase the pressure by those already at or above the minimums for greater inflationary increases.

No one needs to be told there is a shortage of jobs for teenagers this summer and, we imagine, there are plenty of teenagers who would be willing to work for $1.50 or $1.60 an hour. But if an employer is forced to pay $2, the job will cease to exist. Most supermarket baggers have already vanished, and the restaurant busboy is an endangered species. This proposed 24 percent immediate increase in the minimum wage could well finish them off.

We question whether the inclusion of domestic helpers is even constitutional. Congress derives its power to set minimum wages from the interstate commerce clause. It taxes the imagination to consider domestic help interstate commerce, even if the maid in Toledo spends some time dusting Grand Rapids furniture or watching a television set made in Japan. The same constitutional question applies to state and local government workers.

Even if it is constitutional, it is damaging. . . . Call it slave labor if you will, but $5 or $8 a day is considered the going rate in much of the nation. If the legal rate goes up to $16 for an eight-hour day, the jobs will disappear in whole or in part, or householder and helper will collude to break the law.

Further, over the long run, this bill will force wages and prices up all along the line. The worker now getting $2 will, reasonably enough also want a 25 percent increase to $2.50. The worker getting $2.50 will hardly be content.

Fortunately, the key vote on the bill, a Republican substitute, was only defeated by a fairly slim margin, 218–199, although the record vote on the bill itself was 287–130. This means that if the Senate passes the House version and Mr. Nixon vetoes it, his chances are good of being upheld in the House.

We think he should and expect he will.

MINIMUM WAGE LEGISLATION

WAGE RATES—92D CONGRESS

Erlenborn:	
Non Ag. pre-1966	$1.80; $2.
1966	$1.70; $1.80; $2 (2 yr later).
Ag	$1.50; $1.70.
Williams:	
Non Ag. pre-1966	$2; $2.20 (2 yr later).
1966	$1.80; $2; $2.20 (2 yr later).
Ag	$1.60; $1.80; $2; $2.20.
Dominick-Taft:	
Non Ag. pre-1966	$1.80; $2.
1966	$1.70; $1.80; $2.
Ag	$1.50; $1.70.

WAGE RATES—93D CONGRESS

	1973	1974	1975	1976	1977
Administration:					
Non Ag. pre-1966	$1.90	$2.10	$2.20	$2.30	____
1966	1.80	2.00	2.10	2.20	$2.30
Ag	1.50	1.70	1.85	2.00	____
Dent (H.R. 7935):					
Non Ag. pre-1966	2.00	2.20	____	____	____
1966	1.80	2.00	2.20	____	____
Ag	1.60	1.80	2.00	2.20	____
Erlenborn (H.R. 8304):					
Non Ag. pre-1966	1.90	2.10	2.20	____	____
1966	1.80	2.00	2.10	2.20	____
Ag	1.50	1.70	1.85	2.00	____
Williams (S. 1861):					
Non Ag. pre-1966	2.00	2.20	____	____	____
1966	1.80	2.00	2.20	____	____
Ag	1.60	1.80	2.00	2.20	____
Dominick-Taft (S. 1725):					
Non Ag. pre-1966	1.80	2.00	2.10	2.20	2.30
1966	1.80	2.00	2.10	2.20	2.30
Ag	1.50	1.70	1.90	____	____

MINIMUM WAGE LEGISLATION

YOUTH DIFFERENTIAL—92D CONGRESS

Students	Nonstudents
ERLENBORN	
1. Rate—80 percent.	1. Rate—80 percent.
DOMINICK-TAFT	
2. Full-time students under 21.	2. Under 18.
3. Any industry.	3. Any industry.

YOUTH DIFFERENTIAL—93D CONGRESS

Students	Nonstudents
ADMINISTRATION	
1. Rate—85 percent.	1. Under 18. (a) Rate—80 percent. (b) 1st 20 weeks of any job.
2. Full-time students under 21.	2. 18 and 19. (a) Rate—85 percent. (b) 1st 13 weeks of any job.
3. Any industry.	3. Any industry.
4. Part time work (20 hrs per week). Full time during vacations.	4 6 employees or 12 percent of work force.
ERLENBORN (H.R. 8304)	
1. Rate—80 percent.	1. Rate—80 percent.
2. Full time students (no age limit).	2. Under 18.
3. Any industry.	3. Any industry. 4. 1st 6 mo. of any job.
DOMINICK-TAFT (S. 1725)	
1. Rate—85 percent.	1. Rate—85 percent.
2. Full time students (no age limit).	2. Under 18.
3. Any industry.	3. Any industry.
4. Off campus—part time work (20 hrs per week).	4. 1st 6 mo. of any job.
5. On campus—no hour limit.	

MINIMUM WAGE LEGISLATION, EXTENSIONS OF COVERAGE—93D CONGRESS

Administration: None.

Dent (H.R. 7935):

1. Federal, state, local government employees (minimum wage and overtime).

2. Domestic employees (minimum wage and overtime).

3. Reduces or eliminates minimum wage or overtime exemptions affecting employees in following industries: transit; nursing home; seasonal industry; laundry and dry cleaning industry; maids and custodial employees of hotels and motels; and employees of conglomerates.

Erlenborn (H.R. 8304): None.

Williams-Javits (S. 1861):

1. Federal, state, loval government employees (minimum wage and overtime).

2. Domestic employees (minimum wage only).

3. Employees of small retail and service firms—"establishment" exemption repealed (minimum wage and overtime).

4. Agricultural employees—coverage extended to local, seasonal hand-harvest laborers, and such employees included for purposes of 500 man-day test (minimum wage only).

5. Reduce or eliminates minimum wage or overtime exemptions affecting employees in the following industries: agricultural processing; seafood processing; cotton ginning; sugar processing; local transit; hotels, motels, restaurants; nursing homes; auto, aircraft and truck and trailer dealerships; catering and food service; bowling establishments; motion picture, theaters; small loggers and sawmills; shade-grown tobacco; oil pipelines; and 40% allowance for non-supervisory work by administrative and executive employees in retail-service industries.

Dominick-Taft (S. 1725):

1. Federal, state, local government employees (minimum wage only).

SI KENEN—A DISTINGUISHED RECORD

Mr. RIBICOFF. Mr. President, along with many of my colleagues I was pleased to learn of the recent selection of Mr. Isaiah L. Kenen, better known as "Si," as chairman of the American Israel Public Affairs Committee—AIPAC. This achievement crowns more than 30 years of dedicated efforts on behalf of the American Jewish community and the promotion of closer American ties with the State of Israel.

Si began his work in Washington in 1951, and during this time he established himself as a valuable source of information on the Middle East. The development of the close friendship between the United States and Israel has been assisted greatly by Si's efforts to make known the strong coincidence of interests between the two countries.

Last year, Israel's Foreign Minister, Abba Eban, said at a dinner honoring Si's 30 years of service that he has been "a partner and architect of a very great drama—the modern deliverance of the Jewish people."

Si Kenen's commitment to the highest ideals goes back more than half a century. At the age of 12, he organized a Young Judea group in his native Toronto. Kenen took his BA degree at the University of Toronto and his law degree at the Cleveland Law School. He was admitted to the Ohio bar, but chose journalism instead, rising to be political and editorial writer of the Cleveland News. He was a cofounder of Local No. 1 of the American Newspaper Guild in Cleveland in 1933, and served as the guild's international vice president from 1938 to 1940. In 1943 he won its Heywood Brown Award for outstanding journalistic achievement.

That same year, Kenen came to New York as director of information for the American Emergency Committee for Zionist Affairs. A few months later he became the executive director of the American Jewish community. While in that position, he organized the Jewish delegation to the 1945 United Nations Charter meetings in San Francisco. Kenen was later in charge of the Jewish delegation to the Four-Power Paris Peace Conference in 1946.

The following year, when the British took the Palestine issue to the United Nations, Kenen was invited by the late Moshe Sharett, then political chief of the Jewish agency and later Israel's Foreign Minister and Prime Minister, to become director of information for the agency's UN delegation. As such, he traveled with the UN Special Committee on Palestine—UNSCOP—and coordinated press relations during the partition debate in late 1947. Later, when the state was established, he was invited by Sharett to continue as information officer of Israel's UN mission.

Kenen left New York in 1951 to become the Washington representative of the American Zionist Council. Realizing the great stake American Jewry had in the survival of the then still infant Jewish state, he helped create the American Israel Public Affairs Committee in 1953.

Today, AIPAC represents thousands of American friends of Israel. Its executive committee is composed of distinguished national and local Jewish leaders, with two former Congressmen, Emanuel Celler and Herbert Tenzer as cochairman of its national council.

Assumption of the chairmanship of AIPAC is a fitting tribute to Si's lifetime of service and accomplishments. As one who has enjoyed both working with him and being his friend, I extend my warmest congratulations and best wishes. I know I am joined by many of my colleagues in wishing Si many more productive years and continued success in his efforts to strengthen the ties between the United States and Israel.

TEST BAN OPPORTUNITY DURING SUMMIT

Mr. KENNEDY. Mr. President, a week ago, the Senate Foreign Relations Committee approved Senate Resolution 67 by a 14 to 1 vote, calling on the President to take immediate steps to achieve a comprehensive nuclear test ban treaty.

On Friday, a letter was sent to the President urging that he act on the recommendations contained within that resolution. I would hope that this matter would be formally raised by the President in his meeting with General Secretary Brezhnev. Clearly, this is a subject on which the groundwork has been laid for the past 10 years.

The resolution states that it is "the sense of the Senate that the President of the United States first, should propose an immediate suspension on underground nuclear testing to remain in effect so long as the Soviet Union abstains from underground testing, and second, should set forth promptly a new proposal to the Government of the Union of Soviet Socialist Republics and other nations for a permanent treaty to ban all nuclear tests."

I introduced this measure on February 20, 1973 along with Senators HART, MATHIAS, MUSKIE, HUMPHREY, and CASE. It is now cosponsored by 34 Senators.

The letter reads:

DEAR MR. PRESIDENT: We are writing as co-sponsors of Senate Resolution 67 which was passed by a 14–1 vote of the Senate Foreign Relations Committee late this week.

Today we are urging you to act on the recommendations contained within that resolution because of the unique and compelling opportunity presented by the visit of Soviet General Secretary Brezhnev to this country.

We urge you to propose to the Soviet leader a suspension of underground nuclear testing to remain in effect so long as the Soviet Union abstains. We urge as well that you set forth promptly a new proposal based on the realities of 1973, to achieve what we all desire—a final and permanent halt to the testing of nuclear weapons.

It was ten years ago this month that a temporary suspension of testing was announced while new negotiations with the Soviet Union began for a permanent treaty. That initiative led to the conclusion of a treaty less than two months later.

For the past decade, we have failed to complete the obligation imposed on us by the Partial Test Ban Treaty, and reaffirmed countless times thereafter, to determinedly seek a comprehensive test ban treaty. We have failed to up-date our negotiating position despite vast changes in seismology, in satellite reconnaissance, in the potency of our strategic arms, and in our improving relations with the Soviet Union.

SALT I established an impressive and significant limitation on the quantitative arms race. A CTB would complement that accord by restricting the qualitative arms race. It would demonstrate convincingly to the world that the U.S. and the U.S.S.R. are finally willing to put an end to the pursuit of marginal new improvements in nuclear weapons which cost large sums but which buy no real increase in security.

As you stated in Moscow to the Soviet people, "in an unchecked arms race between two great nations, there would be no winners, only losers. By setting this limitation together, the people of both our nations, and of all nations, can be winners."

A new initiative to achieve a comprehensive test ban treaty would surely be in the interest of world peace.

Sincerely,

Edward M. Kennedy, Hubert H. Humphrey, Charles McC. Mathias, Edward W. Brooke, Quentin N. Burdick, Alan Cranston, Mark O. Hatfield, Harold E. Hughes, Walter F. Mondale, Adlai E. Stevenson III, Harrison A. Williams, Vance Hartke, Frank E. Moss, Edmund S. Muskie, Clifford P. Case, Philip A. Hart, Birch Bayh, Dick Clark, Mike Gravel, William D. Hathaway, George S. McGovern, Gaylord Nelson, Abraham Ribicoff, Joseph R. Biden, Jr., John V. Tunney, Floyd K. Haskell, J. Wm. Fulbright.

IDENTIFYING GIFTED AND TALENTED CHILDREN

Mr. JAVITS. Mr. President, the Lipper Foundation, since its establishment in 1958 has made more than $500,000 in

grants to educational and charitable groups in the United States and abroad. Its principal interest has been in areas relating to children.

Recently, the foundation has developed a concept of making available to developing nations educational tests designed to identify gifted children at a very early age so that through their early identification their talents can be developed as assets to the societies in which they live.

There have been a number of studies with respect to the identification of the gifted and talented. As a lay person, I cannot comment on the feasability of any of these developments but I do feel that because of the unique focus of the project developed by the Lipper Foundation, that concept merits the attention of those interested in this field. I therefore, ask unanimous consent that there be printed in the RECORD the descriptive material on this project sent to me by the foundation.

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

CHILDREN AS A NATIONAL ASSET IN DEVELOPING NATIONS—OR IDENTIFYING THE POTENTIAL WINNERS AND INSURING THEIR DEVELOPMENT

FACTS

1. Most countries have severe resource restrictions regarding the amount of money available for primary education in terms of facilities, qualified personnel and instructional aids.

2. The formal education experience is often limited in duration due to requirements that the young child assist in his family's effort as regarding food production and preparation, as well as other required labors.

3. Even during the period of school attendance the child may not be able to study effectively due to fatigue, malnutrition and inadequate motivation. In many areas school attendance is viewed by the parents, and consequently the child, as a nonproductive experience in terms of the family's quest for survival.

4. Primary grade teachers are often ill-equipped to either identify the superior to peer child at an early age or, even if such potential becomes recognised, provide appropriate instruction, guidance and motivation.

5. To attempt to educate all children equally discriminates against the superior to peer child as it does the child of below normal potential or one having learning difficulties or disabilities.

6. Where limited economic opportunity exists, education for all can result in frustration, and ultimately political and social unrest.

CONCLUSIONS

1. It would be of benefit to the child and the society if there were a basis for identifying those children possessing relatively superior capabilities, provided they could be afforded the opportunity to develop to their potential.

2. There are obvious political and social risks in the creation of an elite group of children, adolescents, and young adults who might become isolated from their family and communal unit in terms of activity and motivation. However, the potential benefits to all concerned would appear to offset the risks.

3. The attempt to educate fully all children is a luxury only developed nations can afford. Only the richest nations can afford to assist the child with learning difficulties or inferior to peer learning capacity. Developing nations must logically invest their limited resources more discriminately.

4. It is possible through testing to determine those children possessing the greatest potential for learning, and possibly therefore, leadership. There are of course risks of errors and biased selection, but if even a small number of potential social contributors are identified, who would not have otherwise been afforded the opportunity for development, the society will have been enriched far beyond the cost of the testing and ensuing development program.

Believing the above facts and conclusions to be valid, The Lipper Foundation recently commissioned Sara Edmondson to investigate available psychological tests which might be used with 5–7 year-old children. Although there is interesting work being done in the development of testing for much younger children the requirements and associated costs for highly trained personnel and individual testing ruled these out for use in developing areas.

To the extent possible the study entitled "Project Impact" attempted to select culture-free, non-verbal tests, as these seemed most appropriate to use during the first years of schooling and least likely to favor special groups within the community. The tests selected can also be administered, but not necessarily evaluated, by local school teachers with minimal or no special training.

If the percentage of the early year's school population, identified as superior to peer, were to be small, then additional testing could be carried on, probably by trained psychological personnel and possibly even on an individual basis.

The four tests recommended for field testing by The Lipper Foundation study were the Raven's Progressive Matrices, the Good-enough-Harris Draw-A-Man Test, the Elithorn Perceptual Maze test and the Porteus Maze Test.

The Raven's Progressive Matrices test is designed to measure general mental ability. The test consists of non-verbal figurative drawings. The child has to discover the principle upon which a figurative matrix is constructed, and then select the missing part from a number of choices. Scoring is based upon the total numbers of correct solutions. This test has been used in Africa, particularly in Zambia, Southern Rhodesia and in the Sahara. It has also been used in India, Canada and Singapore.

The Porteus Maze Test has been used in Jamaica and measures general mental ability as well as a number of other factors. The test consists of a series of printed mazes through which a child must, with a pencil, trace his way.

The Elithorn Perceptual Maze Test is similar to the Porteus Maze Test as the intent is to measure general mental ability. It consists of target dots imbedded in a lattice structure. The testee has to trace a path through a maximum number of target dots. The paths are white against a black background. Group administration is recommended and consists of two demonstration mazes, followed by thirteen test items.

The Goodenough-Harris Draw-A-Man Test measures intellectual maturity based upon the child's drawing. It correlates substantially with measures of general mental ability. It relates to the ability to do abstract thinking. The content consists of a test booklet of three blank pages in which children are directed to draw, at staged intervals, a picture of a man, a woman and themselves. The test can be administered to groups beginning with primary grades. The test is to be taken using a soft pencil, no crayons, and with no other drawing or ready material present. Children should be praised as a group after each stage is completed, and no adverse criticisms or suggestions should be made at any point in the testing process. There is no time limit. Experienced personnel can score 20 to 30 drawings per hour. However, psychological training is necessary to interpret the results. Children unaccustomed to drawing figures or representations are at a disadvantage in this test, and the disadvantage increases with age. The test has been used in New York with American Negro and Puerto Rican children as well as in Japan, Argentina, the Arctic, Jamaica, Singapore and Nepal.

Although individual testing is recommended in the administration of the Porteus Maze Test and the Raven's Progressive Matrices Test is presently designed for children having had several years of schooling they have been included in the proposed test series due to their history of cross cultural success.

There of course are numerous problems involved in the implementation of a test series designed to identify children who will, presumably, thereafter receive special attention and advantages. Positive teacher attitude, parental acceptance and understanding are vital. All must recognize that to be effective the test series must identify the "winners" who will be but a small percentage of those tested.

Parents may have to be compensated in some way for the loss of a young worker. Siblings will have to accept in non-resentful manner the presence of a child who, in all probability, will have different prospects and opportunities from their own and perhaps even a different, probably protein enriched, diet.

Teachers will have to accept the prespective loss of their potentially superior students and at the same time adopt a positive view to the identification of children who will, it is hoped, be afforded greater educational opportunities than they themselves can provide, or for that matter, enjoyed themselves.

The community and government must come to view the identified children as recently discovered raw material assets of the society and not as a group to be feared or controlled for personal or political gain.

Lastly the identified children must be motivated to feel and believe that they are being offered exceptional opportunities not available to their peers, on a basis of their potential for social contribution. It would be a pity if, once successfully identified, and developed, that significant benefit for society did not result because such children were not properly motivated.

Clearly continued testing is desirable to confirm the results of the original test series and possibly to refine further the selected group or define areas for specialised study.

It is also probably unavoidable in many societies that the children receiving the special attention would logically best be separately housed and fed, as well as receive medical attention of a standard which may not be generally available.

The separation of a specific group of children from their family and community units will cause psychological and social problems unless recognised as a potential problem and handled intelligently. Interestingly, in both China and Russia, where significant material and economic progress has been achieved, children have regularly, without mental capability distinction, been separated at an early age from the family unit, apparently to the benefit of their society.

"Equal opportunity for all" is accepted in the United States as a desirable concept. However, it has never been achieved as a practical reality. It appears more logical and socially constructive to attempt a program of "unequal opportunity, for the unequally capable, for the good of all".

It is hoped that a program of early testing can indicate the unequally capable, and that the asset once identified can be successfully developed.

HOUSATONIC VALLEY REGIONAL HIGH SCHOOL, FALLS VILLAGE, CONN.

Mr. RIBICOFF. Mr. President, on June 15 I had the honor of speaking to the graduating class of the Housatonic Valley Regional High School in Falls Village, Conn.

These students have had the opportunity to live in one of the most beautiful areas of Connecticut and the entire Nation.

During my talk to them I spoke of the threats to the upper Housatonic River Valley and what must be done to to preserve it.

I ask unanimous consent that that portion of my prepared remarks be printed in the RECORD.

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

REMARKS BY SENATOR ABE RIBICOFF

My own experience in working to save the Connecticut River Valley and Long Island Sound from pollution and uncontrolled development has demonstrated that piecemeal solutions to the problems of the environment are not adequate.

What is needed is a comprehensive approach, one in which all elements of the conservationist's goals are brought into play.

We have a unique opportunity here in the Housatonic River Valley to create a comprehensive, long-range program to preserve and protect this region. In short, the comprehensive, long-range ecological damage has not been perpetrated. But the threat is very much there. The potential for ecological destruction is very much there.

Nature was kind to us when she created the Housatonic River Valley. So far man has not been able to destroy her work. We must make sure that what nature has created, we preserve.

We must work together to save the character, the beauty, the way of life of these small towns.

We must stop schemes to crisscross the region with concrete highways.

We must stop ideas like the Corps of Engineers' plan to tap the river for New York City's water supply.

We must control the developers before they devour the remaining open space and forest.

THE ETHICS OF LAWBREAKING

Mr. RANDOLPH. Mr. President, on last evening I read and reread the lead editorial in the Evening Star and the News, of Washington, D.C., of Monday, June 18, 1973. It was, in my opinion, a well reasoned assessment of certain Watergate testimony. The closing paragraph of the writer is a truism which we should underscore for repeated thought. I ask unanimous consent to print in the RECORD the editorial, and I hope all who read the words will give the utmost consideration of its message.

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

THE ETHICS OF LAWBREAKING

The Watergate testimony of Jeb Stuart Magruder has brought out once again, and probably not for the last time, the theme of what might be called conflicting higher moralities.

As he has done with other witnesses, Tennessee's Senator Howard Baker persisted in demanding a Watergate rationale. How come, he kept asking, that a bright, able chap like you went along with an impulsive buccaneer such as Gordon Liddy, committing the President's re-election campaign to a quarter of a million dollars worth of patently illegal espionage?

Magruder, eager to explain, recalled the turbulent climate of the several years prior to Watergate, a time when anti-war groups and segments of the radical left were busy with an array of illegal activities. Then up popped the name of the Rev. William Sloan Coffin, who taught Magruder an ethics course 15 years ago and who, as a leading light of the peace movement, was indicted for obstructing the Selective Service System. Since Coffin and his allies had obeyed a morality they considered higher than the laws of the land, Magruder said, he proceeded to go along with a plot to do essentially the same thing.

Coffin's response to the Magruder testimony bears examining. "Jesus and Jimmy Hoffa both broke the law," he said, "but there's a world of difference between what they did. Whatever we did, we did in the open to oppose an illegal war in Vietnam. What he (Magruder) and others did, they did behind closed doors."

The professor is right in saying his old student should have failed the ethics course. But maybe that's because of the teacher he had. Somehow, the section on means and ends must have been fuzzed over. Besides, Coffin sounds like he'd be happier teaching specious reasoning.

Jesus and Jimmy Hoffa, indeed. To be sure, the Nixon men implicated in the Watergate-Pentagon Papers crimes have tended to wrap themselves in the banner of national security. It is no less transparent to find Coffin hiding behind a crucifix, and at the same time brushing aside the fact that many an illegal act, up to and including violence, was committed in the name of peace, not out in the open, but with the same degree of covertness as the Republicans' dirty-tricks operations.

The pattern is clear. The law-breakers on the left had an enemy. It was Richard Nixon, and before him, Lyndon Johnson. The Nixon men had an enemy. It was anyone opposing Richard Nixon. The trick of the mind, employed by both sides, was to conjure the opposition as so devilish as to make any action, taken to thwart the opposition, appear on the side of the angels.

Meanwhile, available to those in and out of government, were the Constitution, the established system of legal means and the traditionl political process. It's painful to remember that, for a time at least, too many people lost faith in those things.

PAKISTANI PRISONERS OF WAR

Mr. TOWER. Mr. President, in early April there was a spate of reports from New Delhi suggesting that as a result of ongoing talks betwen India and Bangladesh the 93,000 Pakistani prisoners of war and civilian detainees may after all be able to go home.

On April 17, the formula for the release of the POW's was formally announced in the joint statement issued in New Delhi following talks between the Foreign Ministers of India and Bangladesh as a precondition for the release of the POW's was dropped. But their release and repatriation were linked to the exchange of some 260,000 Biharis with nearly 150,000 Bengalis stranded in Pakistan. In addition, it was stated that India will transfer 195 POW's to Dacca for war crimes trials.

Pakistan was not very happy over the introduction of new conditions, but it did consider the Delhi-Dacca declaration as a departure from the previous position and, therefore, pregnant with the possibilities of a breakthrough in the stalemate. Consequently, on April 20, it invited India to send its representatives to Pakistan to discuss the Dacca-Delhi declaration and clarify some of the points therein. Until the middle of May, one read alternatively that India would respond to the Pakistani invitation and that it would not. On May 12 India formally told Pakistan that the latter must accept the Delhi/Dacca offer in full before there could be further talks which will be restricted to working out the modalities for the implementation of the formula. Simultaneously, a campaign was launched suggesting that Pakistan was not interested in the repatriation of is POW's, but was trying merely to get propaganda mileage out of their continued detention in India.

Pakistan has once again written to India to reconsider its decision and agree to the talks in which not only the repatriation of the POW's, but the exchange of populations and any other issues could be discussed.

It is true that the April 17 proposals have delinked the question of the recognition of Bangladesh from the release and repatriation of the POW's, but it has simultaneously introduced another condition which equally violates the stipulation in the Geneva Conventions of 1949 that the POW's will be repatriated without delay upon the cessation of hostilities. Further, India and Bangladesh are demanding Pakistan to agree in advance to the trial by Dacca of a given number of its POW's. Pakistan today has an elected Government which cannot be expected to be a party to such a demand voluntarily. One would like to hope that the Government of India, which still has considerable influence in Dacca, will use its powers of persuasion against any display of vendetta in the larger interests of normalization and peace in South Asia.

AN ACT OF FAITH IN AMERICA

Mr. McINTYRE. Mr. President, I am sure many of my colleagues experienced the same frustrations I experienced in preparing commencement addresses for this grim spring of 1973.

How to stand before those bright young men and women and deliver an upbeat message in a downbeat time; how to acknowledge the blows the system has sustained—and is still being dealt—while attempting to rekindle trust and confidence in that system was indeed a demanding challenge.

Yes, we could make a sophisticated argument that the very failure of those clandestine attempts to subvert the system proves once again that the system is sound, is functioning, and that it will survive. But how convincing we were—especially with the young—remains to be seen. Disenchantment takes a greater toll among the idealistic than it does among the cynical.

And it may well be, Mr. President, that sophistication is not the antidote to disenchantment. Perhaps, if we had but

spoken from the heart and expressed the simple act of faith so touchingly and eloquently delivered by a member of the graduating class of the New England Aeronautical Institute in Nashua, N.H., we would better have met the need.

This young man, a native of Iran, is named Hormoz Soheili. According to Brig. Gen. Harrison R. Thyng, the president of the institute and Daniel Webster Junior College, Mr. Soheili's address brought the entire audience to its feet in "thundering ovation" and left "not a dry eye in the house."

Mr. President, some times it takes an outside eye, an outside heart, to see and to appreciate what we have here in the United States of America. Mr. Soheili sees, and his heart responds. And I ask unanimous consent that the text of his moving tribute to our country be printed in the RECORD.

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

COMMENCEMENT ADDRESS BY HORMOZ SOHEILI, JUNE 3, 1973

Ladies and gentlemen—Faculty and friends: Welcome to our graduation. My name is Hormoz Soheili and I am from Iran. Some people call me Harry, others call me Persian, and some have called me camel-driver. My job today is to talk to you and your job is to listen. If you should finish your job before I finish mine, please let me know.

When Omar Khayyam was 68 years old, he tried to learn the Persian instrument, called the sitar. It looks like an American guitar. One day when he was busy practicing, a young 20-year old man started to laugh at him. He said to Omar, "Aren't you ashamed and embarrassed that a man of your age is starting to learn to play the sitar?" and Omar replied, "My dear son, the day I would be embarrassed is the day someone asks me if I can play the sitar and I have to say no."

Yes, my friends, because it is never too late to learn. You can learn from the day you are born until the day you die.

Three years ago, when I arrived in this country, I was nervous and afraid. I was not afraid because of you people, I was afraid because I thought I could never make it to this my graduation day. On that day three years ago I was alone. I was far away from home. I had no friends and no one to talk to because I could not speak a word of English. However, with the help of friends, I learned your language, your customs, and your habits. And I am very pleased that I can be graduating today.

After we are graduated, we shall be leaving Nashua, and leaving so many memories behind. We have passed our school days and look to tomorrow. You might go to work, to another school, or maybe travel.

But listen please and listen well, because now it is our turn to furnish leadership and understanding to others around the world.

I don't know how much you know about your country, I have been in many different countries where I have spent much time traveling. Recently I had the opportunity to see your country also, as a matter of fact, I hitchhiked all the way to San Francisco. I went because I wanted to meet people and visit your cities, museums, factories, monuments, schools and universities. As I told you, I have been in many different countries, but there is nowhere like the United States of America. Your country is the greatest country in the world. Maybe you can't believe how much freedom you have. You have the opportunity to go to fine schools and universities, you have books, libraries, and good teachers to help you. You can improve yourself as much as you want. You can be a doctor, lawyer, salesman, engineer, Senator, or even President, if you really wish. Though not everyone has had the opportunity to be educated. You have had that chance. Take that opportunity to help yourself, your community, your country, and the people of the world.

Let's hold our hands together. Please, let's hold our hands together and work hard and show the people around the world that you are still the best country in the world. To stay number one will take the energy of the young and the experience of older people.

I am not an American. I wish I were one. I promise that I will be a good citizen when I do become one. Let me hold your hands and help you somehow to keep the United States the best country in the world.

God loves you; God loves America; and peace be with you.

Thank you very much ladies and gentlemen, faculty and friends. I like to thank all the friends and people who helped me these past few years. I think it is your custom to give gifts to people who graduate from college or school. I think it's very nice. I receive many gifts from friends; and I thank all of you. I received a nice gift this morning. When I saw that gift, I cried; and I would like to show it to you. This gift is an American flag.

SPORTS—GATEWAY TO INTERNATIONAL UNDERSTANDING

Mr. GRAVEL. Mr. President, the enormous impact and importance of sports in forming and strengthening global understanding is far too often overlooked. But it is an aspect of international relations that has, over the years, been highly successful. Recent history provides us with numerous instances when athletes from different countries have come together in mutual endeavors, while at the same time, political leaders from these countries have been unable to establish effective lines of communications among themselves.

Endeavors such as the Partners of the Americas Sports Program, the Peace Corps' Sports Corps, the Department of State's International Athletics Division, and numerous private organizations contributing to international understanding through sports deserve our fullest praise, support, and encouragement. They can and have opened many doors to better international understanding.

I wish to call my colleagues attention to a speech delivered by the Honorable Alan A. Reich, Deputy Assistant Secretary of State for Educational and Cultural Affairs, before the Conference of the General Assembly of International Sports Federations, held in Oklahoma City. In his remarks to this distinguished international gathering of sports leaders, Assistant Secretary Reich points out the role of the Department of State in promoting international understanding through sport in cooperation with the private sector and makes suggestions to U.S. sports groups in contributing toward this goal.

In light of the pending sports legislation before the Congress, as well as the tremendous national concern regarding America's role in international sport, I believe Mr. Reich's speech will be of interest to all Senators. It will be must reading for Americans concerned with harnessing an important international vehicle of understanding—sports. I therefore, ask unanimous consent that Mr. Reich's comments be printed in the RECORD.

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

SPORTS—GATEWAY TO INTERNATIONAL UNDERSTANDING

We all have two important interests in common—sports, and furthering international understanding. You represent thirty-seven different sports played in all nations of the world by many millions of people. You personify mankind's continuing commitment to sports. Throughout history—from the Egyptians to the Romans to the Greeks to the Celts to present day—sports have ennobled man's existence. But not until the modern Olympic era began in 1896 have sports, as one kind of cross-cultural, transnational interaction and communication, become a significant force for international understanding.

I shall discuss the rationale for this informal communication (I call it people-to-people diplomacy); the interest of the U.S. Department of State in the activity; and our work, in cooperation with the private sector, in furthering international understanding through sports. In my closing, I shall acquaint you with twelve suggestions I offer to U.S. sports groups, when they request them, for contributing toward this goal.

PEOPLE-TO-PEOPLE DIPLOMACY

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 today 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.

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 gone public. 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.

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 interchange.

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 developing a more scientific base for these transnational cross-cultural communications activities. Their research suggests that the existence of informal com-

munications 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.

ROLE OF STATE DEPARTMENT IN INTERNATIONAL EXCHANGE

When you think of the State Department's conduct of our international affairs, people-to-people diplomacy and exchange-of-persons program may not come immediately to mind. It is, nonetheless, a significant Department activity carried out with 126 nations of the world. The Bureau of Educational and Cultural Affairs works constantly to improve the climate for diplomacy and international cooperation.

To fulfill the aims of the Mutual Educational and Cultural Exchange Act of 1961, Department-sponsored programs are designed to strengthen patterns of cross-cultural communication in ways which will favorably influence the environment within which U.S. foreign policy is carried out and help build the intellectual and human foundations of the structure of peace.

More specifically, these programs aim to increase mutual understanding and cooperation between the American and other peoples by enlarging the circle of those able to serve as influenital interpreters between this and other nations, by strengthening the institutions through which people abroad are informed about the United States, and by improving channels for the exchange of ideas and information.

The exciting, challenging job of the Bureau of Educational and Cultural Affairs is to use its resources to reinforce the work of American individualr and organizations who want to help construct 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 such fields as health, education, social welfare, transportation, agriculture, military training, and urban planning.

Having come to the State Department from private business, I have gained great appreciation for what is being done at an investment of $45 million annually. There are several major elements in the Department's exchange program:

Annually, some 5,000 professors, lecturers, and scholars are exchanged to and from the United States. The international visitor program brings to this country about 1,500 foreign leaders and potential leaders annually for short orientation tours. Each year we send abroad several leading performing arts groups and athletic stars. For example, in the past two years, Duke Ellington toured the Soviet Union; several jazz groups performed in Eastern Europe; and Kareem Jabbar and Oscar Robertson of the Milwaukee Bucks visited Africa. (The visit of the U.S. table-tennis team to the People's Republic of China was, of course, totally a private effort.) We also send some 150 U.S. lecturers abroad annually for short lecture tours.

These programs depend on the cooperation of thousands of private individuals and organizations whose response has been outstanding. The Department works closely with a number of organizations that assist in carrying out these activities.

The National Council for Community Services to International Visitors (COSERV) is a network of 80 voluntary organizations in the United States, which enlists some 100,000 Americans to provide hospitality and orientation for international visitors.

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 programming agencies help carry out the Fulbright and international visitor programs.

PRIVATELY SPONSORED EXCHANGES

We in the Department of State are aware our programs represent only a portion of the total private-public participation of Americans in exchanges aimed at furthering international mutual understanding. Service organizations, professional associations of doctors, lawyers, journalists, municipal administrators, and others link their members with counterparts throughout the world.

More than 40 national sports organizations carry on international programs involving their athletes in competition, demonstrations, and coaching clinics here and abroad. Several youth organizations conduct international exchanges with nearly 5,000 American and foreign teenage participants each year.

Numerous foundations, businesses, and institutions throughout America facilitate the private studies of many of the nearly 150,000 foreign students who come to 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 committees actively promote and carry out meaningful exchanges; 430 American cities are linked through the Sister City Program with communities in 63 countries of the world.

What may not be quite so apparent yet is the quite logical social and political fall-out of these countless millions of contacts between people and organizations of various nations. Such contacts become ongoing human and institutional interactions. In turn, these interactions develop into the dynamic and largely spontaneous growth of thousands upon thousands of linkages—between towns and cities, clubs and organizations, professional societies, universities and cultural institutions, sports enthusiasts and businesses, government ministries, labor unions, and individuals—all over the world. These linkages in turn become webs of more and more complex relationships. As a result physical, psychological, cultural, and economic interdependence, become an indisputable over-arching reality.

But we have not as yet arrived at the millennium. Swords cannot yet be beaten into plowshares. For the foreseeable future there will be much work for my diplomatic colleagues in their customary stocks-in-trade of crisis management, conflict settlement and trade negotiation. But hopefully constructive, cooperative and complementary linkages and webs will become commonplace *at* every level of society and *between* every level—and *among* institutions public and private as well as *within* each such sector. At that point there should be less of the traditional *political* and more of the new functional emphasis in our foreign offices.

As the recent annual Foreign Policy Report of the President stated, "These trends are not a panacea but they are contributing to the climate of international understanding in which governments can pursue the adjustment of official relationships. They also afford the individual citizen meaningful ways to help build the structure of peace which is America's goal."

SPORTS FURTHER INTERNATIONAL UNDERSTANDING

So much for informal, international communication in general; what about sports, in particular? In this decade we have witnessed some of the most significant international sports events in history; some have *made* history. I should like to comment on the ways in which sports, as a universal language, can further international understanding. (I recognize of course the nature of the contribution of sports varies greatly depending on the countries involved, their relationships, and the particular sport.)

Sports open doors to societies and individuals and pave the way for expanded contact—cultural, economic, and political. The recent table-tennis exchanges with the people's Republic of China are an outstanding example in which U.S. athletes have been involved.

Sports provide an example of friendly competition and give-and-take two-way interchange which hopefuily characterizes and dignifies other types of relationships between nations in this era of growing interdependence.

Sports convey on a person-to-person basis and through the media to the broader public a commonness of interests shared with other peoples across political boundaries. This awareness and emphasis can carry over to and influence other kinds of international relations.

Sports enhance understanding of another nation's values and culture, so important but often absent in many forms of international communication. These qualities include determination and self-sacrifice, individual effort as well as teamwork, wholesomeness, empathy, good sportsmanship, and a sense of fair play. Sports thus help to improve perceptions of other peoples and to close the gap between myth and reality.

Organizing and administering international sports are the basis for ongoing, serious communication and cooperation across ideological and political barriers. This is demonstrated here. In this work, sports associations, as nongovernmental groups, are symbols of the freedom of peoples to organize themselves, to travel and communicate across national boundaries, and to work together to carry forward freely their own interests. They further the ideals of freedom.

Your respective sports associations help develop leadership which is needed especially by the developing nations as they struggle to reduce the gap between the have and have-not peoples of the world.

I could illustrate each of these values of international sports with many examples, as I am sure you could. We could cite cases in which negative results were realized. But on balance, the many thousands of ongoing interactions in sports annually are a tremendous force for good in the world. For all these reasons, the U.S. State Department has a serious commitment to international sports.

THE ROLE OF U.S. DEPARTMENT OF STATE IN SPORTS

Since sports in the United States is a nongovernmental activity, the State Department's role reflects this basic concept in international sports. Our interest is in furthering international mutual understanding and communication through sports. As part of the official U.S. cultural relations program, our sports office in the Department carries out, in cooperation with the cultural officers in our embassies, a small, but excellent, and we hope catalytic, program. It includes sending overseas each year 10-20 coaches on request of other nations.

We also send a small number of outstand-

ing athletes abroad to conduct demonstrations and clinics. We are planning to send abroad on request a few carefully selected groups of coaches and athletes to teach the organization and administration of sports. We bring several sports administrators annually to the U.S. for orientation tours as recommended by our embassies. We occasionally arrange to "pick up" a US group participating in a sports event abroad and send them on a goodwill tour into additional countries. Last month, for example, the Coca Cola Company sponsored an AAU international swimming meet in London; we sent four small teams of U.S. participants after London into Eastern Europe and North Africa.

We also make a few small seed money grants each year to help selected organizations raise private funds to carry out their programs more effectively. Reflecting our interest in two-way interchange, we recently assisted the Partners of the Americas to send a group of basketball coaches to Latin America and bring soccer coaches to the United States.

In addition to these programs, we facilitate private efforts, when possible, by providing briefings in the United States or abroad, by offering suggestions for cooperative programming, by assisting with communications, or by furnishing guidance on international affairs. Our Consulate General in Munich provided considerable planning assistance to the U.S. Olympic Committee over a period of months in response to their request.

There are thousands of privately-sponsored international sports activities annually involving trips to and from the United States of athletes, coaches, and administrators. It is in our national interest—in the U.S. taxpayers' interest—to help ensure that these activities do in fact contribute, to the maximum extent possible, to better international mutual understanding. We assist while at the same time seeking to preserve and encourage the private sector initiative, vigor, and dynamism which are America's strength. Therefore, our facilitative role in helping U.S. sports organizations carry on *their own* international programs effectively is our most important one. As the focal point for all these activities, our sports office has a big job to do.

I frequently have been asked by leaders of private U.S. sports organizations what more they might do, beyond what they already are doing, to further international understanding. You might be interested in 12 suggestions I offer to them for their consideration and action:

1. Help strengthen the Olympic movement, including the Olympic development program.

2. Strengthen the ties which bind us with other peoples by actively participating in international sports associations.

3. Increase exchanges both to and from the United States of leaders in sports.

4. Increase the exchange of sports films, journals, and other printed materials.

5. Develop cooperative programming with other private organizations such as People-to-People Sports Committee, Partners of the Americas, Operation Cross-Roads Africa, Sister Cities International, youth, and community service organizations.

6. Seek greater public visibility through the madia to expose the maximum number of people here and abroad to the international goodwill generated.

7. Help insure U.S. participants in international sports interchange gain advance understanding of important cultural differences and political realities.

8. Seek facilitative and financial assistance of U.S. companies operating internationally, since they have an interest in carrying out public service activities abroad as they do in the United States.

9. Develop and carry out international sports events in support of disaster relief, which also serves to dramatize the humanity of sports.

10. Encourage and publicize the participation of international federation representatives at sports events to dramatize the universality of sports and its contribution to international understanding.

11. Assist other nations as requested in building their counterpart sports organizations to ensure ongoing interchange.

12. Provide home hospitality, in cooperation with community organizations, for international sports visitors to the United States.

While we carry out a few programs and facilitate many more, our most important consideration, as a government, lies not in winning but rather in increasing understanding as a basis for cooperation. From the standpoint of the U.S. Department of State, one of the most important sports exchanges in recent years was the visit of the table-tennis team to the People's Republic of China. It didn't matter who won; it did matter that it opened the way for greatly increased two-way communication. In many less spectacular instances sports interchange, whether we have won or lost has contributed greatly over the years to our common objective of furthering international mutual understanding.

It is an honor to welcome officially to the United States this group of distinguished sports leaders from around the world for your first conference in our country. Together with you, I am grateful to the General Assembly of International Sports Federations, the International Softball Federation, the Amateur Softball Association of the United States, and the dedicated citizens of Oklahoma City for making possible this important meeting.

Thank you for your continuing efforts to further the ideals of sports worldwide and in the process for helping to build the human foundations for the structure of peace.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

LAND USE POLICY AND PLANNING ASSISTANCE ACT

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 268) to establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands, and to establish an Office of Land Use Policy Administration in the Department of the Interior, and for other purposes.

FOOD, FARM, AND FOREIGN POLICY

Mr. AIKEN. Mr. President, the Congress is currently considering three of our most important pieces of legislation.

I refer to the farm bill, foreign policy legislation, and the land-use bill now before the Senate.

These bills are now so hopelessly interwoven that it is virtually impossible to consider one of them intelligently without giving attention to the others.

Most persons in public life are aware that, to a considerable extent, higher food prices in the United States today are the direct result of greatly increased foreign demand.

This does not look to be a temporary situation; quite the contrary.

We may have to get used to both China and Russia and other countries making massive purchases of wheat and feed grains in the U.S. market while expecting to pay for these purchases with products necessary for implementing our own growing demand for energy and other commodities and goods for which we have a continuing domestic need.

To meet this new and growing challenge, we now have to devise a whole new justification for farm legislation.

We now have to formulate our relations with other countries on a basis that never existed before.

And, we now have to develop strong land-use policies involving State and Federal cooperation if we are to solidify our leadership among nations and maintain a strong economy here at home.

In my opinion, we are facing an expanded and desirable prospect for American agriculture.

I will not try to suggest in detail a new mechanism reconciling the competing and conflicting domestic and foreign policy objectives which farm legislation must serve at this time.

That will take time, understanding, and patience.

I do want to call the attention of my colleagues to this blend of objectives and leave in the RECORD some rather big questions that Congress is going to have to wrestle with.

The modern family farm bears little resemblance to the farm of a generation ago.

More often than not it is still a family operation, but the family farmers are more like business executives today.

They talk knowingly about acreage allotments, CCC and FHA loans, target prices, and grain futures, subjects that are a deep mystery to most city folk.

In fact, some people seem to think that a new-fangled "farm slicker" has taken over from the old "city slicker" and is responsible for pumping up food prices in an unconscionable way.

The fact is, however, that few farmers in the United States are making exorbitant profits off the higher food prices of today.

And, all up and down the line, the profit margins of food producers, food processors, and retailers are well below the profit margins of industrial enterprises.

It is true that, over the years, the incomes of the 1 million or so commercial farms that produce nearly 90 percent of our basic foodstuffs have more nearly caught up with the incomes of other kinds of producers.

But, the modern farmer today is squeezed by skyrocketing costs for his livestock feed, his farm equipment, and his family living costs.

More than half the farmers in the United States still earn incomes far below the national average.

That is partly because they provide only about 10 percent of what is sold on the market.

What is new is that more people than ever before in history are now dependent on the production of the American farmer and the American food handling and processing industries.

For one thing, more Americans want to eat more meat than ever before, and in an ever greater variety of cuts and preparations to save time and effort.

Americans are paying more for food because, for justifiable reasons, they want to spend less time and effort preparing food.

Meanwhile in Europe and Japan, and in a growing number of other countries, more millions each year are insisting upon eating habits very like our own.

These millions can afford to, because both in America and abroad they are earning more in the multitude of growing industries.

Russian grain purchases a year ago came on top of this growing trend in Europe, Japan, and North America toward a different kind or, a richer, square meal.

The prospect is that China will come forward next with increasing demands for more American wheat, cotton, and other commodities.

Finally, of course, there are the nations of Asia and Africa with chronic food deficits who look to the United States for a margin of supply and of help.

So, do not look under the bed for conspirators to explain why food prices have shot up, especially meat prices.

It is just that the demand has increased of late much faster than the supply.

Never before in history, not even in World War II, have so many millions been dependent on the American farmers.

This year, for the first time since World War II, the American farmer is being encouraged to go all out to produce his best.

Despite the refusal of the weather to bend to the dictates of either the Agriculture Department or the Congress, the prospects are good for a 1973 record harvest of both wheat and soybeans.

We are not in a food crisis, but we are in a brand new situation.

The old justifications for farm legislation may be laid aside, but nothing of comparable substance has yet taken their place.

Between 1933, when Congress passed the Agricultural Adjustment Act, and the mid-1960's, the objective of farm legislation was to increase the farmer's income relative to his counterparts in the towns and cities.

No social legislation ever passed by the Congress had a more profound effect.

While it was on the books, millions of farm families left the land for alternative employment.

But, by the mid-1960's, the costs of this policy, both the direct budgetary costs of farm subsidies and the new social costs resulting from mass migration to the urban communities, demanded change.

Besides, the incomes of more successful, commercial farmers no longer lagged behind the incomes of other kinds of producers as they did so disastrously in the 1930's.

The change came with hardly any fanfare.

Congress began to substitute direct payments and acreage retirement for price supports on many major farm products.

The result was to reduce the influence of Government and increase the influence of the market in the farmer's life.

It is not an absolute shift, but rather one of degree.

Most farmers still have to borrow money at planting time.

But, it used to be that much of the crop, when harvested, was placed under Government seal in storage and often left there for some years because it paid the farmer better than paying off his loan.

Now, with prices much higher, it pays the farmer to pay off his loan in cash and sell his crops on the market.

The system has not changed much in this regard; the farmers are just reacting to price changes like other people do.

I mention these elementary technical points because some may have the impression that the farmer is now solely dependent on market competition.

He is not and should not be.

What is different is that acreage limitations are now being liberalized or eliminated and price supports rendered academic for many important crops because of the booming demand in the market.

The Government, instead of paying the farmer not to produce or telling him how much of what crop he ought to produce, is now signaling full-speed ahead in the production of wheat and feed grains particularly.

The dimensions of this new ballgame, brought about in such large measure by increasing foreign demand, were not realized in the Department of Agriculture or in the Congress even as recently as a year and a half ago before the Russians moved into the grain market in a massive way.

There is no lack of Monday-morning quarterbacks now demanding an accounting for this ignorance.

An accounting, perhaps, there should be, but I, for one, am not looking for devils or conspirators.

I appreciate the increase in world trade as an indication of better living conditions for all people and living prices for our farm producers.

That the Russian demand was underestimated was almost inevitable.

Countries like Russia hardly welcome foreigners anxious to improve local crop forecasts.

Yet, that is just the problem that the Agriculture Department faces in trying to estimate Russian demand.

Secretary Brezhnev himself may say that Russia will be a "long-term buyer on the world grain market."

But what this means in terms of tons of wheat and tons of soybeans each year is a most complex technical and political puzzle.

We may be doing business with the Russians and that is good.

But we can still be a long way from talking the same language.

Their state trading practices are much at variance with our ideas of economic efficiency.

If we were to adopt similar practices in selling wheat and feed grains to Russia, other countries would very likely adopt similar tactics themselves, and perhaps not just for the grain trade.

We have economic and political principles to defend, just as the Russians do.

It is not in our interest or in keeping with our form of government to promote the growth of state trading monopolies in the world.

Finding ways of doing business with these monopolies may involve a long and difficult search.

We will need a combination of the best of diplomatic skills and the best of technical skills.

There is another reason why those of us who have worked on farm policy for many years underestimate the new, worldwide dependence on the U.S. farmer.

For the past 40 years we were nurtured first on the need to improve farm incomes and next on the need to prevent disastrous surpluses.

We used to worry about the problems of too much supply, not about the problems of too much demand.

I offer this as a reason, not just an excuse.

Sometimes it is a good thing that it is hard to teach old dogs new tricks.

Anybody with experience in farm policy deliberations knows how dangerous it is to make abrupt changes on the basis of 1 year's harvest or 1 year's extraordinary demand.

The long-range danger in the world market for basic foodstuffs is still the danger of wild price fluctuations, leading to wild cycles of shortage and surpluses.

This may not be so in another generation if population trends again rush ahead of increases in farm productivity.

But neither the Congress nor the Department of Agriculture can afford to base their recommendations on academic speculation.

I do not blame the Department of Agriculture for having reacted slowly last year to the vast increase in commercial demand from overseas.

We can only blame them if they now fail to help fashion with the Congress a new policy for the very new situation we face.

The new policy must reconcile a major foreign policy objective with a major domestic objective, and the two may sometimes be in conflict.

The foreign policy objective is easily stated.

How can the United States convince the world that it will remain the world's most reliable supplier of basic foodstuffs?

There are so many reasons why such a posture is absolutely necessary for the maintenance of peace in the world and well-being here at home that it is hard to know where to start.

First. With the new and unprecedented

dependence on the American farmer has come a new and unprecedented U.S. dependence on foreign sources of energy.

Can we hope to pay for the latter if we cannot sell more basic foodstuffs abroad?

Is there any real alternative?

Second. Are we to say to Japan, so thoroughly dependent on imported foodstuffs, that we just do not know if there will be any room in our market for Japanese buyers in the near future?

Are not questions of national security involved here?

Third. Are we to say to the Russians and Chinese, to whose leaders farm policy is a matter of political life and death, that we just do not have any foodstuffs to sell for a while?

Or should we keep our options open?

Fourth. We have been trying desperately to persuade our Western European friends to rationalize their cockeyed farm policy so as to discriminate less against our farm exports and relieve their consumers and taxpayers of a huge burden of price supports.

Are we now to say, "Don't bother. We need the food at home"?

The foreign policy aspects of farm policy are very clear.

Somehow, some way, we must fashion a policy that convinces the world that we intend to remain the most reliable supplier of foodstuffs on the world market.

It is not that we have to accept each and every order from overseas—not by a wide margin.

The key word is "reliable."

We must remain the best supplier on the world market.

The domestic problem is equally easy to state.

Are we to permit foreign demand to push up the price of food here at home to the point where the family food budget becomes the symbol of uncontrolled inflation?

The dollar devaluation, plus the run against the dollar in the world gold markets, has greatly increased foreign speculative demand for U.S. wheat and feed grains.

There is no mystery to it.

A speculator in Europe or Japan today would much rather have a ton of soybeans, delivered in 6 months, than a few hundred dollars perhaps losing value in a bank or stock account.

He knows there is going to be a healthy demand for soybeans for some time, even though the price has tripled in recent months.

As to the demand for dollars, he is much less certain.

This kind of speculation is, by its nature, a short-term problem.

The long-term problem of the place of food costs in the budget of the American family is much more complex.

For the past generation the percentage of a family's income necessary for the purchase of food has been declining.

Twenty years ago, in 1952, the food bill of the average American family took 23 percent of the family's after tax, disposable income.

In 1972, last year, it took only 15.7 percent.

It is possible, but by no means sure, that there will be a slight temporary reversal to this trend this year, but still the share a family spends for food will be far less than in any other big country in the world, save Canada.

If the average American family today has two cars, two TV sets, and a vast variety of appliances, and if that average family travels more than ever before, just reserve a word of thanks for the American farmer.

His efficiency has made it possible for the average American family to eat very well while spending a smaller share of its steadily rising income on food.

We are now working on a new agreement between the American farmer and the American people and their Government to replace an old agreement that served us and the world very well for so many years.

Under the old agreement the American farmer promised to provide ample food at steadily reduced relative prices.

In turn, he was promised a higher relative income for fulfilling his promise, and those who were able to do so, did earn much higher incomes.

Under any new agreement what we want is reliability.

We want to be able to count on the farmer and his ingenuity to produce enough to keep food prices in line with other prices at home and to make available adequate supplies to meet our foreign policy objectives.

In return for keeping that promise, the Government must continue to safeguard farmers' incomes.

How in the future the Congress and the administration decide to safeguard farmers' incomes against the promise of steadily increasing production—and I emphasize steadily—will determine how well we reconcile the competing and conflicting foreign and domestic demands on our farm economy.

The present farm bill promises no more than a temporary short term answer to this problem of reconciliation.

But it should be judged this way.

Does it, at least for now, help the United States to remain the most reliable supplier of farm products on the world market?

Does it safeguard farmers' incomes without adding to the inflationary forces now rampant in the economy?

For the long run, I would like to put on the record two basic questions which should be addressed if this year's farm bill is to evolve into a really new farm policy.

First, whose responsibility is it to carry food reserves now that the U.S. farm economy is operating at greatly expanded land use capacity?

Second, has the time come for land use planners and conservationists to add farm land—arable land, that is—to the list of scarce natural resources that should be protected as a matter of policy in the United States?

The answer is "yes."

For 40 years, off and on, the desirability of establishing food reserves based on estimates of national security and on world minimum needs has been debated in this country.

But, so long as price supports were creating surpluses and excess capacity, the debate lacked a sense of urgency.

The time has come now to be serious about this question.

When I talk about food reserves, I do not mean just grains stored for a long time under Federal loans.

I mean establishing a carryover in basic products that would serve to guide and strengthen farm policy.

Establishing a minimum carryover is a very difficult technical and political problem, for it would quickly fail if the carryover were used simply to elevate or depress prices.

On the contrary, reserve policy should serve to stabilize prices and insure adequate production.

The Government would not just have to make loans and seal stored crops; it would have to call loans or sell grain from time to time under a workable reserve policy.

How is this to be done?

Should Congress try to devise a broad authority and delegate it to the Secretary of Agriculture?

Or should the Congress devise a mechanism to guide the Secretary of Agriculture, thus taking a major responsibility itself?

I concede that this is a difficult choice.

If these questions are not difficult enough, we may ask, What should be the responsibility of other countries?

The United States cannot maintain a food reserve for the whole world by itself.

Yet, determining a reserve policy for ourselves would be somewhat easier if it was part of a broad agreement reached with other countries under which they would do their share.

The Japanese, for instance, should be able to do better than having only 1 week's supply of feed grains on hand, as they said they had this spring.

Reaching some agreement on reserve policy will be even more important in the forthcoming trade negotiations than trying to reduce physical barriers to farm trade.

As for adding farm land to the list of natural resources that should be protected, here is a subject that might actually unite the farmers and the city people.

If my colleagues who represent cities and urban areas are worried about the urban sprawl, I would suggest that States might curb that sprawl somewhat by discouraging developers from leapfrogging over each other onto farmland, further and further from the city center.

If, as it appears, we must conserve farmland for future production, more of our States should think in terms of statewide zoning and land use plans with the dual objective of containing urban sprawl and conserving farmland.

At present, only the States of Vermont and Hawaii have begun to take serious action.

If there is to be a national land use plan, I believe the conservation of farmland should be one of its major objectives.

In Vermont, we have been building over the years a structure of zoning and land use planning.

The primary motive originally was not so much to conserve farm land as it was to keep the State a good place to live.

But, the objective of conserving productive land is served as well.

These objectives cannot be served by individual cities and countries acting on their own.

I question whether the Federal Government only as a last resort can or should get into the business of invoking master land use plans.

But States, particularly farm States, can.

Adding the conservation of farmland to the list of purposes would make statewide zoning and land use planning more practical.

The time has come to take these subjects out of the realm of academic speculation and give them serious political consideration.

Time is of the essence because food, farm, and foreign policy have become a mixture of closely related objectives.

Every farm program from now on will be a major piece of foreign policy legislation, with our own family food budget seriously involved.

Agricultural production is different from factory production.

Farmers cannot close their doors whenever demand falls off or prices become disastrously inadequate.

But, the responsibility of the American farmer in the field of foreign policy and domestic requirements is great.

Given the assurance of reasonable prices and being rid of the specter of export controls and increased imports, American agriculture can, and will, produce enough to meet growing demands both at home and abroad.

This cannot be achieved, however, unless this Nation takes steps promptly to protect and conserve the land necessary for such production.

Mr. FANNIN. Mr. President, I ask unanimous consent that Miss Jackie Schafer be given the privilege of the floor during debate on the bill as well as during voting periods.

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

Mr. FANNIN. Mr. President, I rise to discuss some very serious shortcomings of S. 268, the national land use policy bill. First, I would point out that Senators HANSEN, BARTLETT, and I have participated in and followed S. 268 through the Interior Committee markup sessions, and have a great deal of interest in this legislation. The minority members of the Interior Committee have been faithful and diligent in seeing to it that a requisite quorum in order to do business was always there, and we actively participated in the discussion on S. 268 in markup. We intend to offer amendments to S. 268, which were not successful during markup. We propose these amendments in the spirit of attempting to make S. 268 a piece of legislation which is practical and which will accomplish our aim of assisting the States in undertaking and achieving land use planning. We will introduce these amendments which we believe will strengthen the bill; we will follow one uniform theme to insure that the States remain in the driver's seat as far as land use planning is concerned, just as the Constitution of the United States envisioned that they should.

There has been criticism that some members of the committee are attempting to obstruct, and stall so as to prevent any type of land use bill from passing the Senate. I say such accusations are false, our constructive amendments will bear out our intention to maintain the states' proper roles and States prerogatives in land use planning.

I was pleased that my colleagues accepted Senator BARTLETT's and my sugestion that Indian lands be included within the purview of S. 268. It makes no sense to exclude any land from the scope and objectives of assisting in proper land use planning, and I was happy to see that our Indian people will have an opportunity to join in the spirit of full partnership in the planning of their own land.

Let me take this opportunity to express some very real concerns about S. 268, and recall again that our theme and purpose will be to maintain the prerogative for the State to do land use planning and not allow a preemption to occur.

The Land Use Policy Act as reported out of the Interior Committee would rob the States of their right to plan for land uses. Under the guise of "assistance," the Federal Government will deprive the States of one of the last vestiges of State police power.

As has happened so many times in the recent past, the Federal Government will dangle Federal dollars in front of the States to induce the States to surrender decision-making authority to Washington.

This bill as reported goes much further than simply requiring States to set up processes for land planning. It spells out what these processes must be. It gives the Federal Government dictatorial power over the State planning process. This bill goes into the substantive issues of land use policy; it is not limited to procedural matters. Washington would actually exercise State constitutional rights.

We cannot allow this to happen.

Land use legislation has occupied an ever increasing amount of congressional time since 1970. The plethora of bills was over 200 in the 92d Congress. This indicates the importance, the scope, and the variety of approaches to land use.

The reported bill is said to be a grant-in-aid program which reserves to the states the prerogative under the Constitution of the United States to regulate land use planning. We believe this bill is not what it purports to be—we believe, in fact, that it would effectively preempt state and local rights to plan and regulate land uses. It would shift the traditional responsibilities from the local and state governments to the federal government.

Most members of the Committee agree that some legislation bearing on a national policy for land use ought to be enacted. However, we believe that such legislation must preserve local and state prerogatives.

This legislation would be the first step in establishing a total "National" Land Use Program. The direction is indicated in one of the stated purposes: "to study the feasibility and possible substance of national land use policies which might be enacted by Congress."

The majority report states "this Act does not contemplate sweeping changes in the traditional responsibility of local government for land use management." Presently, local and state governments maintain and possess all the initiative to plan and manage private and state land. S. 268 will remove that initiative, thus preempting local responsibilities, and drastically alter the traditional system.

Most of the states which have adopted statewide planning still emphasize the local role in land use regulation. Only two states have opted wholly for state control; the other states place the major responsibility on county and local units, but retain a veto power or other enforcement mechanism to assure that local jurisdictions comply with statewide criteria. S. 268 would alter the roles so that the federal government would possess veto power to enforce national criteria via approval of state programs and processes.

As time has passed and local zoning has apparently proven unable to do its job of resolving an expanding society's problems, the solution has seemingly been to separate the planning decisions further and further from the local community—to rely on some higher governmental entity to resolve local problems.

S. 268, as reported, is a grandiose plan to remedy, in the words of Section 101 (a), a situation created by "management decisions often made on the basis of expediency, tradition, short term economic considerations, and other factors too frequently . . . unrelated or contradictory to sound environmental, economic, and social land use considerations." S. 268 will not cure these evils, but will actually alter and destroy the historic right of State and local government to zone and regulate land use within their own jurisdictions. S. 268 is an example of Federal overkill. Though the bill declares traditional property rights will not be enhanced or diminished by anything in the act, a close reading of it proves the opposite. Under the guise of helping by way of "encouragement" and "assistance", the Federal Government will dictate how, when and where the States will exercise State constitutional rights.

The stated policies of section 101 are developed in Washington—implemented and reviewed under standards and guidelines established in Washington.

EFFECTS OF S. 268 ON PRIVATE PROPERTY

Land utility is transient in nature. Historically, the marketplace has dictated the highest and best use of land. S. 268 would, however, define the use for large amounts of land and thus would render the marketplace ineffective. Private ownership of land has been the stimulus for man's initiative and incentive and has made the standard of living in America the envy of all the world. S. 268 would stifle private ownership. We do not believe even the drafters of S. 268 contemplate such a reversal of tradition. But, when the use of land is tightly restricted, its productivity is lost: that must not occur in a nation which relies so heavily

on the historical institutions that have made America the greatest nation in the history of the world.

A national land use bill will stimulate the regulation of private property. The critical issue, in what has been termed the "quiet revolution" of land use planning, is how far the use of property can be restricted without compensating the property owner for diminution of value. In other words, when does a restriction become a "taking"? The Fifth and Fourteenth Amendments to the Constitution of the United States provide that "private property" shall not "be taken for public use, without just compensation."

Consider the following hypothetical situation: A man purchases, in good faith, three hundred acres of land containing a lake which he intends to develop for resort purposes. He reflects its development potential. The land use bill becomes law; and because it is found that the lake in question is of vital importance to a species of endangered waterfowl, it is found to be an "area of critical environmental concern." The state, therefore, outlaws any development of the property containing the lake as being incompatible with its designation. As a consequence, the land loses three-quarters of its market value.

Under these circumstances, does the designation constitute a taking or impairment of property rights which is compensable under the law of each and every state?

The current language clearly states that the Act will not enhance or diminish the rights of owners of property as provided by the Constitution of the United States or of the State in which the property is located. Normally, this should suffice. But, this act will compel action by the state that will adversely affect the financial interests of individual land owners under circumstances where state law may or may not provide adequate protection.

Although this bill mandates the states to implement plans to regulate the use of land, it prohibits them from expending any grant money to acquire interests in real property. It is reasonable to expect that novel forms of regulating the use of property may ultimately erode the protection presently afforded property owners by the Constitution. Since there is such a hazy boundary between a "taking" and "control," it should not be overlooked that land may be taken for the public benefit under the guise of regulation without compensation. It is not equitable that the individual property owner bear the burden for public benefit.

The task force, which drafted "The Use of Land: A Citizens' Policy Guide," urges that the judicial precedents which "require a balancing of public benefit against land value loss" should be reexamined in light of new values. However, William Whyte, in his book, "The Last Landscape," draws a distinction that we believe is important. He said: "We cannot compel a benefit by the police power, for if we do we are forcing the owner to forgc money that he might properly realize and thereby shoulder a cost that should be borne by the public."

Those who qualify the protection which the 5th and 14th amendments guarantee property owners, jeopardize the one single characteristic of American life, the right of private ownership of property, that so distinguishes our lives from those of people in other countries. The words of Justice Oliver Wendell Holmes are as relevant today as they were when he rendered his opinion in Pennsylvania Coal Co. against Mahon. He cautioned:

> When this seemingly absolute protection is found to be qualified by the police power, the natural tendency of human nature is to extend the qualification more and more until at last private property disappears. . . . The general rule, at least, is that while property may be regulated to a certain extent, if regulation goes too far it will be recognized as a taking. . . . We are in danger of forgetting that a strong public desire to improve the public condition is not enough to warrant achieving the desire by a shorter cut than the constitutional way of paying for the change.

S. 268 is aimed at the surface use of land and thus acts to restrict exploration for underground resources whose existence and extent are now unknown. A conflict exists between a land-use program that is surface oriented, and those activities which are required to develop subsurface resources. S. 268 will compound the difficulties of our Nation's current efforts to discover and utilize domestic resources to ease our energy and metal shortages. We must not handcuff domestic potential in this era of grave need.

Lest we be accused of needlessly crying "Wolf," consider the surprising consequences, unimagined and unintended by the Congress which passed it, of the court interpretation and bureaucratic administration of the National Environmental Policy Act. Before the Congress of the United States enacts legislation which could so substantially alter property rights as S. 268, it would be well advised to consider very thoroughly the possible ramifications of such comprehensive legislation.

Boiler plate disclaimers and the so-called safeguard provisions in S. 268 are not sufficient to protect traditional rights when the prerogatives of local and state government have been eroded by mandatory provisions such as:

Section 102(5), which calls for the establishment of authority and responsibility of the Secretary of Interior to administer and review with the heads of other Federal agencies the state planning process and program conformity to the provisions of the Act.

Section 204(1), which explains that the Secretary will review the State program to determine that the State has not left out any areas of critical environmental concern which are of more than statewide significance.

MECHANICS OF S. 268

Section 203. State Land Use Program, contains the mechanics of S. 268. It calls for a state program that follows the requirements of section 202, which is the State planning process. That process is judged by the Secretary of Interior as to its "adequacy" in other words, whether the process included all the specific requirements enumerated. Then the State is told that it must have specific "methods of implementation" for both the process and program. This is where the Federal government tells the states how, when, and where to exercise their own constitutional prerogatives.

The States, under section 204(a)(3)(A), must exercise control over the use and development of land in areas of critical environmental concern; exercise control over the use of land within areas which are or may be impacted by key facilities; and control proposed large scale development of more than local significance in its impact upon the environment.

SANCTIONS

The legislative history of this bill and its predecessor, S. 632, in the 92d Congress, show the very real prospects for sanctions being imposed against states who either do not participate in the program, or who disagree with the conclusions reached by the Secretary of Interior in his review of the state program. One of the major issues is whether participation under this act is to be permissive or mandatory.

Sanctions, in the nature of percentage withholding of state allotments from the Airport and Airway Development Act, the Federal Aid Highway Act, and the Land and Water Conservation Fund, were stricken from S. 632 during floor debate in the 92d Congress and where also excluded in S. 268. The Chairman has reserved his right, however—and in fact now has an amendment pending—to attempt to insert sanctions into the bill during floor action.

The governors of the various states have overwhelmingly voiced their disapproval of sanctions. The governors feel strongly that sanctions act as a disincentive and that land use planning could work only in a spirit of trust and comity. Certainly, the governors have little power to defend state actions in disputes arising under this proposed legislation. The Administrator of EPA and the Secretary of Interior have far more control over the state program than does a governor.

"AREAS OF CRITICAL ENVIRONMENTAL CONCERN"

The full measure of federal preemption is realized in the definition of areas of "critical environmental concern." Here the government would require the states to designate lands as critical where "uncontrolled or incompatible development *could* result in serious damage to the *environment, life,* or *property* or the *long term public interest* which is of more than local significance." This definition mandates the inclusion of: "fragile or historic lands;" "natural hazard lands;" and "renewable resource lands." These areas are to be specifically *protected* and control exercised over their use and development. Use and development must *"not substantially impair* the historic, cultural, scientific, or esthetic values or natural systems or processes within fragile or historic lands." The state must assure that loss or reduction of long-range continuity and the concomitant endangering of future water, food, and fiber requirements within renewable resource lands are *minimized or*

eliminated. The state must finally assure that "unreasonable" dangers to life and property within natural hazard lands are minimized or eliminated.

This bill does not require the federal government—the largest landholder in the United States with over one third of the total acreage—to designate such areas on federal land. Areas of critical environmental concern are to be designated only on private, state and Indian lands. In these areas federal determination of use and development will prevail over the desires, wishes, and requirements of the private land owner or the state.

The breadth and scope of such a definition is impossible to accurately calculate. It is not folly to say that in some states every square foot of private and state land could fall within such a limitless definition. Here then lies the seed of the destruction of the American concept and practice of private ownership of land.

ADJACENT LANDS

Of the 2.2 billion acres of land within the United States, the federal government owns 755.3 million acres, or one third of the Nation's land. Federal lands are exempt from the stringent requirements placed on private and state lands.

Section 401 sets forth the federal responsibilities and requirements for the management of federal lands. Federal lands must simply be "coordinated" with state and local planning and management activities on adjacent non-federal land. Agencies which manage federal land must "consider" state land use programs—nothing more, nothing less. Federal land management coordination is ultimately exacerbated by a proviso in Section 401(a), which limits that "cooperation" to the extent ". . . [it] is not inconsistent with paramount national policies, programs, and interests." A federal agency under this exception could virtually override all private and state uses on adjacent non-federal land. The states, on the other hand, pursuant to Section 402(a)(1), must "develop methods for insuring that federal lands within the state . . . are not significantly damaged or degraded as a result of inconsistent land use patterns in the same geographic region."

Section 403 (a) provides for machinery to establish a "Joint Committee" to review "and make recommendations concerning general and specific problems relating to jurisdictional conflicts and inconsistencies resulting from . . . [the] management of federal lands and adjacent non-federal lands." The purpose of this section is to provide a mechanism to resolve adjacent land use problems, but, that purpose is flouted by the last subsection in Section 403. Subsection (g) states ". . . the Secretary shall . . . not resolve any problems with or conflict between the planning and management of federal lands and adjacent nonfederal lands in a manner contrary to the requirements of the laws governing the federal lands involved" Section 403 then is hollow and mere window dressing.

The significance of the adjacent lands issue comes into better focus when states like Arizona, with 44.6% federal ownership; Nevada, with 85.5%; Utah, with 66.2%; Idaho, with 63.8%; Oregon, with 52.1%; Wyoming, with 48.3%; and Alaska, with more than 90%, are considered. The extent and scope of "adjacent land" is not defined in S. 268, and a large portion of the private and state owned lands in those aforementioned states will probably come within the adjacent lands criteria. The federal review authority and process under S. 268 could force private and state uses of adjacent lands to conform to federal demands or uses. When this provision is coupled with the requirements for areas of critical environmental concern, federal control is staggering. Federal dictates will prevail in areas of critical environmental concern and on adjacent private and state lands.

EFFECTS OF S. 268 ON EXISTING AND PROSPECTIVE STATE LAND USE LAWS

To date, Florida, Hawaii, Maine and Vermont have major land use legislation. Arizona, Maryland, Colorado, Oregon, Washington and Wisconsin are actively considering such legislation. The question is—what effect will S. 268 have under a permissive program and what effect will it have under a mandatory—(sanction)—concept?

Consider a hypothetical situation in which S. 268 becomes law and is permissive—in other words, without sanctions. Florida has a land use law and opts not to participate in S. 268. Florida's neighbor to the north, Georgia, has no state land use law and decides to participate in S. 268. Georgia, pursuant to Section 203(a)(3)(A) designates and exercises control over areas of critical environmental concern. Georgia then designates Lake Seminole, which is located in the extreme southwest corner of the state, as an "area of critical environmental concern," The lake happens to be partly in Florida. We are immediately confronted with at least three governmental entities potentially interested in that "area of critical environmental concern." Georgia could not exercise control over that portion of the lake in Florida, and the Secretary of the Interior could not influence that portion either. Thus, the purpose of designating such areas is undermined because there is no uniformity of control; geographic areas often cross political state lines. Here then, is the potential for a checkerboard pattern of conflicting land use efforts. Here also, is the denial of the stated purposes of S. 268, "To establish a National Land Use Policy." The stated purposes cannot be accomplished within the framework of a permissive national land use policy. The drafters of S. 268 envisioned mandatory participation, and thus our concern for the loss of state and local initiatives.

Should a mandatory scheme with sanctions be enacted, there is little doubt that the federal government will have preempted states' rights.

CONCLUSIONS

We believe S. 268 only gives lip service to the principle that the responsibility and authority for land use planning is a prerogative of the state. S. 268 forces the states to submit to what the federal government has decided is best for them. The loss of state control may be disguised under numerous formats, but as so often has happened in the past, once a state is placed under a federal program involving approval of "state plans," the autonomy of the state is compromised. The financial sanctions which could be applied by Washington coerce the states into compliance regardless of whether the state believes that the federal government is following the requirements of the law in question. Guidelines and regulations issued pursuant to a federal law enhance federal authority even more.

Unfortunately, the "natural" course of events seems to be more and more direction from the federal bureaucracy and less and less input by state and local government until virtually 100 percent federal control evolves.

This great nation was founded, grew, and prospered in the climate of free enterprise and opportunity—where the role of government took second place, and man was allowed maximum liberty. Prosperity and the problems of modern man dictate, perhaps, a moderation of that climate—but, certainly not a revolutionary adoption of a scheme such as S. 268. When the commanding power of government needed to be exercised in the demonstrable public interest, the Fifth and Fourteenth Amendments to the Constitution adequately protected the rights of the individual. The inherent wisdom of restricting the centralization of power and decisionmaking authority should require no advocate. American history is replete with evidence that individuals, collectively, make wiser judgments than governments. Individuals are not always right, but their mistakes are not so enormous.

The breadth and scope of the definition and requirement for areas of critical environmental concern leave no doubt that control over such areas is preempted by the Federal Government. We must on this issue alone, ask ourselves if such a course of action is necessary or desirable. We cannot support a land use planning bill which accomplishes such an end. We cannot support a bill which lays this foundation, and even goes so far as to mortar the bricks of federal intervention in the historic pattern of private ownership of land. We are not prepared to assist in the destruction of this cornerstone of our free enterprise system. Finally, we are not prepared to agree with those who believe that only "Washington" possesses the brainpower and capability to cure the ills of our nation. We have long relied on our states for purpose and strength and we will continue to believe our system of government works best when local prerogatives are preserved.

Mr. President, we will be offering amendments which I think will assist in making this bill the type of bill we started out to pass originally in this Congress.

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

Mr. FANNIN. I am pleased to yield to the distinguished Senator from New York.

Mr. BUCKLEY. Mr. President, I share many of the concerns of the distinguished Senator from Arizona, although I suspect that he and I are marginally

on different sides of the equation on this particular bill.

We are coming in this country, I think, to a sudden realization that our land is not inexhaustible and that decisions that are made today and in the near future will have a profound and permanent effect on the land for generations to come.

The Constitution quite clearly vests in the States the authority and the responsibility for determining land uses, except in those particular instances where there is an evident and obvious national interest. I believe, therefore, that while it is appropriate for Congress to urge and stimulate the States to assess their land inventory and to develop appropriate measures for land utilization that is within their responsibility, we must be very careful that the Federal Government does not step over the line and trespass on the rights of the States or that we create a leverage in the Federal Government that will have the effect of empowering it to dictate decisions more appropriately left to the States.

In legislating the means for achieving certain social objectives found to be in the national interest, Congress too often trips over the fine line which divides encouragement from coercion. In my judgment, the Land Use Policy and Planning Assistance Act of 1973, as reported by this Committee, succeeds by the thinnest of margins in conforming its requirements to its stated purpose: "to encourage and assist the several States to more effectively exercise their constitutional responsibilities for the planning and management of their land base through the development and implementation of State land use programs."

As reported, S. 268 does not impose any sanction on any State for failure to implement the provisions of the Act, other than ineligibility for the grants authorized by the Act. The Chairman has, however, announced his intention to offer to the full Senate an amendment which would impose on any non-conforming State the further penalty of withholding from such State an increasing portion of funds under three significant federal programs. Should this or a similarly coercive amendment succeed, I shall have to reassess my position. I see no reason why a state should not be required to subject itself to the discipline of implementing the land use planning procedures described in the Act. At the point where a state adopts a land use program, however, there are wide areas where subjective judgment can be brought to bear as to such a program's adequacy. Even though the Act does not vest in the Secretary the authority to make such a judgment, he could nevertheless utilize the naked power that the sanctions proposed by the Chairman would grant him in order to compel a state to substitute the Secretary's judgment for its own. Given the extent of the planning procedures the Act requires of a state, it should not be too difficult for a Secretary to find procedural technicalities on the basis of which to find a state in default should he wish to.

Among my chief concerns with this legislation was the potential for undue interference in the relationship between the states and their political subdivisions. Some of my major concerns have been resolved as a result of changes made in the mark-up sessions. As the Act now stands, with limited and explicit exceptions, nothing in it should be construed to *require* a State to assume the power to override decisions made by local governments affecting land use within their jurisdiction where such decisions impose more stringent controls over development or over areas of critical environmental concern than those deemed necessary by the State. The pending Federal legislation does not, by its terms, erode the right of local governments to restrict the development of land within their own jurisdiction. This question was discussed at some length in the mark-up session, and I believe any latent ambiguity was removed in the language finally agreed to. I refer specifically to the language of Section 611(h) and to the limited application of the override authority required of a State under subparagraph 203(a)(3)(c) and subsection 203(d) to "arbitrary or capricious" local regulations. Should a State determine for itself that the power to override local policies is necessary or desirable, it of course continues to have the power to do so by enacting appropriate legislation.

Another major concern with the pending Federal legislation, which is shared by many members of the Committee, is that enactment of this kind of Federal law in itself threatens to usurp the constitutional prerogative of the States to govern the use of the land within their jurisdiction.

My own support of S. 268 is premised on the belief that our policy is essentially limited to requiring the States to implement the planning process stipulated in the Act *in good faith*. In reviewing a state's progress in adopting a land use plan for the purpose of determining eligibility for a grant, the Secretary of Interior is not to substitute his judgment for that of the State as to the adequacy or merits of the substance of any plan adopted in good faith.

An exception to this is made in the case of Section 204(1), which authorizes the Secretary to require a State to protect those areas of critical environmental concern which he judges to be of more than statewide significance.

I support this provision because I believe there are certain environmentally critical areas in which there is a legitimate Federal concern in the use to which private and State-owned lands is put. However, as in any conferment of broad discretion upon an administrator, it is expected, and indeed required under paragraph 306(g)(2), that the Secretary's determination of the national interest be reasonable.

I understand that an amendment or two may be offered to provide more concrete criteria for the utilization of the Secretary's judgment in determining to what use, in fact, an area of environmentally critically importance on a broader than statewide basis may be put. I will study any such proposals with care, as I do believe that we must make certain that the exercise of the Secretary's judgment in this area is not casual but is, in fact, a part of the consideration of our environmental needs as viewed from the national perspective.

I alluded earlier to fears that an overzealous Secretary might abuse sanctions, should these be introduced into the Act by amendment. Even without sanctions, there remains the problem of assuring an appropriate balance between state and federal prerogatives. I believe the Act as reported out goes a long way towards protecting the states against arbitrary federal action. Section 306, dealing with Federal review of grant eligibility, provides for an ad hoc hearing board of appeal for any State determined by a Secretary to be ineligible for a grant under this Act. The composition of this board under S. 268 as reported is far more independent of the Federal administrating agency than was originally contemplated. In addition, the Secretary is required to carry the burden of proof to establish a State's ineligibility before the board, under standards specified in subsection 306(g). The adoption by the Committee of these safeguards has diminished the fear, which I expressed last year, that a Secretary might allege some procedural defect in a State's planning process in order to correct what he in fact felt to be a weakness in the substance of a State's program.

I might say that I will be following this particular debate with great care. I believe that a number of amendments will be proposed to clarify and modify the bill as reported by the committee. This could be of enormous importance in shaping the ultimate effect and impact of the proposed legislation in this delicate area where the Federal Government may attempt to trespass on the constitutional rights of the States, or where the Federal Government may tend to dictate that the States themselves ought to intrude on the prerogatives of local government.

As the bill stands I will support it, but modifications which overly expand the power of the Federal bureaucracy could be destructive of the safeguards we were able to hammer out in committee. If such amendments are adopted I may have to withdraw my support of this legislation.

Mr. FANNIN. Mr. President, I wish to commend the distinguished Senator from New York, especially for the contributions he made during the time we had the bill in committee, and for the amendments he was able to get through which were vital to this legislation.

We do have some areas of disagreement, but we have many, many more areas of agreement.

I share the Senator's views with respect to sanctions, which are unfair to the States. I will support him also in other areas to see that we do not take the prerogatives away from the States and the local communities.

I think the Senator has performed a commendable service. I trust we will have success in some of these amendments in the Senate.

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

Mr. FANNIN. I yield.

Mr. HANSEN. Mr. President, first of all, I would like to observe that it is not

often that a Senator from an eastern State with little or no federally owned lands, far removed from the problems to those of us in the West, chooses to become a member of the Committee on Interior and Insular Affairs. As a consequence, I think it can be observed that when the Senator from New York first indicated his desire to become a member of the Committee on Interior and Insular Affairs, some eyebrows were raised. We wondered what his purpose was, and why he would be particularly interested in this committee which historically has concerned itself generally with the problems of Federal ownership. Those of us who may earlier have been somewhat puzzled by his interest have long since had our doubts resolved.

The Senator from New York (Mr. BUCKLEY) probably has much more to do before he clearly identifies all of the Federal legislative subjects that concern him as a Member of this body. We already know that he is interested in protecting and in preserving the environment insofar as it relates to natural beauty and the order of material things.

He is equally concerned and involved in seeing that this country does not become unduly dependent upon any foreign government for things that are important to it.

He has participated and made a very fine contribution as a knowledgeable person who understands energy and the implications and ramifications of the economy being traditionally geared to an abundant source of energy. He views with alarm changes in this historic pattern that could militate against the best interests of America.

Certainly, he is better able to articulate these points than I, but I do want to say that it has been a pleasure and a revealing and rewarding experience to work with the Senator from New York. We have tackled, I think, the toughest legislative calendar that the Committee on Interior and Insular Affairs has had, certainly since I have been here, and I am told that it has had in many a year.

The Senator from New York stated:

Among my chief concerns with this legislation was the potential for undue interference in the relationship between the states and their political subdivisions. Some of my major concerns have been resolved as a result of changes made in the mark-up sessions. As the Act now stands, with limited and explicit exceptions, nothing in it should be construed to *require* a State to assume the power to override decisions made by local governments affecting land use within their jurisdiction where such decisions impose more stringent controls over development or over areas of critical environmental concern than those deemed necessary by the State.

My question to the Senator from New York is with respect to section 204 on page 77 of the act, which states:

As a further condition of continued eligibility of a State for grants pursuant to this act after the five complete fiscal year period following the enactment of this act, in accordance with the procedures provided in section 306, it shall be determined upon review of the State land use program that—

Then, there are listed the following subsections which provide that (1) in designating areas of critical environmental concern, that the State has not excluded any areas of more than statewide significance, that (2) the State is demonstrating good faith to implement the purposes, policies, and requirements of its State land use program, and that:

(3) State laws, regulations, and criteria affecting the State land use program and the areas, uses, and activities listed in section 203 are in accordance with the requirements of this act.

My question to the Senator from New York is as follows: As he reads that language, does he feel that this legislation does impose a requirement upon the States to see that the State's laws, regulations, and the criteria conform with the act so as to do what I gather the Senator believes has been averted?

Mr. BUCKLEY. In the process of going through this very complex bill, section by section, it was my intent, and I think we succeeded in it at every point, that, where someone could read in an implication that the "requirements of this act" would require a State to adopt the authority to override local decisionmaking, except in the few clinically defined areas, we have made clear no such implication should be read.

If the distinguished Senator from Wyoming knows of the areas that might have been overlooked in this attempt to clarify, I would certainly like him to call them to my attention, and perhaps we can introduce further amendments to take care of that situation. But my whole effort in proposing the amendments which were proposed in committee was that at every point where some future judge or some future State legislature or some future Secretary of the Interior, in looking over the bill or the record, would try to infer a positive direction from the Federal Government to a State to preempt an area of traditional local responsibility in those areas not alluded to, we would rebut that inference.

Mr. HANSEN. I would simply say, as I read this section 204(3), on page 79 of the bill, that it does impose an obligation upon the State legislatures to see that State laws, regulations, and criteria affecting the State land use program do indeed comply and are in accordance with requirements of this act.

It would seem to me that what the act requires that in the event there are laws, regulations, or criteria which are not in accordance with the act, then it is the responsibility of the legislature to comply either by enacting new laws or by amending or repealing old laws.

I would invite the Senator's further examination of that point, for my own edification, as well as his.

Mr. BUCKLEY. I would point out to the distinguished Senator that most of the requirements of this act are procedural, and also, I believe when we get beyond the procedural requirements, when we get into any area of substance to the States—let us forget for the moment the relationship of States to local governments—here we get right to the point of the importance of sanctions. If we do not have sanctions attached to this act, which would be coercive in effect, then we have a situation where a State, having gone through the planning procedure, may or may not choose to qualify itself for further grants after the initial 5-year period by determining whether or not it wishes to conform with the requirements of this act.

Mr. HANSEN. I quite agree with the distinguished Senator that, insofar as the bill reported by the committee goes, it is largely procedural. I would call the distinguished Senator's attention to subsection 204(2), beginning on line 16, on page 78, which has to do with qualifying for grants. Of course, the question of sanctions, I think, is one that must be determined early. We cannot see what this bill does or what effect it will have upon the actions of the States, until we determine once and for all whether or not it will have sanctions, as the distinguished chairman of the committee (Mr. JACKSON) has said he proposes to call for. I would hope that we could, at an early date, resolve the sanction issue and get a vote when the Senators implicity understand the issue.

I want to say further, since the distinguished chairman of the committee is here, that I have no intent at all to try to delay action on this bill. It is a very complicated bill. It has many ramifications in it that I think need to be understood. Consequently, I will oppose any time limitation. But let me say again that I am not trying to enter into any filibuster. I just want to be sure that, if and when this bill becomes law that those who supported the bill insofar as we are able to bring about an understanding on their part, will know what is in the law.

I think sometimes, in our zealous enthusiasm for a concept, we have not always gone to sufficient lengths to bring about that kind of understanding. I would hope that, as we debate the various parts of this proposal before us, each of us can understand, if we are interested, and I hope we will be, what the law is.

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

Mr. HANSEN. I yield.

Mr. JACKSON. Should I offer my amendment at this time on sanctions, or incentives as I prefer to call it, I wonder if my good friend would be willing to agree on a unanimous-consent arrangement to vote, say, by 4:30 this afternoon. That would give us sufficient time for full debate. We came in at 10 o'clock. There are stacks of amendments. In the interest of orderly procedure, I am wondering, if we devoted a whole day to this amendment, which is an important amendment, we could not get an agreement to vote on it.

Mr. HANSEN. I may respond to my distinguished chairman that it may very well be that we could vote before 4 o'clock.

Mr. JACKSON. Not later than 4:30.

Mr. HANSEN. I understand what the Senator is proposing. I will object to a unanimous consent. What I would like to do, and what I think would be useful to other Senators, is to have an opportunity

to examine or raise questions as to each section of the bill wherein sanctions apply regardless of the time it takes. I certainly do not think we ought to take more time than that, but I want to be sure that every Senator who has a legitimate question will be afforded an opportunity to ask it. So I must say, in all honesty, that we may, for all I know, vote sooner than that, but I would object to an agreement.

Mr. JACKSON. I am prepared to offer an amendment on incentives whenever we can get an understanding on a time limitation, just on this amendment. I point out that we have many amendments pending, and in the interest of the urgency of considering many other bills which are on the calendar that we should dispose of before the July 4 recess, I would hope that we could vote on it today.

Mr. HANSEN. Did I understand the distinguished Senator to say that he will not offer his amendment on sanctions until there is an agreement on a time limitation?

Mr. JACKSON. I need to know, because obviously I would want to know how long we are going to be on one amendment. I thought we could at least agree on some of these amendments, so Senators could be on notice when the vote would come. That is all. This is on just one amendment. I am not asking for a time limitation on the entire bill. It is my understanding the Senator from Arizona, and I think the Senator from Wyoming, will not agree to a unanimous-consent agreement overall. That is the right of any Senator. All I am asking now is if we could have a vote on one amendment out of a long, long list of amendments. That would give us a whole day to consider just one amendment. We came in at 10 o'clock. That is a long time for 1 amendment, wher. we have 15 or 16 other amendments.

It is in that context that I want to make clear my desire or willingness to agree to a time limitation just on this one amendment. A number of Senators on both sides of the aisle have asked when there might be a vote on it. That is the basis of my request.

I fully understand the Senator's position, and he certainly, under all the rules, is entitled to take whatever stand he wishes on it. But I would just hope that, in light of the heavy calendar we have, including the so-called Alaskan pipeline bill, we could get an agreement on one amendment only at this time.

Mr. HANSEN. Mr. President, I understand the Senator's great concern with the urgency concerning the Alaskan pipeline bill. It is an urgency that I share. The Senator has been a very articulate spokesman for an adequate domestic oil supply and for bringing into being sufficient storage facilities so as to minimize the opportunity for the immediate blackmail that otherwise would result as our dependency upon foreign sources of supply increase.

I would say that if the Senator feels that the urgency of this legislation is so compelling as to warrant laying aside would certainly be most pleased to sup- this bill and taking up that bill first. I port him in that endeavor. I think that is a measure that would well serve America. Considering the sheer idiocy of not having constructed a pipeline when our reserves, by all indications, are capable of supplying 2 million barrels of crude a day to this country, and we have known of its existence for as many years as we have known of it, in light of the fact that our dependence upon foreign sources now approaches one-third of our daily consumption, and the imbalance of payments for oil alone by the year 1985 will be between $25 billion and $30 billion a year, I understand why the distinguished chairman of the committee might feel that he wants to take that bill up very quickly. I would say, however, that with respect to the national land use——

Mr. JACKSON. Mr. President, might I just say that objection was raised to taking up the so-called Alaskan right-of-way bill. That is why this bill is up for consideration. And it is my understanding that the right-of-way bill is not going to come up until this bill is disposed of. And it would go on the double track. That means that it could well be that the right-of-way bill would not be brought up until sometime in July.

We have a number of bills which we must consider very shortly. The national debt limit bill is one such bill. I point out that I am very anxious to pass the Alaskan right-of-way bill next week.

Mr. HANSEN. I quite agree with the distinguished chairman of the Committee on Interior and Insular Affairs. I can only say that as a member of the minority party in this body, I have very little to do with the setting of the calendar. I am sorry, as I know the Senator is, that the leadership in whose hands these important decision-making responsibilities lie is not as sensitive to the concerns that engage most of us in this country.

I think there is a difference between the Alaskan pipeline issue and the national land use measure now pending before the Senate. They are both tremendously important to this country, and while both need to be resolved, I think that there is a particular urgency about our energy supply situation. When we contemplate blackouts, the closing of schools and factories, the stoppage of transportation systems, and the possible threat to our national security that could result if the military were unable to perform its duty, the energy crisis transcends the importance of the national land use plan.

Mr. President, we are plowing new ground. I think that we should recognize this when we consider the land use plan.

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

Mr. HANSEN. I am happy to yield.

Mr. JACKSON. Mr. President, I should like to state for the RECORD that I think the bill now pending before the Senate will have a tremendous beneficial impact on the energy issue. One of the major problems in the energy area is that States do not have the kind of State land use programs necessary to identify the areas which are to be preserved and conserved.

I would point out to my good friend, the Senator from Wyoming, that a number of States along the Atlantic seaboard refuse to address the problem of energy facilities and are saying that they do not want any more refining or any more outloading facilities.

We have in this land use planning bill in its broad thrust and effort two principal purposes: we have to identify the areas that should be developed and the areas that ought to be conserved. So. we must balance development and conservation.

Concerning one area of development—energy, I would point out that on page 122 of the bill we deal with the importance of identifying public utilities and energy facilities in defining "key facilities". If the Senator turns down to line 21 of page 122 of the bill, in (2) it states that "major facilities on non-Federal lands for the development, generation, and transmission of energy" are to be part of "key facilities."

So, I want the record to show, Mr. President, that the legislation we have pending before the Senate does attempt to induce the States to identify the areas that ought to be set aside for appropriate purposes in connection with the broad areas of energy, including petroleum, fossil fuels, nonfossil fuels, all elements of energy development, generation, and transmission.

So, I view this bill as a building block to build order out of chaos so that we can proceed in the 27 years remaining in this century with a program in which we can say in advance what areas we need to set aside to be conserved and what areas should be used for development.

As the Senator knows, I am not an either/or man. We must have development and we must have conservation. That is the whole thrust of this legislation. We would not have the measure before the Senate today if the States were doing their jobs. We are in the most unique situation in our history, considering the progress we have made in the last almost 200 years of our Nation and as we approach our 200th anniversary when we have to use legislation to prod the States to exercise their State's rights. The States will not act. The thrust of the bill will be to go to the States at certain periods of time for them to identify areas that should be properly set aside for refining along the coast and for outloading facilities. Several States along the eastern seaboard in particular, an area that gets 80 percent of its oil from foreign sources, say "We don't want refining and we don't want outloading." We have the bill because of failures of the States to exercise their States rights. We are going to have to preempt States' rights.

I want to set the record straight on the thrust of the legislation. I think that most Senators will agree that if our rate of growth is too slow, and if we are to survive, and if our rate of growth is to be such as to end poverty in this country and provide for the material benefits for man, certainly we need a roadmap to determine where we are going.

Let me give the Senator a figure. Two

years ago this December we reached $1 trillion in gross national product. It took us 200 years to achieve that total output. The first half-trillion, the first $500 billion, took us 185 years. I am speaking now in terms of current dollars. The second half-trillion of gross national product was achieved in 15 years. And, Mr. President, thoughtful experts in the business world and the environmental world are saying that between now and the year 2000, we will literally have to rebuild America. In other words, in the next 37 years, though it is hard to believe, we will rebuild all of that which took 200 years to do, and we are going to accomplish that in 37 years, so that we are going to have to duplicate every highway, every airport, every school, and every home.

How is that kind of building going to take place? Will it be on an orderly basis, so that we will not create the kind of chaos we are currently creating? Will it be on a basis which we will not do irreparable harm to areas that ought to be preserved? Will it be on a basis which will allow us to avoid energy shortages? Will it be on a basis which will enable us to provide the kind of economic growth to end poverty, so that the have-nots will have a chance to participate in the process by being able to last to have the opportunity to achieve a decent standard of living?

This bill is the beginning—a building block. It is indeed a roadmap, Mr. President, by which we can plot our course to do the things that we need to do socially as a nation, to bring forth the fruits of our abundant economic system for mankind, for a better life for our people, materially speaking, and at the same time deal with the quality of life, the esthetic values that are so important, the values that are not material, the values that help to provide the kind of environment that makes life worth living.

This is what we are trying to do. And, Mr. President, this is a must. It is urgent.

I could not help but make this comment, lest there be any personal misunderstanding that this is not a must bill. This measure dovetails into the energy problem, it dovetails into the agriculture problem, and it dovetails into every important piece of legislation we take up on this floor.

Should we not know where our highways are going to be laid out for the future, between now and the year 2000? Should we not ask the States, "Where are you going to locate your airports?" Or should we be granting Federal funds for airports, highways, and parks, only to find out 15 years from now that we will have to undo the highways, undo the airports, and run the roads through the parks, all provided by Federal funds?

Mr. President, I just hope that this bill will be understood in the larger context of a great and growing nation which needs to do both, to have a quality life and economic growth. I am not a zero growth man, I will say to my good friend; I think that is fine for the "haves," and that is where most of the argument comes from. Those who have made it say, "Look, we do not need all this."

I cannot help telling one story. I was in New York a couple years ago talking about the energy crisis. A lady said to me, "Senator, we have just got to curtail this growth and wasteful use of energy."

I said to her, "Well, what is an example of how you are going to curtail energy consumption?"

She said, "We must not allow any more new air-conditioning units to be put in."

I asked her, "Where do you live?"

Well, she lived up on Park Avenue. Obviously, she was not drawing welfare, I do not think.

I asked, "Well, what about the poor in New York? What about the people in Harlem and Bedford-Stuyvesant who may not have air conditioning?"

She said, "Senator, we have got to cut it off some place."

Mr. President, throughout my life in this body, I have tried to support those programs which will make life better for all of our citizens, rich and poor alike, and I do not buy the the argument of those persons who have made it, Mr. President, and want to go around telling everyone else, "Sorry, we are not going to be concerned about you, because if we take care of you, then our environment will be despoiled."

Mr. President, a nation that was able to win the race, in World War II, in the Manhattan project, of discovery of the atomic bomb, a nation that won the race to the Moon, putting not only one man on the Moon within a decade, but, in 6 different voyages, putting 12 men on the Moon, is a nation that can do both, can provide, through the abundance of this great private enterprise system—and the only real private enterprise system on Earth (other systems are capitalistic, with cartels and monopolies)—this free private enterprise system that has produced the greatest abundance of any country in the world. I say it can provide both quality and quantity.

Fifty years ago, Mr. Lenin promised the people of the Soviet Union bread and freedom, Mr. President, and I cannot help but remind the people of this country, in connection with Mr. Brezhnev's visit, that they have not achieved either. They have neither bread nor freedom; the bread they are now getting is from the United States. I want to see better relations with the Soviet Union, so I shall not discuss that subject. I want to see a more peaceful world. But I just want to point out that this is a great country, Mr. President, and that we can do both: We can achieve material abundance for all of our people, and we can do it with quality life, with a good environment. No task is too great for this country.

Mr. President, the whole thrust of this legislation is to provide the chance, as I say, to exercise State's rights. We would not have this bill before us if the States had exercised State's rights. We are just trying to give them a little nudge and say, "Get on with the business."

Things are moving too fast, Mr. President. We cannot afford delay and consume time in indecision. Now, more than ever before, we need decision.

This bill fits in with the energy problem and with all our other problems, and I hope that the Senate will move expeditiously on it.

I thank my good friend from Wyoming. I did not mean to preempt his time, but he has most graciously consented. I was to answer a question, but I made a speech. That is not unusual in this body, but I thank the Senator for his courtesy.

Mr. HANSEN. Mr. President, I want to thank my distinguished colleague and good friend from Washington (Mr. JACKSON), for making the remarks he has just made. It is precisely because I recognize the importance of what the Senator is saying that I said I did not think we should have a time limitation. He may want to make the same speech again, and I hope he will, because it is an important speech. The trouble is there are not very many of us around right now to hear it. Later on this afternoon there may be others around who should hear it, and I hope that they will. What the Senator says should be underscored and pondered. It bears serious, sober reflection and second thoughts, to make certain that as we construct this roadmap for the years remaining in this century for America to double again the entire efforts that it has made in the nearly 200 previous years——

Mr. JACKSON. If I may interject there, may I correct something I just remembered. I said that between now and the end of this century would be 37 years. I threw in an extra decade. I meant 27 years.

Mr. HANSEN. Fine.

Mr. JACKSON. I said 37 years between now and the end of this century. Actually it is 27 years, a little less—26 years and 7 months.

Mr. HANSEN. Mr. President, the Senator's arithmetic is quite right. I recognize that we are talking about 27 years as he has just pointed out.

My point is that if we are going to construct a roadmap that will be useful to this body, and to the people of America, to undertake the tremendous job of doubling all of the constructive effort that has characterized these past nearly 200 years of time that this country has been a republic, if we are going to do all this within 27 years, then I say, let us not turn over the drafting of that roadmap to someone in the kitchen who may not have heard what has been discussed at the dining room table, because they may need to know some of the things that are being talked about in other parts of the house.

The distinguished Senator from Washington (Mr. JACKSON) speaks of this legislation as a building block. It will be, indeed. It should be a good building block. We should know what we are building with. There should be no doubt in anyone's mind as to how each of us, to the extent he is able, may take the blocks and fit them together, shaping the corners and straightening the lines, so that we will build an institution that will stand and serve us well.

One of the most profound statements the Senator made this morning—and he has made a number—was that this bill dovetails into every piece of legislation we consider upon this floor. I agree

with him. When we consider that we are drafting a blueprint that will cover practically all of the land—and that is what this bill does, although there are some who say that it really does not do that, in that it just covers those lands in non-Federal ownership—the fact is, and I challenge anyone to deny it, that when we look at all of the criteria that are to be observed by the State Land Use Planning Commissions which, in many cases, have not yet been set up, no one can say with positive assurance that one single acre of land in private ownership can be identified that does not come under the criteria that require inventory, examination, and appraisal. Additional criteria also require participation in a planning process and a program. This program must be ultimately implemented. Indeed this bill calls for implementation in order to make certain that the police powers of the State are brought to bear to assure that the land use planning authority in each State has, indeed, undertaken its job seriously and conscientiously. The planning must be in sufficient detail so as to make certain that there is no single piece of ground that could have a major overriding concern in the future welfare of America that was overlooked because, in haste, not enough time was given to the job.

The Senator from Washington points out, on page 122 of the bill, that provision is made for the identification of major facilities on non-Federal land for the development, generation, and transmission of transmission of energy.

Mr. President, as one who has an interest in energy, I do not claim any of the expertise that the Senator from Washington possesses in this area, but I do have the interest. I have that interest because my State of Wyoming is one of the major energy storehouses of this country. We rank fifth in the order of States in reserves of oil and gas. We probably are first in coal. We are equally likely soon to be first in the production of uranium, along with Colorado and Utah. The State of Wyoming has the major oil shale reserves of the country. I do not claim that we have any corner on sunshine, but certainly if we look at the historic sources of energy—if coal, oil, natural gas, oil shale—and now uranium—we do have a very major interest.

My point is that this bill and this provision which calls for the siting of plants that the Senator from Washington and I recognize as being necessary is in a bill that gives to the States 3 years time in which to inventory, assess, and plan a program and implement the kind of policy that each of the 50 State land use planning commissions feels will best serve the particular State in which it functions.

So, despite the fact that it is urgent to get on with this siting process, I say again to my good friend from Washington that we know the oil is up there in Alaska, and we know that it is not going to come down to the lower 48 States until a pipeline is built. I am constrained to say, with all due reference to my good friend from Washington, that the opportunity for relief from the energy shortage as afforded by this bill is somewhat removed, and is not nearly as immediate as is the opportunity to do something about the energy crisis if we will get on with the Alaska pipeline bill. I know perfectly well that once we have given the green light to the people interested in the construction of the Alaska pipeline—and that may be all 209 million of us, if the power shortage and the energy shortages get worse in this country—it will take some time to get that job done, too. But I am trying to make the point that if we are concerned about priorities and if we are concerned about trying to get the most important things done first, let us make no mistake, insofar as I am concerned, as to the relative significance of immediate action required by the Alaska pipeline bill and this bill.

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

Mr. HANSEN. I yield.

Mr. JACKSON. I point out that if we had petroleum flowing into the United States right now, we could not solve the gasoline problem. The Senator knows that.

Mr. HANSEN. I agree with the Senator completely. He is correct.

Mr. JACKSON. Who has been stopping the refineries? It is the States, and local governments, Mr. President. That is what we are doing in this bill. It does not come under the bill I authored—the National Environmental Policy Act.

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

Mr. JACKSON. I yield.

Mr. COOK. The Senator knows that an environmental impact study has to be filed with the Federal Government in relation to any organization in the United States today that wishes to build a refinery.

Mr. JACKSON. No, the refinery must meet air quality standards under the Federal Water Pollution Control Act.

Mr. COOK. Certainly.

Mr. JACKSON. No impact statement must necessarily be filed on a refinery, particularly on the siting decision. It is only when the Federal Government acts. This is the point. They have to meet air quality standards and water pollution standards. But the National Environmental Policy Act, section 102(2)(c) stipulates that the impact statement applies only to a major Federal activity.

I ask the Senator if he can name a State along the Atlantic seaboard right now that will consent to the building of an oil refinery. That is where the big shortage is.

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

Mr. HANSEN. I have the floor. I yield.

Mr. COOK. If the Senator reads the law as I read it, even in the air quality standards as they now prevail, if in fact we do not have the equipment and the equipment is not being manufactured in the United States, they cannot meet that criteria, and that criteria goes down the drain as a matter of Federal standards; and, therefore, he loses out, whether it is on a State basis or on a Federal basis.

Mr. JACKSON. I have been advised that Chairman Train of the Council on Environmental Quality stated that the NEPA provisions in effect are not required in connection with the purely private construction of a refinery. Obviously, that has nothing to do with NEPA, but in every instance in this country the local air quality standards and the local water requirements and zoning have to be met. That is what this bill is dealing with.

I want to emphasize that when we talk about the energy crisis, the industry has not been building refineries. There is not enough refining capacity, and probably will not be for 3 years, to take care of the petroleum we import. The area of trouble has been with the States and local governments. Zoning laws and other rules apply, and they have stopped it. So it is not big old Uncle Sam that is blocking refineries. I want to make that very clear. It is the failure of the States and local governments to act.

As I pointed out to the Senator, here is an area, the east coast of the United States, that gets 80 percent of its petroleum by imports, and two-thirds of the States have even passed laws prohibiting new refineries, prohibiting outloading facilities. This is a matter of fact. That is one of the reasons why we want the States to start dealing with this problem realistically—to start considering the need for energy facilities. Uncle Sam is guilty of many things, but this happens to be one sin that I do not think Uncle Sam has been implicated in at this point.

Mr. COOK. Mr. President, will the Senator from Wyoming yield?

Mr. HANSEN. I yield.

Mr. COOK. The Senator from Washington may find that he is meeting himself coming around, because a moment ago I heard him say that this was an effort to reestablish States rights to the respective States, and all of a sudden I hear him talk about the fact that there are no refineries because the States will not allow them to be built. Apparently, the indication seems to be that through this kind of vehicle, the Federal Government would have authority to overcome that objection of the States.

Mr. JACKSON. No. May I qualify it?

Mr. COOK. I wish the Senator would.

Mr. JACKSON. Will the Senator from Wyoming let me answer?

Mr. HANSEN. As a matter of fact, Mr. President, I should like to take advantage of this opportunity to say something that bears repeating.

This is precisely why I must oppose a time limitation. I think that what the Senator from Washington is saying is very important, and the points raised by the Senator from Kentucky are very important. I want to make sure that the people of this country know, so far as they can, through their elected representatives, what this bill is all about. My guess is that if it were not for the colloquy we have already had, there is an area that would remain in the dark insofar as comprehension and wide understanding are concerned.

I am happy to yield.

Mr. JACKSON. We made a decision in this measure not to include the Energy Facilities Siting Act. What we have pending before the committee, as the Senator knows—it is a joint arrangement

with the Committee on Commerce and I believe the Committee on Public Works; three committees are looking at it—are bills—energy facilities, siting, powerplant siting, and deep water port facilities proposals—which, in effect, would say that if the States do not act within a certain period of time in connection with energy facilities siting, then the Federal Government, under the commerce clause, constitutionally speaking, could preempt the rights of the States and could go in and require that areas be made available for energy facilities and for outloading facilities to take care of this enormous increase in imports.

I just want to say to my good friend, the Senator from Kentucky, that there will be a big fight on these energy facilities bills, but unless we get this kind of authority, we are not going to have outloading facilities where we need them and we are not going to have refineries where we need them.

I am trying to be objective and judicious about this problem, because it is a mixed bag. We do not have the refining capacity in this country. It takes 3 years from the time you start until you have refined products on the line. So for the next 3 years we are going to have less gasoline, less diesel oil, and less fuel oil, next year and the year after, than we have right now, because of this lag factor.

There is not enough refining capacity in surplus outside the United States to take up the difference. So on all counts, both at home and outside the United States, we are caught in that kind of bind.

Again I say this in response to the Senator from Kentucky: The States have not acted in this area. They have failed to act. It is a sorry situation when the Federal Government may have to come in and possibly preempt States' rights because the States will not act. This we will debate in relation to the energy facilities siting bills.

Mr. HANSEN. Mr. President, I wish to make an observation at this point: It is extremely important that we understand what is in this bill. Unless we do understand what is in the bill, there could be a lot of sincere but misguided or misinformed Senators voting for a bill that they thought would do certain things.

Let me illustrate exactly what I mean. I hope I may have the attention of the Senator from Washington while I say this. If I misquote him or take him out of context I hope he will correct me.

The record will disclose that he implies that this bill that we are talking about would do something about this siting matter.

Mr. JACKSON. No, we do not.

Mr. HANSEN. If I may finish, in the colloquy with the Senator from Kentucky he qualified what he said about the siting provision. He now implies that this authority is not in this bill to override the States, but there have been conversations with the commerce committee to talk about a siting provision which would do that. That is what I think he was saying.

I find nothing in this bill to preempt State's rights to give the Federal Government the authority to go in and say, "You are going to site a refinery here."

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

Mr. HANSEN. I yield.

Mr. JACKSON. I think I made it very clear that we kicked around the idea in connection with this bill whether the energy siting bill should be in. We decided it should not.

Mr. HANSEN. That is the point I am trying to make.

Mr. JACKSON. I am saying that.

Mr. HANSEN. I know but——

Mr. JACKSON. Second, I did point out that under the key facilities provision of the bill which the States must meet, they are required to identify, looking way down the road, the major facilities on other than Federal lands for development, generation, and transmission of energy.

We face an emergency in connection with the refining problem and some other land use aspects of the energy problem, so we are dealing with the problem on a special basis in the energy facilities siting bills so we can get action without delay. But S. 268 looks down the road and asks the States to assume the responsibility to identify these areas in advance so that they can crank it into their land use program, well in advance of need.

That is the distinction: One is an emergency in which we are holding hearings separately so that we can deal with the specific problem, for we find ourselves curiously in a situation, even with all the petroleum coming in, where we would not be able to handle it, that is, refine it, and make it available to the fellow who wonders why he does not have gasoline at his local station. So we have that problem to deal with separately from S. 268. That is what we have done.

I hope that clarifies the record.

Mr. HANSEN. I hope it does. I want to say this. The Senator from Washington was talking about the shortage of petroleum in this country, and he spoke about, as I recall, the failure of States to site any refineries.

I think I would not be too naive to say that the average listener might have concluded that early action on this bill would resolve these problems when it does no such thing, which is why I think it is necessary that we understand what this bill does and what it does not do.

The only way I know we can arrive at that understanding within this body is to see that Members who are interested in the problem ask questions to be sure that what they have in mind and what they hope might be in the bill is in the bill.

Mr. President, it is like a lot of other problems we hear about. If you talk about farming, land use planning, or doing away with crime, you are for motherhood whatever it is, each person in his own mind likes to think what he believes that particular phrase or act or idea embodies. It is easy for us to say, "Yes, we are for land use planning," because we are frustrated with the fact that we get into a traffic bottleneck and it takes an hour and a half to get to work. Another person's idea is that he does not like the building going in next door to his home. Maybe it is what another person thinks about conditions which obtain in the neighborhood that militates against the financial success of his business. So he may have another idea. Those are understandable concerns and interests that people have.

In America, we have a way of dealing with those things. We give each person an opportunity to have his say. We have a Constitution that guarantees that certain rights, though they may be voiced or felt by only one person, are going to be respected. I do not find anything wrong with that.

When the Senator from Washington made his opening statement, he spoke about the things that were wrong. Just to refresh the Senator's memory, let me call attention to some of his language. He was speaking about the attitudes of persons who are in the position in which I find myself. I do not mean that he was pointing his finger at me. Let me read what the distinguished Senataor from Washington said on Friday, June 15, at page 19800 of the RECORD:

> Their contentions are wrapped in constitutional phrases to obscure the simple fact that the vested and special interests want to maintain the status quo. The Nation, however, can no longer afford the status quo. In all parts of the country, conflicting demands over limited land resources are placing severe strains upon economic, social, and political institutions and processes and upon the natural environment. The status quo is conflict, waste, and inefficiency; it is farmers' groups opposing real estate developers; environmentalists fighting the electric power industry; homeowners colliding with highway planners; the mining and timber industries struggling with conservationists; shoreline and water recreation interests pitted against oil companies; cities opposing the States; and suburbs opposing the cities.
>
> The Land Use Policy and Planning Assistance Act is the Nation's best and probably last chance to preserve and to invigorate State and local land use decisionmaking and to insure that basic property rights are not infringed by faceless Washington bureaucrats in places far removed from the sites of land use problems.

Mr. President, I read that statement to point out that land use planning means many things to many people. We need to understand what the bill provides, because if the bill becomes law, the courts of the country, including the Supreme Court of the United States, will not go around asking what we may have had in mind at the time we voted. Some of us may not even be around to be asked.

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

Mr. HANSEN. I yield.

Mr. McCLURE. Mr. President, I would appreciate it if the Senator would speak to one point which he discussed in the colloquy between myself and the Senator from Kentucky (Mr. COOK) and the Senator from Washington (Mr. JACKSON), in regard to whether key facilities are covered by the bill.

As the Senator from Wyoming has pointed out, the Senator from Washington said that key facilities are not covered by the bill except through State action. I bring that up at this time because the Senator says that what really is in the bill, and what it really does—and I

refer to page 74 of the bill—when we are talking about the eligibility of States for siting plans, and while we are talking in the bill about planning grants, is that if we get into the active sections, we probably are talking about land.

Section 203(a), subsection (B), refers to "exercising control over the use of land within areas which are or may be impacted by key facilities, including the site location and the location of major improvement and major access features of key facilities."

On pages 76 and 77, in subsection (d) of the same section 203, we are talking about implementation of the State plan as the condition of continuing eligibility. On page 93 we are talking about the Federal review and determination of grant eligibility, and in that section we are saying, the Secretary—meaning the Secretary of the Interior—has the authority to consider the State plan and in his judgment determine whether or not the State plan has made adequate provision for what is listed back in section 203.

I think the question needs to be discussed, needs to be stated on the record, by the Senator from Washington as well as other Senators, as to whether or not this approval of State plans, the eligibility continuation under State plans, the determination by the Secretary, actually do leave the determination or the location of key facilities within State discretion or whether or not actually there is a preemption by the Secretary's review procedure over State decision. I think this gets right to the heart of the matter in an understanding of what this bill does or does not do. I thought it might be well to have this discussion right now in connection with the colloquy between the Senator from Kentucky (Mr. COOK) and the Senator from Washington (Mr. JACKSON).

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

Mr. HANSEN. I yield.

Mr. HASKELL. In response to the question raised by the distinguished Senator from Idaho, as the Senator is well aware, the bill merely asks the States themselves, as opposed to the local government units, to address themselves to five areas, one of which the Senator from Idaho has mentioned. After the inventorying process, the program is adopted. This would be only if the States had not made a good faith effort to address themselves to those areas where there would be a decision of ineligibility of the State for S. 268's grant money.

But I would additionally like to point out that it is not the Secretary of the Interior who could even make such a determination. There is a board to be appointed, the Senator from Idaho is well aware. I point the attention of the Senator from Idaho to page 98 of the bill, lines 16 through 20, where it talks about, "in the case of ineligibility based upon the requirements of sections 402, 505, and 601 (i), (j), (k), and (l)"—which are definitions of critical areas and uses of more than local concern, including key facilities—"the State has failed to make a good faith effort to comply with the requirements"——

Mr. McCLURE. Mr. President, will the Senator yield on that point?

Mr. HANSEN. Mr. President, I am happy to yield.

Mr. McCLURE. The Senator made reference to appeal procedures, but that same good-faith effort requirement does not appear in section 203 with respect to the standards of continued eligibility. If the Senator will refer back to page 73, which has the standards for State land use programs and standards that the Secretary must find, there is no statement in that section about good-faith effort, although we may have intended that it be included there.

If the Senator will look at the subsequent sections that have to do with continued eligibility, section 306, again there is not the provision in section 306 for the standard of good-faith effort which is contained in the appeals procedure that the Senator from Colorado refers to.

Mr. HASKELL. If the Senator will yield again——

Mr. HANSEN. Yes, I am happy to yield.

Mr. HASKELL. I would call the attention of the Senator from Idaho to page 99 of the bill. The Senator from Idaho was referring to the program of adopting a land use program, and at the top of page 99 the Senator will notice the language, "in the case of ineligibility based upon" such grounds—and I refer the Senator back to page 98—the Secretary shall carry the burden of showing that the State has failed to comply with the requirements of the act. In other words, the burden is placed upon the Secretary to demonstrate State ineligibility before an appeals board.

Mr. McCLURE. Mr. President, will the Senator yield on that point?

Mr. HASKELL. The Senator from Wyoming has the floor.

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

Mr. HANSEN. I yield.

Mr. McCLURE. Would not the Senator from Colorado agree that neither section 203, which starts out, in subsection (a), "As a condition of continued eligibility,", nor section 306, which is on page 93, which deals with Federal review and determination of grant eligibility, it says, "the Secretary, before making a grant to any State" must, and then follow the provisions of section 306 and section 203, contains the good faith effort language which is contained in the review language of the section to which the Senator referred on page 99?

Mr. HASKELL. I would call the Senator from Idaho's attention to page 73, section 203 (a), from which the Senator was reading. The determination will be made in accordance with the procedures provided for in section 306, which, of course, is the Federal review—

Mr. HANSEN. Mr. President, which page did the Senator say?

Mr. HASKELL. It would be on page 73. The Senator from Idaho raised the question of determination of whether the State land use program was adequate or was subject to the review that I was talking about a moment ago. I pointed out that in section 203, which is the section of the bill dealing with State land use programs, the determination of continued eligibility must be in accordance with procedures provided for in section 306. Then we turn to page 93 of the bill, and we set forth elaborate procedures whereby the Secretary may make his determination, which include, of course, that if the Secretary should make an adverse determination, he would have to carry the burden before a review board.

Mr. McCLURE. Mr. President, if the Senator will yield, would not the Senator agree that the Secretary, in his initial judgment under section 203 standards and section 306 standards, is not bound by the good faith effort requirement of the appeals procedure?

Mr. HASKELL. I would differ with the Senator from Idaho. He, of course, could make a determination arbitrarily and capriciously, but if he is going to make the determination stick, then he has to carry the burden before the review board that we were talking about earlier.

Mr. McCLURE. I am not sure I like the language "arbitrarily and capriciously."

Mr. HASKELL. That is my language, I may say to the Senator; that is not the language of the bill.

Mr. McCLURE. That is language of art which perhaps should not be part of the legislative record, because the bill does not give that kind of standard.

Mr. HASKELL. It certainly does not. All I meant to say was that if we had some Secretary who did not do the job the way he should do it, and did it advisedly——

Mr. McCLURE. Let me say I have never heard of any Secretary who took action that he did not think was reasonable.

They are all reasonable men. They sometimes take action that the Senator and I would not agree with.

Mr. HASKELL. I am sure they are reasonable men.

Mr. McCLURE. That is what we are concerned about. It seems to me that if we want to make certain that the States' efforts are on the good faith effort basis, the language which we did adopt by amendment in the committee with respect to the review procedure ought to be included also in the schedules for the adoption of the program and the schedules of the program itself in sections 203 and 206. And if that is what we intend to say, we do not say so clearly in the body of the bill. Instead we say that a Secretary may not do that, but we can correct it on appeal.

Mr. HASKELL. Mr. President, I would say that we are saying that all Secretaries are reasonable men under ordinary circumstances.

Mr. McCLURE. Mr. President, let me say that we can make that as an assumption for the purpose of discussion. However, I am not at all certain that I would make that presumption as a matter of record.

Mr. HASKELL. Mr. President, let us do it for the purposes of discussion and let us assume that some Secretary in exercising his best judgment comes to the

wrong conclusion. The bill specifically states under section 203 that before any adverse action to a State can be taken, the Secretary must go before the appeals court and carry the burden of proof.

I am sure that the distinguished Senator from Idaho will remember the lengthy discussion we had in the committee on this very point.

Mr. McCLURE. Mr. President, would the Senator point to the provision of section 203 that requires that the Secretary has that burden of proof.

Mr. HASKELL. Yes. I will have to start out with section 203 and end up with section 306. I am reading from line 13 on page 73 where it says that the determination shall be made "in accordance with the procedures provided for in section 306."

Now, what are those procedures? We turn to page 93 and find these very elaborate procedures which the Secretary must follow before he can take any adverse action, and I am sure that the Senator from Idaho will recall that we were very concerned not to vest arbitrary power in any Secretary, though he be the most reasonable of men. Therefore, we adopted the language as set forth in section 306.

Mr. McCLURE. And the Senator's explanation is that the procedural requirements found on page 96 under section 306 limit the application of the discretion of the Secretary contained in section 203?

Mr. HASKELL. Yes. The Senator from Idaho has adequately expressed my opinion. I will state it again. The Secretary cannot act under section 203 unless he follows the procedures set forth in section 306.

Mr. McCLURE. That raises another issue which perhaps at another time, and on my own time rather than on the time of the very patient and generous Senator from Wyoming, we will discuss further. It has to do with the composition and the makeup of the ad hoc hearing body and whether or not the ad hoc hearing body is an independent body which is capable of exercising discretion which is different from that exercised by the Secretary. I think at the present time that we need to discuss the makeup of that board and determine whether or not the review procedures which are provided for under section 306 will result in any kind of an action predictably different from that already taken by the Secretary under section 203 which does not have the good faith requirement in it.

That is some of the basis of my concern, that perhaps this bill does not necessarily do what we in our deliberations in committee decided it ought to do. And I am not at this time any more than raising the suggestion that maybe we ought to look at the language to make certain that the intentions actually expressed by the committee will be carried out in the interpretation of the act.

Mr. HASKELL. Mr. President, I want to be sure for the record that I understand the concern of the Senator from Idaho, which I understand we will discuss at a later time. The Senator is concerned about the composition of the board as set forth in section 306.

Mr. McCLURE. The Senator is correct.

MESSAGE FROM THE PRESIDENT

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

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. HARRY F. BYRD, JR.) laid before the Senate a message from the President of the United States submitting the nomination of Lt. Gen. Richard Giles Stilwell, Army of the United States—major general, U.S. Army—to be assigned to a position of importance and responsibility designated by the President, to be general, which was referred to the Committee on Armed Services.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 2303. An act to continue mandatory price support for tung nuts only through the 1976 crop;

H.R. 5692. An act to amend title 5, United States Code, to revise the reporting requirement contained in subsection (b) of section 1308;

H.R. 8152. An act to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to improve law enforcement and criminal justice, and for other purposes; and

H.R. 8658. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1974, and for other purposes.

HOUSE BILLS REFERRED OR PLACED ON CALENDAR

The following bills were severally read twice by their titles and referred, or placed on the calendar, as indicated:

H.R. 2303. An act to continue mandatory price support for tung nuts only through the 1976 crop. Referred to the Committee on Agriculture and Forestry.

H.R. 5692. An act to amend title 5, United States Code, to revise the reporting requirement contained in subsection (b) of section 1308. Referred to the Committee on Post Office and Civil Service.

H.R. 8152. An act to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to improve law enforcement and criminal justice, and for other purposes. Placed on the calendar.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that H.R. 8152 be considered as having been read the first and second times and that it be placed on the calendar. I do this at the request of the distinguished Senator from Arkansas (Mr. MCCLELLAN). I understand that this has been cleared with the distinguished Senator from Nebraska (Mr. HRUSKA).

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

H.R. 8658. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1974, and for other purposes. Referred to the Committee on Appropriations.

UNANIMOUS-CONSENT AGREEMENT ON S. 343

Mr. ROBERT C. BYRD. Mr. President, I have cleared this request with the distinguished assistant Republican leader (Mr. GRIFFIN) and with the distinguished Senator from Kentucky (Mr. COOK), who is the ranking minority member of the Committee on Rules and Administration.

I ask unanimous consent that at such time as S. 343, a bill to designate the first Tuesday in October as the date for Federal elections, is called up and made the pending business before the Senate, there be a time limitation thereon of 2 hours, to be equally divided between and controlled by the distinguished Senator from Kentucky (Mr. COOK) and the distinguished chairman of the committee, the Senator from Nevada (Mr. CANNON); that time on any amendment in the first degree be limited to 1 hour; that time on any amendment to an amendment, debatable motion or appeal be limited to 30 minutes; and that the agreement be in the usual form.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). Without objection, it is so ordered.

The text of the unanimous consent agreement is as follows:

Ordered, That, during the consideration of S. 343, a bill to designate the Tuesday next after the first Monday in October as the day for Federal elections, debate on any amendment shall be limited to 1 hour, to be equally divided and controlled by the mover of such and the manager of the bill, the Senator from Nevada (Mr. CANNON), and debate on any amendment in the second degree, 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, Mr. CANNON: *Provided*, That in the event the manager of the bill, Mr. CANNON, is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the Senator from Nevada (Mr. CANNON) and the Senator from Kentucky (Mr. COOK): *Provided*, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion or appeal.

UNANIMOUS-CONSENT AGREEMENT ON NASA AUTHORIZATION BILL

Mr. ROBERT C. BYRD. Mr. President, I have cleared this request with the distinguished Senator from Arizona (Mr. GOLDWATER), the distinguished Senator from Utah (Mr. Moss), the distinguished

Senator from Washington (Mr. JACKSON), and with the leadership on both sides of the aisle.

Mr. President, I ask unanimous consent that at no later than 4 p.m. today the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of H.R. 7528, the authorization bill for NASA; that the unfinished business remain in a temporarily laid aside status until the disposition of H.R. 7528, or until the close of business today, whichever is earlier; that the time on H.R. 7528 be limited to one and one-half hours, to be equally divided between the Senator from Arizona (Mr. GOLDWATER) and the Senator from Utah (Mr. Moss), the manager of the bill, with time on any amendment limited to 30 minutes, and that the agreement be in the usual form.

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

Mr. ROBERT C. BYRD. Mr. President, it is my understanding that both the Senator from Arizona (Mr. GOLDWATER), the ranking minority member on the Space Committee, and the distinguished manager of the bill (Mr. Moss) want a roll call vote on final passage of the NASA authorization bill, so Senators are hereby alerted.

I thank the Senator for yielding.

PRIVILEGE OF THE FLOOR

Mr. HASKELL. Mr. President, on behalf of the distinguished Senator from Wisconsin (Mr. NELSON), I ask unanimous consent that Mr. John Heritage of his staff be accorded the privilege of the floor, and make a similar request on behalf of the Senator from Alabama (Mr. SPARKMAN), that Mr. Carl Coan be accorded the privilege of the floor during the debate on S. 268, the pending bill.

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

LAND USE POLICY AND PLANNING ASSISTANCE ACT

The Senate continued with the consideration of the bill (S. 268) to establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands, and to establish an Office of Land Use Policy Administration in the Department of the Interior, and for other purposes.

Mr. HANSEN. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Oklahoma in order that he may make a statement without my losing my right to the floor.

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

Mr. BARTLETT. Mr. President, I have heard the very interesting discussion of the Senator from Wyoming. And I share his concern about an overriding and effective land use bill. I concur with the Senator from Wyoming, the Senator from Colorado, the Senator from Arizona, and the Senator from Washington. We have a great need for a land-use proposal in the various States.

As a former Governor, I am aware of the need for States in this area to have additional financial assistance. In the end result, land use control through various land-use programs is an area in which, in my opinion, the Federal Government should not intrude.

When I was Governor of the State of Oklahoma, I instituted a study of the Arkansas River Basin and expanded the existing plans on a National and State basis for the purpose of coordinating State planning at the local level.

Prior to that time, I was a member of the State Senate. I worked on programs and bills to improve the environment of Oklahoma, and particularly in the area of pollution caused by the oil and the gas industry. This was accomplished. I am very happy to say that the lakes and rivers in Oklahoma are not dead as they say about Lake Erie. I am glad to say that fish are now in the streams that were polluted before and that the actions that were formerly permitted by which oil companies did pollute are now forbidden.

I read with great interest the colloquy had between the chairman of our committee, the Senator from Washington and the Senator from Idaho. They agreed that land use is a responsibility of State and local governments. They agreed that the Federal Government should stay out of the implementations or putting into action the programs on land use. It was their intention to stimulate the State and local process rather to substitute a Federal process.

The Senator from Washington said—and he said again this morning—that he wanted to encourage States to exercise what has always been their constitutional rights under the police power of the State.

My colleagues merely wanted to encourage, to urge, to provide an inducement, to prod, to do a little nudging, to get on with the State business, to guide, to stimulate, but not to force the States to act. Their goal was merely to assist the States in implementing their planning process.

This is the kind of language that I like. I find myself in agreement with their comments. But I also find myself confused, and I wonder if my distinguished colleagues and I have been reading the same bill (S. 268). Because when you get away from the platitudinous dictum of the committee report about State constitutional prerogatives over land use, and get down to the statutory language, it is obvious that this bill could and probably would turn the Federal Government into a huge zoning board.

I find the bill does not just urge or prod or provide financial assistance, or stimulate or guide or even direct, but that it forces a State. My distinguished friend from the great State of Colorado said a minute ago that the bill asks the States, but I call his attention to section 201(e) on page 63 of the bill, which states that each State shall submit a plan. Starting on line 5, it says:

Provided, That if no grant is requested by or active in any State after five fiscal years from the date of enactment of this Act, such State shall submit its State land use program within ninety days thereafter to the Secretary for determination of State eligibility or ineligibility for grants pursuant to this part A in accordance with the procedures provided in section 306: And provided further, That, should no grant be requested by or active in any State during any two complete fiscal year periods after five fiscal years from the date of enactment of this Act, such State shall submit its State land use program within ninety days from completion of such period to the Secretary for determination of State eligibility or ineligibility for grants pursuant to this part A in accordance with the procedures provided in section 306.

So this is clearly not a voluntary program, although a State can enter it in a voluntary way. Whether a State enters it on a voluntary basis or on a compulsory basis, the State eventually must, by law, if this measure becomes law, enter this program; and the Federal Government will dictate some of what is in that land-use program.

Section 204, paragraph 1, as shown on page 78, dictates that the Secretary of the Interior shall be the ultimate arbitrator of what areas of critical environmental concern are in the plan, because areas of critical environmental concern are of more than State significance, and this, of course, is subject to the ad hoc hearing board's decision. But in that decision, it is only necessary for the Secretary of the Interior to prove that he was acting reasonably in implementing the act.

Section 203, paragraph 3, on page 79, requires the State legislatures to pass laws consistent with the purposes and programs of this act.

Mr. President, this section and this paragraph would require that State legislators act in a way that would be consistent with the requirements of the act. If sanctions are added in this bill today or on some subsequent day of the consideration of the bill, or in the future, they could very well force legislatures to act contrary to the will of the people. The sanctions could interfere with the objectivity that the members of the legislature would have, and interfere with the way in which they would represent their own districts.

Later in section 203, in paragraph (4), there is a requirement for approval by the Governor of the State involved. With sanctions, this could eliminate the freedom of action of the Governor to use or not to use his veto. This is interfering with the executive branch of the State government.

The sanctions as outlined by the distinguished Senator from Washington are a progressive kind of sanction for the first year after 5 years of this act. If the State is not complying, there would be a 7-percent, then 14 percent the following year, and then 21 percent setting aside of State funds in the areas of airports, highways, and land and water conservation. I have not yet received information on what this could mean to the respective States, but it is obvious that it would mean a very substantial amount of the

support that they are accustomed to receiving and depending on in their highway, airport, and land- and water-use programs.

It is interesting that the areas in which this bill proposes to reduce expenditures, Mr. President, are those areas the bill is supposed to be most interested in, such as the location of key facilities, airports and highways, and the areas of land and water conservation.

So, while hitting the States over the head with sanctions, the Federal Government would be reducing their effectiveness in the areas that are the goals of this bill.

I would like to point out, too, that in this inconvenience and interruption of State programs and interference with the progress of a State that was declared ineligible, and to which sanctions would apply, it would not only be the citizens of that State, but of virtually all the States, who would suffer, because we all use the airports, the highways, and the land and water areas of all the States.

On page 121, in section 601(i)(2), under definitions, the definition of "natural hazard lands" includes, among other descriptions, areas frequently subject to weather disasters.

The State of Oklahoma, like many States, is in an area where there are very frequent weather disasters, which are beyond the ability of those in the State to predict or prevent. Certainly this provision is an example of the breadth and scope of the areas of critical environmental concern that would permit the Secretary to mandate programs—not just the processes but the programs—that would become a very integral part of the State.

The State of Oklahoma is a State in which tornadoes occur from time to time in various parts of the State. So in just this small part of the language that gives the Secretary responsibility to review and to change what the State would find in its best interests, as its land-use policy. This gives full permission to cover the entire State. I agree definitely with the goals of S. 268. However, I inform my distinguished colleague from Colorado I do not agree that S. 268 is a mere nudge or a prod to obtain the State's cooperation. It is more than just a carrot and a club. So far as a Governor would be concerned and a member of the legislature, it is an atomic bomb, because the amounts of money that would be involved in sanctions that would be added to the bill while it is being considered today and in the future, or at some future time, would prevent a Governor from actually exercising his judgment as he saw fit. It would require him to submit to the will of the Federal Government. So it is not just a carrot and a stick. It is not just a prod. It is not an urge, or a stimulation of State processes, it is an atomic bomb. It is an action that he could not resist.

Private land use is one of the last bastions remaining in the ever-dwindling reservoir of State's rights and State's responsibilities. I hope that the Senate will give close consideration to the amendments which will be offered to S. 268 in an effort to reassert the basic State prerogatives over land use and land-use planning.

I thank my good friend the Senator from Wyoming. I yield back to him and thank him very much for giving me this opportunity to listen to the comments that he has made. I thank him also for his contributions to this legislation.

Mr. HANSEN. I would ask my distinguished colleague from Oklahoma a question. As a former Governor of that great State, have you had any experience in making recommendations to the State legislature for the passage of legislation as you thought would serve well the interests of Oklahoma?

Mr. BARTLETT. Yes, I have Senator. I would inform the Senator from Wyoming that in the Arkansas River development study which I cited, a study made in great depth, using State and Federal resources to do it, and over a period of time, and a study which is still going on today, I was unable to receive support from the legislature in this area.

However, I still think that this is a proper area of responsibility for the State legislature and the Governor. I think there is needed to be, in this case, an explanation of just what was planned and what was needed; and this has been going on. For instance, I think that the leaders of the various counties involved have a much better understanding today of what we were trying to do several years ago; but this is part of the whole process that is very important in land-use planning, because it is important that the people support the programs that are brought forth. Although we find, and I know that the Senator found as Governor of the great State of Wyoming, that many citizens are greatly concerned that Government is not responsive nor responsible to the desires of the people. There seem to be, so often, so many who feel that at the Federal level they know better what a State should do than the State itself. I do not support that contention.

Mr. HANSEN. Referring to section 204(3) on page 79 of the bill which deals with a further condition of continued eligibility of a State for grants, I find that the review of the State land-use program share determine that—

State laws, regulations, and criteria affecting the State land use program and the areas, uses, and activities listed in section 203 are in accordance with the requirements of this Act;

I say to my distinguished colleague from Oklahoma that this would seem to presume that State laws, regulations, and criteria would have to be in conformance to and in accordance with the requirements of this act. My question is: Does my distinguished colleague share my conclusion?

Mr. BARTLETT. I share the conclusion of my distinguished friend from the State of Wyoming, and draw his attention to the fact that section 203 is entitled "State Land-Use Programs"—not processes.

Mr. HANSEN. Yes. I have this thought: First, we start out in the bill with processes, then with programs, and then with the exercise of police powers to implement the programs.

I am wondering whether the distinguished Senator from Oklahoma would feel that to impose a requirement that State laws, regulations, and criteria would have to comply with the requirements of this act might place a Governor in an extremely difficult situation.

The Senator earlier observed that sometimes recommendations made by a Governor to a State legislature are not always followed up with appropriate implementing action. Would it be the Senator's opinion that this same situation could well occur in a resolution of this sort of directive?

Mr. BARTLETT. I certainly share the Senator's opinion. I would add that this requirement could prove to be very embarrassing to a Governor, because he would be required, insofar as subsection (4) is concerned, to have reviewed and approved the State land-use program, and then the members of the legislature would have to, according to this requirement, adopt the various programs which include the areas of critical environmental concern, including fragile or historic lands, renewable resource lands, natural hazard lands, key facilities, the development of public facility utilities, and so forth.

So it is all-encompassing in all the programs required, but it would require the legislature to pass laws implementing these.

Mr. HANSEN. I thank my distinguished colleague from Oklahoma. I want to compliment him on his incisive understanding of what this bill is all about, and on the very effective work he has done both in participating in the adoption of amendments that I think have been helpful and, further, in calling attention to the areas in the proposed legislation which deserve and cry out for attention. The record of the distingiushed Senator from Oklahoma is a very impressive one, and I thank him for his contributions.

Now, Mr. President, I have a statement that I hope will be helpful in putting into perspective some of the broad concerns which I feel and which I think may be shared by others. I want to set the stage and lay a little groundwork for what I hope could indeed be a better understanding and result in the stimulation of the kind of interest that I think is necessary, in order to bring about the sort of understanding and comprehension that I believe should precede adoption of the pending legislation.

Mr. President, although I favor the general concept of land-use planning, I have some reservations about how this bill will affect the rights of State and local governments, and ultimately private landowners, to plan for the wise and balanced use of their lands.

Throughout the time that this measure was pending before the Senate Interior and Insular Affairs Committee, I made an effort to insure that the primary responsibility for land-use planning be retained by the States and local governments. The Senate has been assured that the purpose of this proposed legislation is to "encourage better and effective

land-use decisionmaking at the State and local levels, and not to provide substantial new land-use decisionmaking authority on the Federal level." However, the specific provisions of this bill belie its stated intent. The threat of Federal override would be more ominous if Senator JACKSON is successful in adding crossover sanctions to the bill.

SANCTIONS

Senators will recall that during the last session of Congress, the Senate deleted crossover sanctions from S. 632, the predecessor of S. 268. Nevertheless, an amendment has been introduced which will put some "teeth" into the land-use bill to force the States to comply with a federally mandated plan.

The National Governors Conference unanimously opposed the inclusion of any crossover sanctions in their policy position on land-use planning. The Governors said:

The national land use policy should refrain from the imposition of economic sanctions against states which are unable to comply with federal land use policy requirements. Because of the highly sensitive nature of land use control, major accommodations will have to be made between state and local governments before such controls can be exercised equitably and judiciously. Furthermore, sanctions generally have proved an ineffective tool in bringing about desired change. In this instance, they would be even less likely to be effective, since they focus on the Governor alone, when it is the equal responsibility of state legislatures and local governmental officials to develop the joint relationships necessary for exercising land use control.

The imposition of sanctions is more than a nudge or prod. It is coercion which would force the States to shape their plans in a mold cast by the Federal Government. In effect, each State would have two Governors: The one back home in the State capital and another in the Office of the Secretary of the Interior in Washington. Since the sanctions issue transcends every issue in this bill, I urge that it be resolved at the outset of the debate.

AREAS OF CRITICAL ENVIRONMENTAL CONCERN

Section 204(1) presently provides that the Secretary of the Interior shall review the substance of the States' determination of "areas of critical environmental concern." In order to qualify for funds or to avoid sanctions—if they are adopted—the States must include those areas which the Secretary determines are of "more than statewide significance." Although the States may define "areas of critical environmental concern" which are of more than "local significance," predetermined areas must be included in the State's plan. Such criteria coupled with the secretarial review openly invite the Secretary of Interior to impose his will to preempt the responsibility of the States. This is contrary to the policy statement of the National Governors Conference which recommended that the legislation should "encourage States to regain their sovereign responsibilities for the protection of critical environmental areas." This is but another example of how the purpose of the bill is thwarted by the specific provision in the bill.

PUBLIC LANDS

A distinct problem exists in those States where the Federal Government owns substantial amounts of land. The bill, in its present form, would effectively bring only the non-Federal lands under a comprehensive State planning procedure. Due to the high proportion of Federal lands in Western States, and their intermingled pattern with private and State lands, land use must conceptually include all lands, both Federal and non-Federal. Federal preemption also exists for the planning of "adjacent non-Federal lands." There should not be a dual standard for Federal and State lands. Separate legislation for Federal lands is not the answer. If a national land use policy is to be the key to the enhancement of our environment and the development of our resources, one-third of the Nation's land should not be excluded from the scope of this bill. That is about the amount of real estate in the United States that is owned by the Federal Government—about one-third of the Nation's total land area.

The bill in section 611 provides that—

Nothing in the Act shall be construed to expand or diminish . . . State jurisdiction, rsponsibility, or rights in the field of land and water resource planning, development or control.

But as a condition of eligibility, the Secretary is required to review the laws, regulations, and criteria of each State land-use program to determine if it is in accordance with the act. This would require the State legislatures to enact, amend, or repeal laws to conform with the federally mandated bill.

FEASIBILITY STUDY OF NATIONAL LEGISLATION

Section 102(b)(11) refers to "the feasibility of enacting national land use legislation." Section 307 establishes the mechanism to implement this purpose. Congress ought not to be undertaking studies to undermine the intent of S. 268 "Assistance to the States." Moneys appropriated for this act should not be used to subvert the constitutional rights of the State, and the bill should be strictly limited to seeing that the tools necessary to carry out the task of land-use planning are made available to the States and local governments. It is inconceivable that we could on the one hand call for assistance to the States, and on the other study the feasibility of assuming that power by the Federal Government.

PRIVATE PROPERTY RIGHTS

Ownership of private property is one of the most cherished rights and freedoms of our Nation. It means more than just holding a deed and paying taxes on real estate.

Private ownership of land was a great stimulus in the development of the United States. The right to ownership of property provides the drive that has made Americans the most productive people in the world. Our standard of living is the world's highest.

The marketplace always has determined the use of land and the value of land. S. 268 would change that. It would define the use for tremendous areas of land. A small committee in each State would have the duty and responsibility of determining nearly all land uses for a long time in the future. The whims of the Secretary of the Interior would be given overriding authority.

The committee has attempted to make it abundantly clear that the implementation of land-use planning cannot deprive an individual of his property without due process and, if warranted, compensation. Such legislative history should serve as an adequate safeguard of the rights of private property owners. However, I believe that it is probable that attempts will be made to take property for the public benefit under the guise of regulation without compensation. This intent is documented by the following excerpts from the task force on "The Use of Land: A Citizen's Policy Guide." I am going to read from that book some of the quotations that I think bear out the assertion I have just made.

I read from page 118:

Public acquisition cannot, and need not, be the whole answer to the problem of open space and historic conservation.

In the first place, funds for land purchase are limited. It is unlikely that they will be sufficient even to buy all the land that should be accessible to the general public, and it is inconceivable that the nation would allocate funds to acquire all the vast areas that ought to be left in natural or agricultural or historic condition.

On page 136 I read:

Such a system, based on non-compensatory controls and supplemented by other techniques, appears to present the only realistic hope of achieving the permanent protection of critical open spaces, including buffer zones between urbanized areas. A congressional mandate for the establishment and support of state-controlled greenspaces could have a significant influence on local and judicial attitudes to such a program.

On page 145 I read:

Like other guarantees of the Bill of Rights, the takings clause establishes a basic principle that must be continually interpreted and applied by lawmakers and judges.

In thousands of cases, courts have had to determine whether a particular restriction went too far to be sustainable without compensation. Decisions and rationales have been widely divergent. The result is uncertainty about how far restrictive powers can go before expensive compensation must be paid.

On page 146 I find these words:

Many precedents are anachronistic now that land is coming to be regarded as a basic natural resource to be protected and conserved and urban development is seen as a process needing careful public guidance and control.

On page 173 I find these words:

Needed regulations are often not adopted for fear of adverse court decisions. Or the public need for tough environmental safeguards is left unsatisfied because of arguments that such regulation is impossible without massive payments to affected landowners—payments that are obviously unavailable in tight governmental budgets. It is important that state and local legislative bodies adopt stringent planning and regulatory legislation whenever they believe it fair and necessary to achieve land-use objectives. This legislation, in addition to its direct benefits, can help to create a consensus that tight protective restrictions are valid and appropriate ways to achieve more orderly development and to protect natural, cultural, and aesthetic values.

The doctrines applied by the courts need changes too.

On page 174 I find this language:

The courts should "presume" that any change in existing natural ecosystems is likely to have adverse consequences difficult to foresee. The proponent of the change should therefore be required to demonstrate, as well as possible, the nature and extent of any changes that will result. Such a presumption would build into common law a requirement that a prospective developer who wishes to challenge a governmental regulation prepare a statement similar to the environmental impact statements now required of public agencies under federal programs.

On page 175 I find these words:

It is time that the U.S. Supreme Court reexamine its earlier precedents that seem to require a balancing of public benefit against land value loss in every case and declare that when the protection of natural, cultural, or aesthetic resources or the assurance of orderly development are involved, a mere loss in land value will never be justification for invalidating the regulation of land use. Such a re-examination is particularly appropriate considering the consensus that is forming on the need for a national land-use policy.

Mr. President, I hope that all people interested in this bill will examine very carefully these statements taken from the book "The Use of Land," in order to better understand what is in the minds of those persons who feel that we cannot have the kind of land-use planning we need without taking this second and very long step to set aside or at least to minimize or to alter the thrust of the fifth and 14th amendments to the Constitution of the United States.

I could quote many more statements to support my contention. There can be no doubt but what those persons believe that we cannot make progress within the framework of our Constitution. They believe we cannot make progress by writing laws in this body to face up to a problem without going the second step of amending the Constitution.

Mr. President, the protection afforded private property owners by the fifth and 14th amendments to the Constitution has been clearly established.

Those advocates of this bill who seek to expand the proper exercise of State police powers to accomplish public objectives they find socially justifiable without recognizing the rights of private property ownership would bend the Constitution. They would spell out in Federal law their idea of a new order. This quiet revolution would resolve all the problems as they see it.

Senator JACKSON lets us have a glimpse at this new American utopia. He does this by asking us to look back at what we now have. He says:

Their contentions are wrapped in constitutional phrases to obscure the simple fact that the vested and special interests want to maintain the status quo. The Nation, however, can no longer afford the status quo. In all parts of the country, conflicting demands over limited land resources are placing severe strains upon economic, social, and political institutions and processes and upon the natural environment. The status quo is conflict, waste, and inefficiency; it is farmers groups opposing real estate developers; environmentalists fighting the electric power industry; homeowners colliding with highway planners; the mining and timber industries struggling with conservationists; shoreline and water recreation interests pitted against oil companies; cities opposing the States; and suburbs opposing the cities.

The Land Use Policy and Planning Assistance Act is the Nation's best and probably last chance to preserve and to invigorate State and local land use decisionmaking and to insure that basic property rights are not infringed by faceless Washington bureaucrats in places far removed from the sites of land use problems.

But there are some of us who doubt that a new Federal law and the planned and programed changing of the intent and thrust of the fifth and 14th amendments will solve all of America's problems.

We are old fashioned enough to believe that it is still worthwhile and instructive to compare our progress under the constitutional protections we enjoy, whether we are on the currently popular or unpopular side, with any other system that holds the majority is always right.

Chief Justice Holmes in Penn Coal Company against Mahon put it very well 51 years ago:

When this seemingly absolute protection is found to be qualified by the police power, the natural tendency of human nature is to extend the qualification more and more until at last private property disappears. But this cannot be accomplished in this way under the Constitution of the United States. The general rule, at least, is that while property may be regulated to a certain extent, if regulation goes too far it will be recognized as a taking . . . We are in danger of forgetting that a strong public desire to improve the public condition is not enough to warrant achieving the desire by a shorter cut than the constitutional way of paying for the change.

Those of us who believe this legislation needs closer examination and refinement do not doubt that land is our most valuable natural resource. We agree that we face a crisis in land use decisionmaking. Our land use policy, procedures, and institutions must be improved. There is a need for effective land use planning.

But we find it strange indeed that the chairman of the committee would threaten us with Federal zoning and Federal control if a bill is not passed which, in effect, mandates the States to implement a federally supervised and reviewed concept of land use and further requires the exercise of police powers to accomplish these purposes.

If one lesson is clear it is this: Each of the 50 States is different. Local people understood their own particular problems best.

As the President has said:

The time has come to turn away from the condescending policies of paternalism . . . of Washington knows best.

The whole idea behind revenue sharing is to help States and cities and communities to solve their problems—to return power to the people—to return some of their tax dollars back to them so they can do the job which they understand best.

This legislation, like revenue sharing, can help. Let us amend it to do what it says it does.

I yield the floor.

Mr. FANNIN. Mr. President, I wish to commend the distinguished Senator from Wyoming for a very profound statement on just what is involved in this particular legislation.

I should like to discuss with him a couple of items that I think are of vast importance to the Senate, including just exactly what is provided in the bill and the procedure that is to be followed.

I think the Senator has brought out exceedingly well that the Federal Government is set up as the overseer of almost every section of land in the country.

Mr. HANSEN. If we start first from the premise that nearly a third of the land is already federally owned, and then impose a Federal law on the privately owned land in the Nation, or make a law that is applicable to them, and the State use planner then makes a finding that the law does apply, I think we can very well reach the conclusion that this bill would indeed impinge upon practically every acre of land in the United States.

Mr. FANNIN. Is it not correct to say that we set standards for the States and localities, and we also set standards for private land, that we do not set for Federal land, the land that we really have the responsibility to manage? It seems to me very unfair that we should ask others to do more than we are really doing for ourselves.

Mr. HANSEN. The Senator from Arizona is precisely correct. That is exactly what the bill provides. It calls for coordination and cooperation between the Federal Government and Federal land management agencies, on the one hand, and the State land use planners, as they may devise laws, on the other. But actually the thrust and the authority that would follow the implementation of the bill, I think, as the Senator points out, does apply specifically and exclusively to privately owned land.

I agree with the Senator's further statement that it is manifestly unfair to pass a bill which imposes all sorts of requirements and obligations and responsibilities on privately owned land, but ignores totally accepting the fact that there must be coordination and cooperation with respect to the Federal programs on Federal land.

Mr. FANNIN. In our discussions, I think the Senator will agree, we have taken such steps on the floor of the Senate in many instances. It has been said that we have superior ability in Washington to handle these lands over the ability to handle them on the State level. I know that the distinguished Senator from Wyoming, as Governor of his State, had experence in and responsibility for handling the land of the State of Wyoming. I am sure that he was well aware of the programs of his State and was held responsible for them by the people of his State, who would have been critical of him if he had not provided leadership to protect the land.

Now it appears we are saying, at the

Federal level, that we can do a better job thousands of miles away, in many instances, with respect to the very area that is involved.

We set up a process and a requirement designating areas of critical environmental concern. The Federal Government makes that determination. I know that this subject has been covered and expanded upon. A decision may be made by a State, and the Governor will approve it, but the Secretary of the Interior has the right, under the proposed legislation, to challenge the State's selection of its areas of environmental concern. I realize that there is an appeal process; but is it not a stringent requirement that a State would not have the right to make a determination upon its own lands, when there are people in the locality who should be able to make that determination?

Mr. HANSEN. Mr. President, I think it is strange. It underscores the psychology that I find distressingly prevalent in Washington, that only Washington knows best, that only Congress knows best, that only bureaucrats know what ought to be done. And as a consequence I find it disturbing that there are those who can find fault with the contemporary scene. And certainly as long as there are people there will be problems. I know that there are problems. However, I think that we have a pretty good mechanism already devised for resolving problems. And if we can work within the established framework of government as constrained by the Constitution, we can get the job done better than we could do it in any other way. And we will not lose any other options that we now cherish very highly.

So, I do agree with my good friend, the Senator from Arizona, that this is a strange attitude.

Mr. FANNIN. Some would call it the psychology of conceit, that we think we have the great ability here to make the determination of what ought to be done. Yet we are in an area here that is many, many miles away and we are not familiar in many instances with what is involved. Still we will not depend upon the newly elected responsible officials who are responsible people, to make those decisions.

We could go on with some other matters. We require, as the Senator brought out in his statement, planning agencies to set up the criteria by which the State planning agency will operate. Is it not true that many States have planning agencies that work quite efficiently?

Mr. HANSEN. I am not sure how many States have them. My guess is that there could be found in probably each of the 50 States at least one or more of such agencies. I know that we have them in Wyoming. We have one dealing with the fish and wildlife. We have a new agency which was just created by action of the legislature that is supposed to deal generally with land matters.

We passed a zoning law a number of years ago in Wyoming. It has been implemented in a number of counties. Most of them are now using it. There are indeed land planning agencies in a number of States to my knowledge.

Mr. THURMOND. Mr. President, I would like to ask the distinguished Senator the effect that such requirement as we talked about would have upon the ability of the Governor to get such laws passed.

I know that the distinguished Senator mentioned it earlier. What are the thoughts of the distinguished Senator on that matter?

Mr. HANSEN. I am sure that, as I reflect upon my 4 years as chief executive of the State of Wyoming, I probably have little to offer by way of profound conclusions. My good friend, the Senator from Arizona, who occupied the position of Governor of his State for 6 years perhaps has had more experience.

The point is, however, that despite the earnestness and despite the need, as recognized by the chief executive, the fact remains that all he can do is propose and it is up to the legislature to dispose. Oftentimes they are not disposed to look with too great favor upon the recommendations given them by the Governor. However, the fact is simply that they require a Governor to do something or they look to him for leadership which will automatically result in the passage of laws. That is being very naive indeed.

Mr. FANNIN. I would agree that it is very naive. In some States they have a Governor of one party and a legislature of another party. And I can speak with a little remembrance in that regard.

Mr. HANSEN. Mr. President, if the Senator would allow me to interrupt, I can speak of the problem that exists when it is all on the same side. That is sometimes even more vexatious.

Mr. FANNIN. I can recall when, with a State Senate of 28 members—and I happened to be Republican—there were 27 Democrats and 1 Republican. So, I had my caucus normally in a telephone booth. However, I would say we must realize that when they say that we must be for every phase of this program, it involves State law. We are making a great demand upon the States. A State will either have to amend, repeal or enact laws to comply with the requirements of this act.

We made the point, as the Senator brought out very ably in a prior colloquy, that a State land use program must be reviewed and approved by the Governor. The Governor must take action. The Governor is required to do what is necessary under this act whether he agrees with it or not.

Mr. President, I thank the Senator for his cooperation and for his excellent efforts on behalf of a good bill on land use planning.

I know that the Senator is sincere in offering the amendments that he will offer to bring about what we think and what we believe Congress would consider to be a fair and equitable bill.

We talk about and refer constantly in the bill to the fact that, "Nothing in this Act shall be construed to expand or diminish Federal, interstate or State jurisdiction, responsibility, or rights in the field of land and water resources planning, development or control; . . ." Yet prior to this we have required the States to change the laws to comply with the bill. And certainly it would not be true if we amended, enacted or repealed State laws in accordance with the provisions of the bill. Then this would not have the effect it would if we took it as it is in the bill presently. In other words, if we had not already amended the law, a government instrumentality could expand or diminish Federal, interstate or State jurisdiction or responsibility.

I think that this is a subject which I think certainly should be considered by everyone.

Mr. HANSEN. Mr. President, I agree completely with my good friend, the Senator from Arizona. This section, like so many others in the bill, needs to be read. It is an easy matter, and it is a matter of which I am guilty perhaps as much as anyone, and perhaps more. We come into the Chamber and vote upon a proposition and we have not even read the bill. We have perhaps had a chance to read it, but have not availed ourselves of the opportunity to do so. And we really do not know what we are doing. We could pass some laws that will certainly come back to haunt us.

I remember when the distinguished Senator from Washington, the chairman of our committee, and I were discussing some of the ramifications of our present energy dilemma. There was talk about the effect that some of our regulations and laws dealing with the environment had upon that energy crisis. Although we may not have agreed in every detail, I think it can be said that each of us recognized that there certainly are laws that have made a solution or a resolution of a problem more difficult than would otherwise have been the case.

Two years ago or a year ago we had a lot of discussion about some of the regulations that were drawn up under the Occupational Safety and Health Act, an act that I supported. I think there were only three votes aginst it.

I must admit that I had not read the bill. And I would have to say that no one else read it either, because as the Senator from Nebraska (Mr. CURTIS) pointed out in his statement which accompanied his amendment, many codes and many regulations were incorporated by reference into that law, and that all of those codes and references were never printed in one single document. As a matter of fact, the Library of Congress estimated that if you were to take the OSHA Act and add to it those documents which by reference were incorporated into it and make a part of it, and pile one on top of the other, you would probably wind up with a pile of material in excess of 30 feet in height.

When Senator CURTIS asked if he could check out all of the appropriate documents to bring to the Senate in order that we could demonstrate to the Members of the Senate some dimension of the problem in trying to understand what the law said by visibly exhibiting everything that was a part of the law, he could not obtain those materials because the Library of Congress said, as I understand or recall what he told me about it, that

some of the documents were very few in number indeed, and while they would permit people to read them within the Library of Congress, they could not be checked out.

So that is an example, I say to my good friend from Arizona, of what happens when, in our enthusiasm for an idea, for a concept, for a notion, we vote for something when we really do not know what we are voting about.

I am convinced that we will make some changes in that OSHA law in time. We are finding that many of the regulations are being changed. There were some ridiculous ones, as I recall. One was that if you had an employee in your place of business, you had to have a split toilet seat. I was talking with a good friend of mine who works for the Department of Labor, stationed in Denver, and he said that particular regulation made better sense than some. He said:

Who knows but what an employee of the department might be making his rounds calling upon employers to find out if they are complying with the law, and as he makes the inspections, he goes into all of the areas of the building, and in the rest room he might want to get a drink, and if the toilet seat was not split, it could fall down and hit him on the back of the neck and break his neck.

So that may have had more reason than some of the regulations. But the point is that so many times we do not know what we are talking about. We do not know what is in the bill; we just think the idea is good. After all, who is against health and safety for employees? No one would be, obviously. I was not. But three people, by their votes, indicated they were; and I guess that was because they took the time to read the bill.

I vowed right then, I say to my good friend from Arizona, that I was not going to vote for another piece of legislation that could go as far as that one went without knowing what was contained in it.

By the same token, I hope that each of us will take the time to study this bill. It is not nearly as long as the OSHA legislation; this bill is about 75 pages long. The first part contains the action that was passed last year, as the Senator knows, and there are a total of about 135 pages. We can well afford to take the time to read this bill and to raise questions about provisions in it that we do not understand, in order to make certain that we do know what is contained in the bill. On the basis of that kind of a study, I should think we would be better able to adopt amendments, to delete sections from the bill, and to determine ultimately whether we will support it or whether we will vote not to add it to the law.

Mr. FANNIN. Mr. President, I agree with the distinguished Senator from Wyoming, and I certainly commend him for the illustrations he has used. Great damage has been done because of the hurried process that was utilized in passing the OSHA bill. Many considerations were not given to the bill that would have been given if time had permitted. But in the rush of business affairs, we did vote for a bill which was what the Senator has referred to as more or less of a motherhood bill.

Who could be against safety and the protection of the worker? But we had companies that went bankrupt; we had millions of dollars spent, many times unnecessarily, without the benefit of views from many areas of the country that we found were affected and would be affected. Changes are being made, but look at the costs involved. Changes are not easy to make. It is difficult to administer the act, because many provisions are found to be just verbiage, and very detrimental in effect.

I am concerned that this bill could be far more damaging, even, than the OSHA bill, because of the tremendous coverage involved.

I agree with the Senator that it is essential that we take the time to review the provisions of this bill, that we understand the complexities in the bill, and the consequences that would result if some of these provisions are not changed.

I do appreciate very much a chance to discuss it with the distinguished Senator from Wyoming.

Mr. HANSEN. I thank my colleague very much. You know, the concept seems to be that where the States have failed, the Federal Government must step in, and if it does step in, everything will be all right, all problems will be solved, all disagreements will cease, and all controversy will end. That seems to be a fair interpretation of some of the statements I have read about this measure.

Mr. President, I cannot believe that it is going to be that way at all. I think, in terms of the trend in the country today, instead of taking every problem to the Federal Government, expecting that a simple solution can be worked out that will fit every one of the 50 States, the thrust of the current thinking is in exactly the opposite direction: to send the problems back home, send them back to the people who understand them, the people who live with them, the people who know what they are all about, and let them take a look at these problems.

I must say that makes great sense to me.

Mr. FANNIN. That is the procedure that was followed in this great country for years and years, and is the basis of the free enterprise system. I realize we are prone now to blame the States, as we talk about the energy crisis, but how can we place the blame on the States? We talk about that they did not have additional refineries in the States. But the pressure was not evident just a few years ago. There were many, many reasons why more refineries were not built. It was not just the location of the refineries; there were many other factors involved: The economics and the need. Not too many years ago we had adequate facilities.

So when we start blaming the States for the energy crisis, or when we start blaming the States for the shortage of petroleum refinery capacity, I think we are wrong, because after all we have made decisions here and they have made decisions at the State and local levels, all of which have affected what has happened.

Certainly the Federal Government should bear its fair share of the blame. In fact, I think if we were to put it on a percentage basis, we were probably 80 percent at fault and the States were 20 percent at fault. I think we should bear that in mind in seeking to fix the blame.

Mr. HANSEN. Mr. President, I thank the Senator from Arizona, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

EXTENSION OF TIME FOR A SPECIAL AD HOC COMMITTEE TO REPORT ITS FINDINGS AND RECOMMENDATIONS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, notwithstanding the provisions of Senate Resolution 13, 93d Congress, agreed to January 9, 1973, the Special Ad Hoc Committee to Study Questions Related to Secret and Confidential Government Documents shall have until July 31, 1973, to report its findings and recommendations to the Senate and, upon submission of its report, the committee shall cease to exist.

In explanation, may I say that this would extend the life of the committee for 1 month only. The purpose is to give us time enough to submit a final report and then go out of existence.

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

LAND USE POLICY AND PLANNING ASSISTANCE ACT

The Senate continued with the consideration of the bill (S. 268) to establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands, and to establish an Office of Land Use Policy Administration in the Department of the Interior, and for other purposes.

Mr. SCOTT of Virginia. Mr. President, I have been looking at a copy of the bill before the Senate and at the committee report. They are quite lengthy, and it is difficult for a Member not serving on the committee to be familiar with the entire measure. Therefore, I would like to ask the ranking member of the committee a few questions with regard to the bill, if it is agreeable to the Senator from Arizona.

Mr. FANNIN. I would be pleased to respond to the distinguished Senator from Virginia.

Mr. SCOTT of Virginia. I note on page 86 of the report a reference to the cost of this proposal. As I add the figures, they amount to somewhat more than $1 billion that would be spent. The first item is $800 million, then $120 million, $80 million, $16 million, and finally $50 million.

I wonder whether this is a wise expenditure of funds at this time, when we have a deficit in our national budget. Could the distinguished Senator comment on that?

Mr. FANNIN. I will be pleased to comment and to advise the Senator that this Senator did not vote for that amount. Last year, as I recall, we had an amount of approximately $170 million for a 5-year period. This is $800 million at $100 million a year for an 8-year period, for the Federal appropriations, for grants to the States for development and implementation of State land use programs.

I further wish to inform the Senator that there is no formula by which this money will be administered to the States. In other words, we do not have a formula by which the grants will be made, on a population basis or other basis. There is a provision that supposedly would be based on the need of the land use program. But we have no assurance as to just what policy would be followed in that regard.

Then we have the $120 million, which is $15 million annually, as stated in the report, to coordinate, study, conduct, or implement land use planning in interstate regions. I realize that many regions in the country need more money than others. But we still do not have a formula as to how this amount of money would be appropriated or would be expended.

Then we have the item of $80 million, at $10 million annually, for the Indian tribes. I am in favor of bringing Indian lands under this bill, because I feel that we should cover the Indian lands, give them the same protection and the same opportunity to participate. Of course, the basis for handling the Indian tribal lands is different from the basis for handling other lands. At the same time, I felt that if we were going to work on a land use policy, a program for the States, we should include the Indians and give them the same opportunities we gave others. I want the Senator to understand that I favored that, and I still favor that we include the Indian tribes. But I did not have in mind the expenditure of the amount of money that is involved in the other stipulations. Of course, if we have the full appropriation for this amount, it will amount to more than $1 billion.

As the Senator will observe, we have the $16 million, $2 million annually, in Federal appropriations over an 8-year fiscal period, for contracts or grants for research on and training in land use related subjects. This is not a large amount, but we still do not have a formula for determining how it is going to be distributed.

Then there is $50 million, $10 million annually, that would be for the administration of the program.

Mr. SCOTT of Virginia. Would the distinguished Senator agree that even these amounts, based on his past experience in Congress, may not be the total the Congress may be called upon to authorize in the future?

We seem to have a pattern here that when we introduce a bill and when we pass it, the authorizing legislation is for a lesser amount that ultimately is determined to be the total cost that Congress authorizes.

I note that the bill creates a new office in the Department of the Interior—item 5, for $50 million, $10 million annually over a period of 5 years by Federal standards, it seems a little low for a new office that is being created to assume such responsibilities as appear to be in this bill. Would the Senator comment on that?

Mr. FANNIN. As I responded previously, I feel that we are going far beyond what is needed to carry through the program that was intended by the title of the act and by the intent.

If the Senator will read further as to the intent of the act, it was not to take over the State programs, not to dictate to the States, but to assist them and to coordinate their efforts, especially in States where there are Federal lands, to assist in the programing of Federal and State lands. Of course, we do not control the Federal lands, but we set these controls on the State and private lands.

Mr. SCOTT of Virginia. Does the Senator mean that the act as originally introduced would not invade the prerogatives of a State or does he mean the act as it is before the Senate today?

Mr. FANNIN. The act before the Senate today does invade the prerogatives of State government to a far greater extent than the act passed last year. The protection of property rights in the act last year was far greater than in this bill. The specific provision to protect property rights was deleted from the bill. There is a provision in the bill so far as constitutional rights are concerned; but so far as definite protection of property rights is concerned, the stipulation in the bill last year, referred to as the Jordan amendment, was removed from the bill.

Mr. SCOTT of Virginia. I was a general practitioner in the legal field, not a specialist, but it is my understanding that zoning is a State and local matter; that there is no zoning power in the Federal Government

I just wonder: is this bill consistent with that concept, that planning and zoning jurisdiction resides in the State and local government rather than the Federal Government?

Mr. FANNIN. I will just refer to some of the stipulations we have previously discussed on the floor. The Senator did not have the opportunity to hear the discussion that took place. The State land use planning process is set up and then is subject to a review by the Secretary as to whether certain processes have been followed. In the areas of critical environmental concern, the Secretary has the right to determine whether all questions of critical environmental concern have been covered. If not, he can come in and challenge the Governor of the State on whether or not there has been compliance. They do have an appeals process but in that appeals process the determination must be whether or not the Secretary has been reasonable.

That is a difficult determination to overthrow. If it appears reasonable under the appeals process it stands. This is a dangerous principle.

I would like to cover other stipulations in the bill that I think would be of great concern to the Senator.

Mr. SCOTT of Virginia. If I may interject, the Senator was discussing environment. I understand some sort of State plan under the proposal is submitted to the Secretary and he has to approve the State plan. Is that correct?

Mr. FANNIN. The Senator is correct.

Mr. SCOTT of Virginia. Then, if a State is not satisfied it would be necessary to show the Secretary was arbitrary and capricious; that his judgment was not reasonable.

Mr. FANNIN. This bill provides that the States will receive Federal dollars when they formulate a land use plan pursuant to the provisions of the bill. Once that first Federal dollar is accepted then Dr. Jekyll becomes Mr. Hyde and they become slaves of Washington.

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

Mr. SCOTT of Virginia. I am glad to yield.

Mr. McCLURE. The Senator from Virginia is pointing to a portion of the provision of the bill that is very troublesome. The interrelationship of several different sections of the bill must be clearly understood. It is valuable to have the discussion so we may understand what the bill does and does not do. This morning the Senator from Colorado (Mr. HASKELL) and I had some colloquy concerning this point. I think it is well to go over it again, and we will do so later.

Section 202 of the bill deals with the process that the State must go through.

Section 203 deals with the program that must be adopted by the State to implement the process and the plans adopted.

Section 204 has some specific things that must be done by the State in order to continue its eligibility for program grants under the bill. When we talk about eligibility, we have to remember that there will be offered an amendment with respect to sanctions against the States if they fail to live up to the requirements of this section. So we are not just talking about program grants under the bill, but also highway money, airport and trust fund money, and HUD money.

These are the three areas in which Federal funds have the greatest impact. All of this is covered by the review process in which the Secretary makes determinations of whether or not the State has complied with section 202, second, has gone through the program implementa-

tion, sections 203 and 206, and third, whether or not it has adopted reasonable regulations that deal with the section 204 requirements that are rather specific about environmental concern and key facilities.

This is all covered by section 306 review procedures, which have two stages; one stage is review of the program and approval of the program by the Secretary, and the second is, if there is any adverse action taken, the review of his decision by an ad hoc hearing committee.

This morning the Senator from Colorado (Mr. HASKELL) and I discussed the review provision and pointed out the standards, the two protections for the State. First, the Secretary has to carry the burden of proof, and second, the finding has to be that the State has made a good faith effort.

But the point that concerns me, to carry that one step further, on pages 98 and 99 of the bill one will find the language in section 206 which deals with that review. The burden of proof is set forth. Section 306(g) on page 98 states that the Secretary "shall carry the burden of proof to establish ineligibility under the following standards:"

Then, it refers to sections 402, 505, and 601 (i), (j), (k) and (l), but it does not refer to the good faith efforts of section 202 or to section 203, or any other subsection in 204, except subsection (1). It may be that when we get to (3) of 306 we may need qualifying language to make certain that the catchall in subsection (3)—that is, section 306(g)(3)—does not substitute around the good faith provision and simply say that the Secretary has the burden to prove the States have not adopted reasonable regulations.

Mr. SCOTT of Virginia. Let me ask the Senator a question. Is a State bound by the provisions of this act if it does not seek any money under the act?

Mr. McCLURE. I would say to the Senator that the way the bill is now, the only sanctions, the only penalty for a State that does not comply is loss of a planning grant under the bill.

There is a pending amendment which would call for the reduction of State highway moneys, airport and trust money, and money in the HUD area, which would be much more severe.

Mr. SCOTT of Virginia. Under the act before us now, it appears like a carrot of Federal money for planning, zoning, and other purposes, being held out to the State and the State must submit a plan in order to get this Federal money. Is this too simple a statement?

Mr. McCLURE. I think it goes rather further than that, but essentially that is correct.

Mr. SCOTT of Virginia. Then, if the Jackson amendment is agreed to, the amendment I understand will be offered by the Senator from Washington, which goes well beyond the provisions of the existing act and goes into what other money?

Mr. McCLURE. The highway trust fund money, the grants for construction of highways, the airport and airway construction money, that deals with airport facilities and airports, and housing and urban development funds that deal with Federal programs in housing. Those three categories are felt to be the ones with the greatest impact on land use and it would also include in a reduction, if the States have not complied with the provisions of this act.

Again, the act is intended to require of the States only that they adopt a plan that, first of all, requires certain processes in the act, that are enumerated in the act; that the State has considered certain specific land-use considerations in the adoption of its plan, and that the State has adopted a legislative program and a regulatory program which will implement the State's plan.

Those are the criteria which the States would be compelled to live up to under this bill. It is not intended under the bill to substitute the discretion of the Federal Government for that of the State government, but some of the discussion we have had is directed to whether or not the bill adequately states that philosophy.

Mr. SCOTT of Virginia. I thank the Senator.

Mr. FANNIN. Mr. President, if I could clarify one point, does not the Senator agree that it is the intent of the bill that if the States do not come in, at a certain point—the point would be 90 days after the 8 years have expired, that they are supposed to submit a plan to the Secretary——

Mr. McCLURE. That is the intent of it.

Mr. FANNIN. That is the intent of the legislation, although there is no penalty involved unless we have sanctions in this particular bill.

Mr. McCLURE. That is correct. It is the intent of the bill that the States would have to go through a process, consider these features, and come up with a plan, along with implementation of a plan that says, "Here is what we in the State have as the State plan."

Mr. FANNIN. So it is not voluntary, as some persons have said. It is a plan that, at the end of a certain period, as far as time is concerned, certain events must take place. If the State does not have a plan at the end of that 8-year period——

Mr. SCOTT of Virginia. Is this a statewide plan that each State would submit?

Mr. FANNIN. It would be a plan that would be the State plan, where the localities would be involved, and that would be their responsibility to the State. The State would then submit a plan to the Secretary.

Mr. SCOTT of Virginia. Is it overall land use for the entire State?

Mr. FANNIN. For the entire State. Of course, the Federal Government tells us what is provided for. Incidentally, Indian lands are included in the lands——

Mr. SCOTT of Virginia. If the Senator will permit, let us explore this further. The Senator is saying that this plan is submitted to the Secretary by the State and then the Secretary passes on the reasonableness of it?

Mr. FANNIN. Certain provisions of the plan. Air and environmental concern is one area that is to be specifically considered, as to whether the State plan covers the area of air and environmental concern that he thinks is necessary.

Mr. SCOTT of Virginia. I would say to the Senator quite candidly that while we all want a clean environment and a healthy environment, I am concerned that we may have gone too far already in the field of environment.

I yield to the Senator from Idaho.

Mr. McCLURE. I thank the Senator for yielding.

I think two points, or perhaps three, must be made, when the expression "overall plan" is used. First of all, under the provisions of the plan, States are encouraged to leave decisions to the local level to the extent that they can——

Mr. SCOTT of Virginia. If that is true, why do we need this law, because the local levels are considering these problems without intervention from the Federal Government?

Mr. McCLURE. Occasionally it can be pointed out where local governments have not agreed, where different judgments could be arrived at with respect to the decisions.

Mr. SCOTT of Virginia. If we believe that government is best at the local level, if local government then has decided not to act, then it has made that decision. This bill would put the Federal Government into that decisionmaking.

Mr. McCLURE. Not necessarily, because the State is encouraged to do so, remembering——

Mr. SCOTT of Virginia. The carrot is held out.

Mr. McCLURE. No; remembering, if the Senator will, that local governments are the creatures of State governments. The State establishes cities and counties and, under their various constitutional and legal requirements, can disestablish them. The State has supervisory authority under the police authority of the State if it wishes to exercise it.

But I wanted to make two other points with respect to the overall State plan. One is that the Federal plans are excluded from the State plan under the rather uncertain mandate in the bill that Federal land management agencies and land planning agencies would coordinate planning and management of Federal lands with adjacent lands—a very difficult concept and one that is very difficult to apply.

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

Mr. SCOTT of Virginia. Let me make the statement, before I yield further, that, of course, the distinguished Senator from Idaho and I are from entirely different States. We do not have the large amount of Federal ownership and Federal control of lands in the East that the Senator does in the West.

Mr. McCLURE. I would say to the Senator we have some plans to change that.

Mr. SCOTT of Virginia. It will be without the support of the Senator from Virginia, I will assure the Senator of that; but I would agree with the distinguished Senator that ordinarily the localities, the county governments or political subdivisions, are answerable to the States. How-

ever, I am concerned that we would have them answerable to the Federal Government under this proposed act. The Senator seems to believe, as I understand, that this is not true. Yet I wonder, in practice, when we hold out the incentive of Federal money, if the Federal Government is not ultimately going to call the shots.

Mr. McCLURE. I think the Senator's fears are very well expressed and founded on past experience. That is why the committee has been very, very careful in attempting to write legislation which specifically and clearly says that the Federal Government's discretion shall not be interposed to distort the State decisions. Whether we have accomplished that adequately under the language of the bill is the subject of some of the debate.

The other point I wanted to raise in this area is the fact that there are some decisions in which the Federal level would logically preempt State decisions. The bill, in my estimation, in this area is very unclear. I proposed amendments at various points in the discussion of the bill that would have at least, in my mind, addressed themselves to clarifying the question of which specific areas, narrowly defined, would be within the discretion of the Federal Government as distinguished from the discretion of the State government.

We have attempted to deal with that in terms of critical environmental concern and key facilities of more than Statewide concern, but the distinctions have not been clearly drawn in the legislation and I am concerned that this may be an avenue by which the secretarial discretion can override the subjective decisions of the States——

Mr. SCOTT of Virginia. We are talking about a carrot of over $1 billion. Is not this fairly weighty amount that the States will want to participate in?

Mr. McCLURE. The Senator is talking about $1 billion. For my State of Idaho alone, yes, that would be.

Mr. SCOTT of Virginia. The entire country.

Mr. McCLURE. But $1 billion spread over 50 States and spread over a several year period is not that much money, really, by the time we get down to the necessary support of all the planning agencies that would necessarily be created in pursuance of this bill.

Mr. SCOTT of Virginia. The Senator from Colorado, I believe, wanted to participate in our discussion.

Mr. HASKELL. Yes, I did, if the Senator from Virginia will yield. There was some discussion that this bill only takes into consideration and only provides for State laws, and then orders the Federal Government not to do things that are harmful to the State plan. I would like to mention to the Senator from Virginia that in the Interior and Insular Affairs Committee we have the twin of this bill which would make the Federal Government plan its plan so as not to be to any extent harmful.

Mr. SCOTT of Virginia. Has that legislation been favorably reported?

Mr. HASKELL. That has not been reported. It is in the committee. However, it is a counterpart of this measure.

Mr. DOMENICI. Mr. President, will the Senator yield? I have some questions which I would be happy if any of the three Senators could answer for me. Three things disturb me. Let me take them up separately and talk about regional planning problems. Does the Senator know how we will solve that kind of problem? Will either of the Senators tell me how this bill proposes to have a common impact upon that kind of regional area?

Mr. FANNIN. Mr. President, under the cost of the act on page 86 of the report, it reveals that there will be $120 million, at $15 million annually, in Federal appropriations over an 8-full-fiscal-year period following enactment of the act for grants to the States to coordinate, study, conduct, or implement land-use planning in interstate regions.

Mr. DOMENICI. So that the States in their individualness, yet working with other States, could propose as part of the implementation plan that they seek separate grants for the purpose of suggesting interstate plans.

Mr. FANNIN. That is true. I am not in agreement with the amount of money involved. I know that is not the question that the Senator asked me. But this does provide for the amount of money that I related.

Mr. DOMENICI. Mr. President, my second concern has to do with Indian lands, and in particular Indian lands that are closer to municipalities and urban growth. I am certain that the Senators have had some such problems in their States or localities. I know that we do in New Mexico. We run into the situation where we have local zoning and in planning such areas, we would run into jurisdictional problems regarding the city involved. What would this bill purport to do with that in terms of Indian participation in the determination of whether such a policy should be created?

Mr. HASKELL. Mr. President, there is a separate title of the bill which provides for planning by the Indian tribes on Indian lands under separate grants to Indian tribes. One section in that title involves the coordination of planning of the Indian lands, State lands, and Federal lands.

There is a provision in the bill. Perhaps the Senator from Arizona would like to expand further upon it.

Mr. FANNIN. Mr. President, I thank the Senator from Colorado. The Senator from Colorado was with me in Arizona at the time that we had hearings on the legislation. And we had representatives from the Indian tribes, especially one tribal chairman who supported the legislation and was very anxious to have the Indian tribes participate.

In the cost of the act, on page 86 of the report, it provides $800 million, at $100 million annually, in Federal appropriations over an 8-full-fiscal-year period following enactment of the act for grants to States for development and implementation of State land use programs.

This is included in the legislation.

One of the great problems is in determining the amount of money that would be needed and would be utilized. We do not have a formula for the exact amount of money. I hope that we will be able to work out a formula for that.

Mr. DOMENICI. Let me follow through to see if I understand. The Senator can correct me if I am wrong. This is wholly a jurisdictional program now with reference to who has authority to plan Indian land, whether it be the municipalities or the State. Do I understand that we are not trying to change that jurisdiction at the moment?

Mr. HASKELL. That would be my understanding.

Mr. FANNIN. It would certainly be my understanding that there would be cooperation and coordination with the Indian tribes. Certainly, I would expect that we would give every assistance possible to settle any problem that is not a part of the proposed legislation.

Mr. DOMENICI. So the Indians themselves will determine whether they want to be a part of the planning program. They will determine whether they want to apply. They say that the bill seeks to cause them to coordinate with other planning units—State, regional, or the like.

Mr. FANNIN. That is the intent of the bill, generally speaking.

Mr. McCLURE. Would it be a fair statement to say that the bill neither extends nor diminishes the authority of Indians to deal with their own land?

Mr. FANNIN. That would be the intent. There would be planning and program assistance, but we would not dictate to the Indian tribes. In fact, I wish we could have the same provisions so far as the States are concerned.

Mr. SCOTT of Virginia. Mr. President, let me ask the Senator from New Mexico a question. As I understand, the distinguished Senator is a former mayor of the largest city in his State. I just wondered whether he has any concern, as a former mayor, about the Federal Government overseeing planning and zoning.

Mr. DOMENICI. Let me address myself to answering the Senator's question. I think the answer to the Senator's question is: Will the Federal Government really take this whole process over? I am satisfied that the Federal Government will have to get into the enticing business.

If I understand correctly, we are saying to the States that the Federal Government is very much concerned about individual States getting on with land use planning and in doing it on a national basis. I am not concerned, in this instance, about the first phase. I will listen to the debate on further amendments which seek to impose sanctions, to see whether they would make it impossible for a State to remain independent as it proceeds with its planning. But I see no other way, in response to the question, to get the work done. It is a serious national problem.

Mr. JOHNSTON. Mr. President, will the Senator from Virginia yield?

Mr. SCOTT of Virginia. I yield.

Mr. JOHNSTON. Mr. President, I am quite concerned about the question raised by the Senator from Virginia. Who is accepting whose final say whether this is, in fact, a Federal authorizing bill?

Mr. DOMENICI. I do not believe it is intended to be so. I believe it is the intent of the committee to encourage and perhaps, if the Jackson amendment should be agreed to, to enforce the land use planning on the States, a goal with which I wholeheartedly agree.

Mr. SCOTT of Virginia. Would not the Senator agree that if one wants to know the future, he studies the past? When the Federal Government enters a field like this, does it not generally supplant the State act?

Mr. JOHNSTON. It certainly does. The important thing is that the bill in its present form gives the Secretary of the Interior the power to zone nationwide.

I should like to engage in a colloquy, if I may, with the floor manager of the bill. I think I can prove my point by the provisions of the bill.

Mr. SCOTT of Virginia. I did want to make a few more comments, but I shall be glad to yield temporarily for whatever questions the Senator from Louisiana cares to ask.

Mr. JOHNSTON. Let me follow, then, the Senator from Virginia, because the explanation of the point I wanted to make would take a little bit of time.

Mr. SCOTT of Virginia. Mr. President, I appreciate the distinguished Senator's attempting to answer the various questions that have arisen in my own mind, but quite candidly I am concerned about the Federal Government invading a field that is generally reserved for the States and the local governments.

We have had a problem in Virginia over the last several years with the Voting Rights Act, under which, in the field of voting, where decisions have generally been made by the States and the local governments, we have had to submit a plan—Virginia and several of the other States—for any changes in the boundary lines of our cities and counties to the U.S. Attorney General for approval, and any changes in our election laws. It has sort of made us subservient to the Federal Government.

I am fearful that there is a parallel between the Voting Rights Act and this measure. I am fearful that in the field of zoning and planing, the State governments are going to have to go to this new office in the Department of the Interior for final decisions. As the distinguished Senator from Arizona mentioned, the Secretary of the Interior determines the reasonableness of the zoning and planning by the State governments.

Frankly, I would rather see the local and State governments performing this function as they have in the past. I do not see how at least this one Senator can support the bill. Certainly I cannot if the amendment for sanctions is adopted, which I understand will be proposed by the distinguished Senator from Washington.

I just wanted to get my own personal thoughts into the RECORD on this matter. I believe this is a bad bill, and I shall vote against it.

Mr. DOMENICI. Mr. President, I wonder if the distinguished Senator from Arizona would exchange a few further thoughts with me. I have a further question with regard to the Indians.

Mr. FANNIN. Mr. President, I shall be very pleased to do so.

Mr. DOMENICI. As I understand, the Senator from Idaho said that this bill does not seek to change the law as to authority over Indian lands. If it is trust land, it remains trust land, and if they seek to participate in this planning procedure or process, we have not changed that.

With reference to the final say-so, then, over Indian land, do I correctly understand that as to trust land we are not changing the relationship of the Secretary to the Indian trust land, with reference to planning under this process; is that correct?

Mr. FANNIN. That is correct. The way I understand the Senate bill, that is correct.

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

Mr. DOMENICI. I yield.

Mr. BARTLETT. I think we need to be very careful that we understand that as far as the Indians and Indian lands are concerned, they can, if they wish, apply for planning grants under this bill, and that if they are then given grants for planning on Indian lands, they would then be subject to the same criteria that others are with reference to the contents of the processes and the various procedural aspects of the bill.

Mr. FANNIN. That is correct, if they elect to do it on that basis.

Mr. BARTLETT. If they elect to come in. The Secretary of the Interior would then have the review of the results of the program, which is slightly different, in one respect, than the reviews that the States have, because the Secretary now has responsibility over the trust lands, and so he has other statutory authority and other statutory responsibility in addition to what is written here; and to that extent he would have some review of the results of the planning activities on Indian lands, which would not be true on the review of the results of the planning activities by the States.

Mr. FANNIN. That is my understanding.

Mr. DOMENICI. So, then, it is my understanding that if Indian people have complaints about the strings that are attached, for want of a better word, under the trust relationships that have heretofore been available for the determination, this will not change that. That final review is still the prerogative of the Secretary, not because of this legislation but under the trust relationships in other parts of the law.

Mr. BARTLETT. I would say to the Senator from New Mexico that that is exactly correct. In this legislation, the relationship between the Indians and the Federal Government is not changed as a result of this. It does not increase Federal control over their lands; neither does it decrease Federal authority.

Mr. FANNIN. To further expand for the benefit of the distinguished Senator from New Mexico, on page 115 of the bill, under subsection (4) on that page, the explanation is very clear, if the Senator would like to have something for a reference.

Mr. DOMENICI. I thank the distinguished Senator.

Mr. McCLURE. Mr. President, there are many things that need to be said for the RECORD on this matter. I have stated most of my basic philosophy in the colloquy with the Senator from Washington when we opened the debate on this bill last week.

I am convinced that traditional concepts of private property ownership will be changed. Our fundamental ideas about the right to use properties the way we see fit will be to some degree changed by this legislation, just as they have been changed over the last half century or more as we have greater and greater official impact, as we have greater numbers of people interacting with each other in more and more ways.

This is brought about as a simple necessity of a growing and a more complex society. It is brought about because of the technological revolution that gives more people more opportunities to do more things than they have ever done before.

For instance, we have a provision in this bill that deals with the problem of second home subdivisions. If this were not an affluent society in which people could afford to own second homes, we would not be confronted with that kind of necessity in dealing with that problem today. If we were not worried about the fact that we are building more highways in this country in the last 20 years, ever since the Interstate Highway Act was adopted during the Eisenhower administration, we would not be concerned about the necessity to plan for the location of those highways. If we were not involved in Federal programs to aid the construction of airports, the Federal Government would not be involved in that kind of decisions today. And if we were not more and more involved in public housing, we would not be concerned about legislation that dealt with the Federal role in the location of housing projects. But we are involved in those things.

As I remarked last week, just a few brief years ago our population passed the 100 million mark. As as matter of fact, from the founding of this Republic—well, we might go back even further to the time when the first Colonists landed. From the beginning in the early 1600's until 1930, we had grown to a population of 130 million people. Yet, with that entire interval that led to the growth of 130 million people in this country, from then until 1970, we had grown to 213 million in the brief span of just 40 years. The next 30 years will see our population grow to another 100 million people.

So the pace of the growth of population is also causing us to recognize the necessity for devising new means to live together, just as early in this century we adopted the zoning laws which pretty largely boomed after World War II in their application, the effect of which was a balancing of property rights. It was not a denial of property rights, but a new incursion by government under police

power to balance my property rights with the property rights of my neighbors. It was an attempt to say you cannot use your property in a way that will damage someone else's property.

We are now confronted with a new philosophy which I think we had better recognize. It is no longer a balancing of property rights; it is an imposition of social decisions upon property rights, and that is a very different thing than that simply of balancing the equities of competing property rights. But I believe that we are impelled by the necessity for new procedures to deal with the complex interrelationships of various decisions that will be made by units of government and individuals who are dealing in all kinds of property development and community development proposals. So I am reluctantly—very reluctantly—impelled to the belief that we need legislation and I support this kind of legislation at this time because we have made some bad decisions in the past where we did not have any mechanisms by which we might relate one decision to another.

While I am in favor of passing legislation, and I have tried to take it at every step of these proceedings, I am absolutely determined to preserve the planning process and the decisionmaking process to the State and local government. To the extent that this bill goes beyond that, it will have my opposition. I am attempting in the various portions of this debate, and will attempt further in some amendments to be offered, to define the areas which are properly the Federal Government's and to reserve all the rest of the decisionmaking process to the State government.

It has been said that all we are doing here—and I use the term of the Senator from Washington, the chairman of the committee, who agreed with me last week that this is an action-forcing device and it is not intended by this bill to take the decisions away from the State and local government, that it is simply an effort to provide both the impetus and the means by which the States can and will act. That is one reason why I have departed from the administration's position with respect to grants for the planning process. If we expect the States to do the job that is outlined for them here, and if we are really honest with the people who are concerned about the conflict in land uses, we have to recognize that it will be a costly planning process. If we really want the States to do this job, we are going to have to assist them to do it. That is where we get into the great process. That is why I have supported the provisions in the bill with respect to the grants for planning provided for in this legislation.

It is absolutely essential, if the State and local governments are to meet the requirements of this act both as to the extent of the planning process and the time frame within which it is to be done, that we have to provide them the money to buy the kind of structure necessary to get the job done; otherwise, it is an exercise in futility. We are talking to ourselves and deluding the people in our belief that we have done something. Without this financial assistance, they will not accomplish it.

There is one area in the bill that I want to point to, in addition to the ones we have mentioned before, concerning the review process and whether we have adequately pinned down the fact that the State is only required to make a good faith effort, that the Secretary has the burden of proof to show that the States have not done what the act requires; that is, with respect to the HUD 701 programs.

As I recall the evolution of this bill in its various committee prints—and there were many of them because we were revising this at every executive session—we started out saying that the various agencies of the Government would have to check off on the State planning process before there was approval by the Secretary of the Interior. We finally, at one stage, had the requirement that all would be approved and later the Secretary would have the approval but it would be subject to the checkoff by the other agencies.

Somehow, in the process of this, when they got around to the HUD 701 programs, the grant eligibility in the first instance does not have to require any participation in the HUD 701 programs. But as I read the bill, any renewal of a grant would require that the State be participating in the HUD 701 program.

I do not believe it was the intention that we should force the States to participate in a Federal program if they did not wish to participate in it, but somehow that requirement has grown into the language of the act.

It would seem to me that the language which appears in the bill at the bottom of page 94 and at the top of page 95 is not in agreement with the decision of the committee. I refer particularly to the language in section 306(c)(2) which says as follows:

. . . and (2), pursuant to section 204(6), the State is participating in programs established pursuant to section 701 of the Housing Act of 1954, as amended.

If I might have the attention of the Senator from Washington, is it our intention, as is stated on the top of page 95, that the States must be participating in HUD 701 programs to continue to be eligible for the grants under the bill? This is language which appears only in the final version of the bill. It did not appear in the previous committee prints in this form. It seems to me that somehow we have got from one point to this point without any conscious committee action.

Can the distinguished chairman of the committee explain to me whether it is our attention to require participation in the HUD 701 programs?

Mr. JACKSON. The answer is "Yes." It is our intention to require participation in that particular provision—section 701—of the Housing Act of 1954. There is another provision, which we are trying to find now in the bill, covering this same subject matter. It is on page 79, beginning on line 19.

Mr. McCLURE. That is section 204, subsection 6.

Mr. JACKSON. That is right. That requirement is set out there, beginning on line 19.

Mr. McCLURE. I would say to my chairman that yes, I read that section 204, subsection 6, and again the language which appears in section 306(c) as requiring it, but the committee print No. 4 which was the immediate working draft preceding this bill does not have that language in it.

The committee did not, in its deliberations, vote to make this change. That is the reason why I question whether it was the intention of the committee that this specific language be included in the bill as reported.

Mr. JACKSON. I have checked with the staff, as I do not want to rely on my memory completely, and my staff advises me that section 203(6) has always been in the drafts of the bill and that there was a voice vote specifically on subsection 306(c) in relation to an amendment offered by the distinguished Senator from Arizona (Mr. FANNIN) on this general subject.

Mr. McCLURE. I would ask the Senator from Arizona, then, to respond as to what the Senator's intentions were with regard to that section.

Mr. JACKSON. The Senator from Arizona was not present, but it was part of a list of amendments that had been submitted and were reviewed by the committee in markup. We took them up in the absence of the Senator from Arizona (Mr. FANNIN), due to business out of the country on that particular day.

Mr. McCLURE. I would say to my chairman of the committee that it is my understanding the list that was submitted was an attempt to take out the language rather than to put it in.

Mr. JACKSON. The Senator is correct.

Mr. McCLURE. So it would seem to me, then, that the inclusion of this language, requiring participation, is directly opposite to the intention of the committee. I think it was perhaps a clerical error——

Mr. JACKSON. No. The proposal of the Senator from Arizona was defeated——

Mr. FANNIN. The complete section.

Mr. JACKSON. —and after that was defeated, then the language that we are now discussing was placed in the bill by a voice vote of the committee. It was not done by some act of legerdemain or hocus-pocus that occurred on the current bill. It was a vote by the committee. I will ask for the minutes. We cannot get them at this time, but I will ask for the minutes of the meeting, so that that question can be responded to correctly.

Mr. FANNIN. My amendment would have deleted the section, and it did not pertain to what was finally adopted. So I cannot speak on the developments of that particular adopted provision. I was not there.

Mr. McCLURE. I say again—and I am sure the committee minutes will reflect the action that was taken—that a great number of us were unable to attend the final session, and I do not know exactly who was there. I had a commitment on that Monday, as I recall, that kept me from attending that committee session, so I was not present when this occurred. But it was my understanding that the amendment that was offered, which

would have deleted language, failed. So the language was not deleted.

It takes positive, affirmative action to put new language in, and it was my understanding that that positive, affirmative action was not taken by the committee in regard to the compulsory aspects of participation in section 701 programs.

Mr. FANNIN. The report to me was that my amendment was not successful.

Mr. McCLURE. I am concerned because some people in the Banking, Housing and Urban Affairs Subcommittee have questioned our authority to deal with the housing programs in this manner, in which we force the States to participate in what ought to be a voluntary decision by them, as to whether they want to participate in a section 701 program.

I hope that at some time before we complete action on this bill, we will have the advantages of the minutes of the meeting of the committee and a list of the members who were present, so that we can pursue this matter a little further and determine whether or not the committee did consciously act to insert this provision in the bill, as I believe they did not intend to do.

Mr. President, some other questions have been raised with respect to the review requirements and the review authority under the cross references. I have suggested on a couple of occasions that it seems to me that we need to make at least some effort to clarify the intention of the bill with respect to the Secretary's discretion to override the decisons made by the State planning and local planning agencies pursuant to the State plan. I refer particularly to the review under section 306(g), subsection 3 primarily, because subsections 1 and 2 deal with specific provisions, and subsection 3 deals with a general provision.

It seems to me that we ought to insert again in section 3 a provision that the good-faith efforts of the State shall not be overridden by the decision or the discretion of the Secretary of the Interior. I think that if we do not make that change, we are in danger of doing the very thing we said we did not intend to do, which perhaps we have not done. But I think that in fairness to the honesty of our position, we ought to make very clear that we do not intend to do it.

Various amendments were offered, and perhaps will be offered again, to substitute a stronger test in favor of a State decision as compared to the good-faith requirement that is present in this bill, which would allow the Secretary to disapprove only if the State action is arbitrary and capricious. That was turned down in the committee.

I favored that language, because I think we ought to nail down absolutely and without question that the Federal Government is not going to step in and overturn the results of the State planning process simply because a Federal official does not like it. I think that if we say he cannot do it except when their action is arbitrary and capricious, we will have made that much more clear than we will by the action in the bill which says the Secretary cannot overturn it if there have been good faith efforts by the State. I prefer the strongest test.

The decision we did make in the discussion in the committee, which says that the Secretary shall carry the burden of proof, was a constructive step; it was a step in the right direction. It did much to relieve my fears with respect to the supervisory authority of the Federal Government with respect to the State decision. But again I think we must make very clear at every step that we are protecting the prerogatives of State and local governments, that we are living up to our commitment that this is simply an action-forcing device, and that we are not preempting the State decision or overturning the State decision.

There is again that area which is very difficult to define, which I do not believe the bill does adequately define, that deals with areas of critical environment concern and key facilities. It is not clear in my mind, nor clear in the bill, in my judgment, that when we talk of the necessary preemption of State decision by the Federal Government, we have limited it very carefully to those areas in which the decision must be made by the Federal Government rather than by the States.

I think we have opened a door through which the secretarial discretion can march almost unlimited in its breadth. I hope that before we have completed this matter, we will have closed that door by a narrow definition of the Secretary's discretion or a narrow definition of those areas in which the Federal preemption must necessarily be exercised.

There are areas, there are decisions, there are facilities that require a Federal decision as distinguished from a State decision. But if we are to be honest in what we are doing here, we must carefully and closely and narrowly define those areas and not simply say that the Secretary shall have the discretion to determine what those are; because if we have done that, a Secretary could march his minions through there, the legions of Rome notwithstanding. I am concerned that we have not done that adequately.

I hope that before we have completed the bill, we will have narrowed, either by amendment or by legislative history, the area of secretarial discretion to that which we all agree must be exercised, but no broader than that.

Mr. JOHNSTON. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 98, beginning with line 13, strike out all through line 4 on page 99 and insert in lieu thereof the following:

"(g) The Secretary shall carry the burden of proof to establish grant ineligibility. Except with respect to sections 306(b)(2), 306(c), 402, and 505, the Secretary shall be required to show that State actions or decisions are arbitrary and capricious in order to prove a State ineligible pursuant to this Act. With respect to the excepted sections, the Secretary is required to show that the State has failed to make good faith compliance with the requirements of the Act and reasonable regulations established thereunder."

On page 72, beginning at line 8, delete all through line 19.

On page 120, line 25, strike out "as defined and designated by the State" and insert in lieu thereof the following: "such areas are subject to State definition and determination of their extent".

On page 121, lines 4 and 5, strike out all after "significance." and insert in lieu thereof the following: "Nonexclusive examples of such areas are:"

On page 121, line 2, insert "serious" between words "result in" and "damage to".

On page 122, on line 6, strike out "as determined by the State," and insert in lieu thereof: "such areas are subject to State definition and determination of their extent".

On page 122, lines 8 and 9, delete "including but not limited to—" and insert in lieu thereof "nonexclusive examples of such areas are—".

Mr. JOHNSTON. Mr. President, the colloquy we have had in the Senate has concerned, to a very large extent, the question of who, the Federal Government or the States, ought to be engaged in this very massive and very important business of regulating land use in the United States.

I am a supporter of land use. I believe the Federal Government not only should encourage and give the carrot of Federal funds in order to assist in the land use planning process, but also should add its expertise. But, Mr. President, I am concerned because this bill, in effect, gives to the Secretary of the Interior the power to zone vast land areas in the United States, to pass on the adequacy of restrictions adopted by the States in those areas, and at least to withhold funds for failure to do so and at most—if the Jackson amendment is agreed to—to withhold all kinds of Federal funds, including Federal highway funds.

I would like to go over the bill very carefully on a section-by-section basis with the distinguished Senator from Colorado (Mr. HASKELL), who is serving as floor manager of the bill, to determine whether or not my approach to the bill is correct and to determine what the bill really involves.

There are four aspects of this bill that seem to me to grant vast power to the Federal Government.

First, we have the consideration on page 73 of the duty of a particular State. What must a State do to remain eligible and thereby avoid the sanctions that may be put on later? The State, in order to be eligible, must exercise control over use and development of lands in

"areas of critical environmental concern to assure that such use and development will not substantially impair the historic, cultural, scientific, or esthetic values"—whatever that is—"or natural systems"—whatever that is—"or processes within fragile or historic lands; that loss or reduction of long-range continuity and the concomitant endangering of future water, food and fiber requirements within renewable resource lands are minimized or eliminated; and that unreasonable dangers to life and

property within natural hazard lands are minimized or eliminated."

This is a requirement of the bill in order for a State to remain eligible for grants under the bill; and in turn, it is a requirement or it will be a requirement if the sanctions amendment passes.

Let us consider for just a moment how far the State must go. The State must exercise its control in such a way that it does not substantially impair the "esthetic values."

I submit, Mr. President, that anytime you do most anything in an area of a forest, lake, or whatever it is, you could be impairing someone's idea of an esthetic value. The Secretary is going to have the right to determine whether or not esthetic values have been changed. You must also be sure you do not impair or endanger the "food and fiber requirements within renewable resource lands."

This is a matter of some importance to us in Louisiana. The Red River Valley in my State is a very important farm area. What this bill says, in effect, is that Louisiana must take steps not to endanger the food-producing qualities of the Red River Valley.

Does this mean we cannot build a highway? We have plans to build a 4-lane highway with a 300-foot right-of-way, but under this bill, in order to remain eligible for grants, we have to eliminate or minimize anything that might interfere with the ability to produce food in such a rich area of land.

Mr. HASKELL. Mr. President, will the Senator yield for a comment?

Mr. JOHNSTON. Yes, I yield.

Mr. HASKELL. My comment to the Senator would be that all this section does is to ask in the instance the Senator stated: Is the State of Louisiana addressing itself to what are areas of critical environmental concern? I do not know if the State would consider the Red River valley or how much of it would be considered such an area. Of course, as long as they address themselves to the problem it is my understanding they have satisfied the requirements of the bill.

Mr. JOHNSTON. My distinguished friend from Colorado has put his finger exactly on the point of my amendment. If what the Senator said is correct insofar as what this bill means, I would withdraw my amendment. But I submit, and I think I can show from other sections of the bill, that the bill requires the State of Louisiana to do more than determine what it thinks are areas of critical environmental concern and, in fact, vests that power in the Secretary of the Interior. My amendment would put that power in the States.

If I may go a couple of steps further, let us go into what is critical environmental concern. I refer to page 120 of the bill. There it is stated:

Areas of critical environmental concern "mean areas as defined and designated by the State on non-Federal lands where uncontrolled or incompatible development could result in damage to the environment, life or property, with a long-term public interest which is of more than local significance.

Now, such areas shall include:

Fragile or historic lands where uncontrolled or incompatible development could result in irreversible damage to important historic, cultural, scientific, or esthetic values or natural systems which are of more than local significance, such lands to include shorelands of rivers, lakes, and streams; rare or valuable ecosystems, and geological formations; significant wildlife habitats; and unique scenic or historic areas.

Mr. President, it will be noted that the words "esthetic values or natural systems" include virtually the entire United States because no area lacks esthetic value or is not part of the natural system.

Most ecosystems and geological formations include every square mile in the United States.

"Rare or valuable ecosystems." What area of the United States is not valuable? Is there any area in this country that is not valuable? Every square mile in this country is valuable. Yet if a State fails to include ecosystems and geological formations, it is in violation of the law. Let us go further.

A State must include:

Natural hazard lands where controlled or incompatible development could unreasonably endanger life and property, such lands to include flood plains.

Virtually half of my State is a flood plain. Therefore, to be eligible my State would have to include flood plains and we would have to restrict anything that would endanger life or property.

Mr. HASKELL. Mr. President, will the Senator yield for a comment?

Mr. JOHNSTON. I yield.

Mr. HASKELL. I would like to point out to the Senator from Louisiana that these areas we are talking about are "subject to State definition of their extent."

Then, if I may point out to the Senator, there is a printing error in the bill on line 2, page 121, before the word "damage" there should be the word "serious." It was in the bill and it will be inserted by technical amendment at the appropriate time.

But we are talking about serious damage and areas subject to State definition. I wanted to make that comment.

Mr. JOHNSTON. I thank the Senator. I have two points on the question of the State.

First of all, it is somewhat a contradiction in terms to say such areas shall be included but the State shall define them. If there is to be a contradiction, let us go to the next point.

How do we define what these areas are? If we look at page 78 of the bill we find what happens in the case of areas of more than statewide significance. The Secretary submits a list of these areas to the State and the Secretary's determination is final unless it is not reasonable.

On first reading, that sounds very good. The Secretary is involved with the original definition only where it is an area of more than statewide interest. But, Mr. President, I submit to you that virtually half of this country is of more than statewide interest. If I may give the example of my own State, we have river systems. The whole Mississippi River Valley with its farmland is of more than statewide interest. Is it not?

Mr. HASKELL. Yes.

Mr. JOHNSTON. The Louisiana coast is certainly of more than statewide concern. We drill for oil. We produce over 1 billion pounds of seafood a year. The Louisiana coast and marshlands are of more than statewide concern. Are they not?

Mr. HASKELL. Excuse me?

Mr. JOHNSTON. The question was, The Louisiana coast and the marshlands of Louisiana are of more than statewide concern. Are they not?

Mr. HASKELL. I would assume that it would depend on where the marsh was located. I can think of one marsh in Louisiana, on the Texas border, where I have done some fishing, that would be of more than local concern. Perhaps there are others that are not.

Mr. JOHNSTON. Any place where there was good hunting and fishing would be of more than statewide concern. Would it not?

Mr. HASKELL. My view is that it would be subject to definition by the State. Admittedly, the State cannot say, "We have no areas of environmental concern." Certainly, that would not be true in Louisiana, because there are such areas. But the State has the freedom to define the extent of such areas. Let us take a flood plain. What is a flood plain. Is it one that floods every 10 years or every 50 years? How are we going to define "flood plain" and give the people protection? One State will say, "We will define it as one which has a flood every 100 years." Another State may say, "One that has a flood every 10 years." Or take a shoreline. Is it only undeveloped shoreline? Shoreline on only major rivers? Is it 10 feet from the water or 2 miles?

Mr. JOHNSTON. If I really thought the State had the right to designate them, and if I really thought the State's designation would hold, that would be fine. The fact of the matter is that on page 78, which contains section 204, in subsection (1), the Senator will find this language with respect to designating areas of critical environmental concern which are of more than statewide concern:

Within 3 years from the date of enactment of this act and thereafter, as he deems appropriate, the Secretary shall, after affording an opportunity for public comment, submit to each State a description of areas within such State which are of more than State-wide concern.

In a review of the Secretary's designation, in section 306(g)(2), on page 98, of the bill, the Senator will find:

In the case of ineligibility based upon the requirements of subsection 204(1)—

Which I just read—

the Secretary's determination of the national interest is reasonable and the State has failed to comply with the requirements of this Act.

All the Secretary need prove is that his designation is "reasonable."

Mr. President, what this means is that every year or so, or as often as the Secretary wants to do it, he will submit to the States a list of States areas that are of critical environmental concern. Would the Secretary be "reasonable" in submitting in that list farmland? Surely, be-

cause we have a food shortage. Areas where there is oil drilling? Certainly. There is an energy crisis. Lakes? Certainly. They are listed as areas of critical environmental concern. Rivers? Certainly. Flood plans? Yes. They are already listed. Marshland where the ecology is rare? It is indeed rare. Mountains which are rare geological formations——

Mr. HASKELL. Mr. President, will the Senator yield for a comment?

Mr. JOHNSTON. I yield.

Mr. HASKELL. Under the section the Senator is referring to, on page 78, it refers to areas of critical environmental concern of more than statewide significance.

Mr. JOHNSTON. Who determines whether they are of more than statewide significance?

Mr. HASKELL. First, the Secretary says so under the review procedures of section 306, but the section goes on: Any new area, including submissions made by the Secretary, shall not be subject to review until 2 years after such submission, to give them time to discuss it. Again once the review starts, ineligibility cannot be determined except after interagency review and concurrence by the ad hoc hearing board.

I would say, for example, an obvious area of more than statewide significance would be Grand Canyon. That would be obvious.

Mr. JOHNSTON. What about the Rocky Mountains?

Mr. HASKELL. I do not think we could call the whole Rocky Mountain area of more than statewide significance.

Mr. JOHNSTON. It is a rare geological formation.

Mr. HASKELL. Well, I would submit to the Senator that the Secretary could not so reasonably interpret the law, if this bill becomes law, because then he would have to declare all mountains everywhere in the United States to be in such a category.

Mr. JOHNSTON. And he might do so quite reasonably.

Mr. HASKELL. That is where I guess I would differ from the Senator from Louisiana. I would consider such a Secretarial decision as patently unreasonable.

Mr. JOHNSTON. Mr. President, I do not share this overwhelming confidence in the ability of people here in Washington to know what is going on in all of the 50 States. Just last week I had a meeting in my office with people from the Flood Insurance Division of the Department of Housing and Urban Development and with insurance people, people in the building business, people in the mortgage lending business in the State of Louisiana. I hesitate to keep referring to the State of Louisiana, but I do so because I know it best. I know its particular problems. There is no other State exactly like it. But literally, the Federal Government, and particularly the Department of Housing and Urban Development, would prevent the building of homes in whole areas worth millions of dollars in the city of New Orleans, La., because they consider it too dangerous.

We tried to tell them that people have been living in New Orleans for over 250 years, that we are familiar with the problems of hurricanes, but there is very little we can do about it when a hurricane hits at just the right time in the right place. We are building levees. We are providing for protection. But the requirement that we build houses on stilts that would add 20 percent to the cost of a building I do not think is reasonable.

I do not want to turn over to the Secretary of the Interior the ability to go down to my State and say, "You cannot use that land in that way because it is not safe or because it damages some geological formation or it is important to the Nation." Most of my State is important to the Nation, and a Secretary could very easily find that; but I do not trust the Secretary to know the problems of my State as well as the citizens and elected officials of my State do.

If I may go on to a couple of other points about my amendment. I will be very interested to hear my distinguished colleague defend, what I think there are rather indefensible conditions, included in the provisions on page 72 regarding the development of subdivisions, particularly the matters the States are required to take into consideration.

States are required to regulate any subdivision more than 10 miles from town. Anytime there is a subdivision with the accompanying building of homes. The putting in of streets and the selling of property more than 10 miles from a town, then the State would have to adhere to this bill.

The bill requires that a number of things shall be done which are very good. It requires that a State shall take into consideration existing water systems, power systems, water collection systems, disposal systems, soil erosion, public health problems, and safety problems, and that the State set up a system of review whereby it may not approve such a subdivision unless these factors are taken into consideration.

That is good, I submit. That is what a State ought to do. We have these problems in the Washington, D.C., area where subdivisions were allowed to be built without a determination of whether sewerage systems could deliver the load. And this section of the bill is directed to that problem. What I disagree with is the three other things that a State is required to do.

A State is required to take into consideration the effect on the scenic or natural beauty or natural environment. A State is required to take into consideration the natural view.

The trouble is that standards sometimes change very rapidly and are not regarded in the same way by different people. Many people disagree on whether trailer parks are intrinsically beautiful. But a State has to take into consideration natural beauty and also the natural potential for public recreation. That includes beaches, shorelines, and wild areas.

My question for my friend, the distinguished Senator from Colorado, is if a State has to take all of those things into consideration, does it not also have to take into consideration other considerations of beauty?

Mr. HASKELL. Mr. President, I would say to the Senator from Louisiana that the two subsections that the Senator read are two things to be taken into consideration by the developer.

Mr. JOHNSTON. How does a State take them into consideration?

Mr. HASKELL. I might give the Senator an example from my State. We have a very beautiful part of the State called the San Luis Valley which has been bought up by investors to subdivide and where, without consideration for any of the impact on the valley as a whole, they have merely run bulldozers through the mountainsides and through old ranches and left nothing but crisscross scars on the mountainside.

This bill attempts to ask a State to do what many towns have already done. They have planned unit development legislation that many cities and counties have adopted. Actually the language in this particular bill is taken from some of these ordinances and statutes. All they provide is that one takes into consideration the different factors. I think that a very good example would be if someone wanted to put a 30-story building in the center of the District of Columbia. It would be out of character if we were to have such a building for the District of Columbia. For all I know, we may have such a statute. However, if we were to have such a statute, it would clearly offend the environment of the District of Columbia to have a 30- to 40-story building.

Mr. JOHNSTON. How tall is the Washington Monument?

Mr. HASKELL. I do not know. However, that is a monument. I was thinking more in terms of a building. That would be a clear example where one would be violating the sort of natural habitat or environment of the area.

Mr. JOHNSTON. Mr. President, my question is this, if I may interrupt the Senator. If one takes that into consideration, is it not implicit in the requirement that he be able to regulate or prevent a building if it offends his notions of beauty.

Mr. HASKELL. Subject to—which fortunately we have in our system, as the Senator is well aware—the check of a court upon the State. Obviously one can say to the State that it did not take such a factor into consideration. Fortunately, he can take the State to court, and if the State was arbitrary, he can go right ahead with his development.

Mr. JOHNSTON. The answer is that States are able to prohibit or restrict based upon their notions of natural beauty, subject only to being arbitrary or capricious.

Mr. HASKELL. Mr. President, let me give an example of both of these things, both the scenic and natural beauty and the natural environment and also the open space requirement which the Senator mentioned.

As I am sure the Senator is aware, many jurisdictions require that one set aside a certain percentage of the land for open space for recreation. This is not defined in statute, but flexible—a matter of negotiation. This is the kind of thing that a State could do. Maybe Louisiana

would want to require that one set aside more than 5 percent.

Mr. JOHNSTON. Mr. President, if my friend would yield, I would like to ask a simple question.

Mr. President, my question is this. I know that there are all kinds of examples. I know that the Senator can cite some good examples which are implicit in this requirement that the State take into consideration the natural beauty, that the State must be able to regulate and prohibit building based upon the notion of beauty, environment, et cetera, subject only to being arbitrary or capricious.

Mr. HASKELL. Mr. President, subject to reasonableness and a valid demonstration of public purpose, yes. If it was unreasonable, the State would be taken into court on that order.

Mr. JOHNSTON. At what point, we are going to require States to take into consideration other things that could be defined differently, and about which people disagree violently? All of the things that the Senator talks about, such as the open space requirement, are capable of being defined with some precision, such as the provision that there not be more than one structure in a lot. That can be defined. Natural beauty cannot be defined, nor can the potential for public recreation be defined.

What we are requiring in this bill is that the State turn over to an administrator absolutely unbridled power, if it were constitutional—and I submit that it is not constitutional to turn over such power—subject to no definition. There is a very clear line of cases on vagueness and ambiguity. But if it were constitutional, then we would be requiring the delegation of the most absolute power to restrict development that we could imagine, the most unreasonable power to define beauty and notions of beauty and potential for public recreation. The definitions are so wide and broad and so all-encompassing that it would turn over the power to take over development and do so based on ambiguous and very vague standards.

Mr. HASKELL. Mr. President, would the Senator permit a comment? Of course, in the bill that we are talking about, there are two out of the nine subsections that a developer must take into consideration, and this means that it is only when he is in a governmental area in which the State can take proper control that the State steps in.

That is two things. One is that he must take account of the effects on the environment.

I stress that he must take into account the effect. What the effects are is not a reason for overturning the development, so long as he is taking into account the effect on natural beauty.

Mr. JOHNSTON. Well, if my colleague will permit me to interrupt——

Mr. HASKELL. Yes.

Mr. JOHNSTON. A moment ago I think we established that in order to take into account those effects, the State must have a right to restrict a development because of those effects. Did we not establish that?

Mr. HASKELL. Well, actually, I am sure that I was discussing the matter with the Senator along those lines when we were talking about the fact that they must take into consideration scenic or natural beauty. But I had not read the provision to see that all they needed to do was take into consideration the effect on scenic or natural beauty; and for that reason, if I were going to put in a development plan, I would certainly want one section of that plan to address itself to the effects on natural beauty; but I think if the State threw out my plan, because they did not like the effect, I would take them to court on that basis, that they did not have that right, because I had done what was necessary, which was to point out the effects.

Mr. JOHNSTON. The State is the one which must take into account the effect on natural or scenic beauty, and, as we pointed out a moment ago, the State's decision will stand unless it is arbitrary and capricious; is that not correct?

Mr. HASKELL. As to the State's determination on a given development, let us say the State determined it did not have enough open space. If the Senator will turn to page 98 of the bill, he will see that if there was not enough open space, and the State so decided, the showing would have to be made, if we were going to throw out the plan, because the State had not adopted a proper standard, that the State had failed to comply with the requirements pursuant to the act. That would be subsection (3) on page 99.

But think of ourselves as a private developer, and the State goes overboard and requires 50 percent open space. I would submit to the Senator that the developer then goes into court and changes the State's regulations. And I would suggest that provision is absolutely necessary as to the second homesites, where we have basically, at least in Colorado, selling to people all across the Nation. In fact, I was on a vacation in Mexico last fall, and I read in the Mexico City News "Invest in Colorado; Buy a Lot in Colorado." I did not know where it was; there was a beautiful picture. But when they are selling these things nationally and internationally, you have to have some kind of protection against the developer who goes in without any regard whatsoever for what it looks like, what it is going to be like to live there after you retire, or what it is going to be like to build a house there as your second home.

I would say to the Senator from Louisiana that this is a fine thing. The States should take this action, and of course, it is held back from being arbitrary by the Courts of the States.

Mr. JOHNSTON. If we know what we want them to do or not to do, we ought to be able to tell them in the statute. We ought to be able to tell them the requirements as to open space and other requirements, without resort to vague language about taking into consideration scenic beauty.

However, Mr. President, I do not think that objection is nearly as serious as the implications of turning over to the Secretary of the Interior the power to first designate areas of critical environmental concern in the States—and he can do so with virtually the entire State—and then to pass on a State's regulation of those areas, because, Mr. President, it is not an idle concern that administrators in Washington are totally unfamiliar with the geology, with the land area, and with the problems of the different States.

I submit that the bill gives that power to the Secretary. My amendment very simply gives to the States the power to define initially what is an area of critical environmental concern. Whereas the bill is presently written, in areas of critical environmental importance, of more than statewide significance, the Secretary makes that finding. Initially, he must do that. If his determination is valid, if it is reasonable, he would give the State the power to define the areas, and let the State's determination stick, if he said it was reasonable, because the State, after all, and the people in it, know more about the problems of that State than does the Secretary of the Interior or some bureaucrats in Washington.

Mr. BARTLETT. Mr. President, I commend the Senator from Louisiana for his amendment. I know that I share with him the concern as to whether property rights and the further concern of moving those property rights from the various States to the Federal Government for consideration.

The people of my State feel quite concerned about the Government being responsive to their wishes. They have been concerned in so many areas where the Federal Government has assumed additional powers, has taken them away from the State and local governments, and has not been responsive to the people.

I commend the Senator from Louisiana, because I am concerned about the tremendous power the bill gives to the Secretary of the Interior. It seems to me it sets him up as a zoning czar. He would be a zoning czar.

On page 78 of the bill, we read:

> It shall be determined, upon review of the State land use program, that—
>
> (1) in designating areas of critical environmental concern, the State has not excluded any areas of critical environmental concern which are of more than statewide significance.

I point out that that is significant; that this amendment addresses itself to the State's defining this area. At present there is no definition in the bill of those areas of critical environmental concern which are of more than statewide significance.

Second, the definition section, on page 121, contains a definition of "areas of critical environmental concern," and gives the right to the States to make these definitions completely, without interference by the Federal Government.

I commend the Senator from Louisiana for having pointed out how in many parts of the definition the Secretary of the Interior could consider a whole State to fall, or a substantial part of a State to fall, under just one small part of this broad definition, because the definition includes "shorelands of rivers, lakes, and

streams; rare or valuable ecosystems and geological formations; significant wildlife habitats; and unique scenic or historic areas."

We are speaking of broad areas that would come within the ability of the Secretary to decide whether or not States would come within the definition of those areas.

Under "Natural Hazard Lands," those areas subject to frequent disasters would be included. In mid-America, a part of the country is subject to tornadoes. This would qualify an entire State for consideration.

The farm belt area would qualify with most of its land. So I join the Senator from Louisiana in his amendment. I think it astutely defines or permits the definition to fit the requirements of the individual State much better than having it done at this level. It also points out that the States are in a much better position to reflect the wishes of their people than is the Federal Government. There are too many people in the Federal Government who think they know best what should be done for people across the country than the people in those areas.

It is quite proper to bring out that there have been efforts made to provide land use study and zoning at the State level which have failed. This has happened in my case, when I was Governor of the State of Oklahoma, insofar as the studies of the Arkansas River Basin system were concerned.

We made the first land-use study of that system and attempted to have programs adopted along that river system. That was not accomplished in the legislature. I think the reason it was not was that it was not properly and fully explained. But the effort continues to have the kind of planning take place here that many of us think is important. But it is important, also, that the planning that does take place at the local level within the State be planning that lies within the areas of acceptability by the people of that area in the State, that it be consistent with the desires and wishes of those people. So the fact that there has been planning which has been turned down does not mean that the system has not worked or that there has not been a considerable buildup of effort and capability as well as expertise in the area of planning.

When I was Governor of Oklahoma, we set up a whole new office to coordinate planning between the regions of the State, between the communities of the State, and between the State and Federal Government. This has been expanded since that time of a few years ago, so that I have confidence that the State and local governments have a more expert knowledge of their area in the State than does the Federal Government.

Accordingly I feel that this is a very important amendment offered by the Senator from Louisiana. It has my strong support, and I urge my colleagues to support it.

Mr. KENNEDY. Mr. President, I cannot think of a more important piece of legislation for the future growth of our country than S. 268, the Land Use Policy and Planning Assistance Act. Particularly in the densely populated States along the east coast, we have reached the point in development where steps must be taken immediately if we are to preserve our natural resources in the face of urban sprawl and growth.

In the Commonwealth of Massachusetts, the State government has over the years worked toward a balanced and effective land use policy. Massachusetts has had since 1972 a State land use policy council to coordinate planning for land use, transportation, water quality, and coastal zone management. Massachusetts was the first State to develop a program under the Water Pollution Control Act. And the Department of Environmental Affairs has worked effectively to in a cooperative effort to protect the natural resources of Massachusetts with both Federal and local government assistance and expertise.

The Land Use Policy and Planning Assistance Act will promote the financial and technical assistance so desperately needed by our States to assure that in the future our resources are protected before they are threatened and will serve to preserve these natural gifts for generations long after us.

The Land Use Policy Planning and Assistance Act further illustrates the effectiveness of Federal-State partnership in conservation, preservation, and land use efforts. In specific cases in my State of Massachusetts and in many States around this Nation, we have found unique Federal-State solutions to unique preservation and land use problems.

I have introduced in this Congress and the last Congress legislation to establish the Nantucket Sound Islands Trust. This bill sets up a Federal, State, and local partnership to protect the unique resources of the islands off the coast of Cape Cod. In this instance, working with local residents we have found a particular program which will best serve the needs off that area.

In the Connecticut River Basin in Masssachusetts and in the harbor of Boston, the Commonwealth of Massachusetts has mountain and island resources which have suffered the crush of population expansion and density. I have introduced legislation to bring Federal assistance to the preservation of these areas and the Commonwealth has developed programs for an orderly and planned conservation, recreation, and land use program.

I have introduced legislation to set up a demonstration project in Berkshire County, Mass., to determine if the county government can become an effective tool in solving the problems of the environment.

The crisis for our resources—land and water, mountains and islands, rivers and forests—in our densely populated States means that we cannot afford to abandon any approach to protecting these resources. Local government, county government, State government, and the Federal Government all have a role to play in protecting this heritage.

Time and growth have brought us to the brink in saving many of our land and water resources. And we must use all the tools at our disposal to reverse that devastation.

Let us all remember. This land use bill is the most important environmental quality measure we have considered since we adopted the National Environmental Policy Act in 1969. Land use is the basic determinant of environmental quality, as Russell Train and the Council on Environmental Quality have repeatedly stated, and I hope this body will adopt this measure overwhelmingly.

But it is not a panacea, and we must remember that also. It is a measure intended to stimulate land use planning by the States. The plans themselves will take some years to prepare, and even then, after the plans are prepared, there will have to be programs developed to implement the plans.

In the interim, after the bill is law, and while land use plans are being prepared, we would make a grave mistake to set aside our work in preservation and conservation such as parks, seashores, rivers, wilderness areas, and the like. In Massachusetts, the Mt. Holyoke range, the Boston Harbor islands, Berkshire County, and the Cape Cod islands are under very real and severe development pressures. As the Governor of Massachusetts said before the Senate Interior Committee:

> I am of the firm belief that there is not an acre of land in this State that is not now being eyed for one type of development or another.

Action is needed now on the bills to preserve and conserve these areas. Waiting will be too late.

As important as it is, this land use bill would not have created the Cape Cod National Seashore, Yellowstone National Park, Point Reyes National Seashore, or any other of the national preservation and conservation areas.

In the same vein, I want the record to show this Senator's belief that even with a strong land use planning law, which we badly need, we will still, each year, have to be alert for the opportunities to add to the inventory of lands and waters protected by special-purpose Federal legislation.

Mr. HOLLINGS. Mr. President, I appreciate this opportunity to join in the colloquy on the amendment proposed by the Senator from Louisiana (Mr. JOHNSTON). I do so only to make a point of clarification. In his explanation of his amendment, the Senator from Louisiana mentioned several specific examples of what might be covered by the terminology in S. 268, "areas of critical environmental concern." In his discussion of areas of more than "local significance," the Senator mentioned Louisiana's coastal areas, its salt marshes, and its coastal wetlands.

It is important to recognize, Mr. President, that these specific geographic areas are presently covered by the National Coastal Zone Management Act, Public Law 92-583. By agreement with the Committees on Commerce and Interior and Insular Affairs, the legislation under consideration today mandates that there shall be two programs: One for a coastal States coastal zone, and another for the interior portions of the Nation. This

agreement is spelled out in more depth in the CONGRESSIONAL RECORD of Monday, June 18, at pages 20044 through 20051. I make this clarification of the record so that there will be no misunderstanding by any Members of the Senate that this legislation extends the authority of the Secretary of the Interior into any coastal areas covered by the Coastal Zone Management Act.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATIONS

The PRESIDING OFFICER (Mr. DOMENICI). Under the previous order, the hour of 4 p.m. having arrived, the Chair now lays before the Senate H.R. 7528 which the clerk will state.

The assistant legislative clerk read as follows:

A bill (H.R. 7528) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Aeronautical and Space Sciences with an amendment, to strike out all after the enacting clause and insert:

That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration:

(a) For "Research and development," for the following programs:

(1) Space flight operations, $555,500,000;

(2) Space Shuttle, $475,000,000;

(3) Advanced missions, $1,500,000;

(4) Physics and astronomy, $64,600,000;

(5) Lunar and planetary exploration, $312,000,000;

(6) Launch vehicle procurement, $177,400,000;

(7) Space applications, $161,000,000;

(8) Aeronautical research and technology, $160,000,000; of this amount $14,000,000 is reserved for the JT-3D Refan Retrofit Research Program;

(9) Space and nuclear research and technology, $72,000,000;

(10) Tracking and data acquisition, $248,000,000;

(11) Technology utilization, $4,000,000.

(b) For "Construction of facilities," including land acquisition, as follows:

(1) Replacement of transportation facility, Goddard Space Flight Center, $660,000;

(2) Rehabilitation of vibration laboratory, Goddard Space Flight Center, $710,000;

(3) Modifications of and addition to 25-foot space simulator building, Jet Propulsion Laboratory, $740,000;

(4) Modification of planetary mission support facilities, Jet Propulsion Laboratory, $580,000;

(5) Rehabilitation and modification of 600 pounds per square inch air supply system, Langley Research Center, $2,410,000;

(6) Construction of systems engineering building, Langley Research Center, $1,620,000;

(7) Rehabilitation of airfield pavement, Wallops Station, $570,000;

(8) Rehabilitation of communication system, Wallops Station, $575,000;

(9) Modification for fire protection improvements at various tracking and data stations, $1,885,000;

(10) Modification of space launch complex 2 West, Vandenberg Air Force Base, $980,000;

(11) Modification of power system, Slidell Computer Complex, $1,085,000;

(12) Space Shuttle facilities at various locations, as follows:

(A) Modifications for auxiliary propulsion and power systems test facilities, White Sands Test Facility, $1,290,000;

(B) Modifications for shuttle avionics integration laboratory, Lyndon B. Johnson Space Center, $1,240,000;

(C) Modifications for radiant heating verification facility, Lyndon B. Johnson Space Center, $1,260,000;

(D) Modifications for the Orbiter propulsion system test facilities, Mississippi Test Facility, $11,300,000;

(E) Modifications for external tank structural test facilities, Marshall Space Flight Center, $4,400,000;

(F) Modification of manufacturing and subassembly facilities for the Orbiter, NASA Industrial Plant, Downey, California, $2,650,000;

(G) Modification of and addition to final assembly and checkout facilities for the Orbiter, Air Force Plant Number 42, Palmdale, California, $7,350,000;

(H) Modification of manufacturing and final assembly facilities for external tanks, Michoud Assembly Facility, $9,510,000;

(I) Construction of Orbiter landing facilities, John F. Kennedy Space Center, $28,200,000;

(13) Rehabilitation and modification of facilities at various locations, not in excess of $500,000 per project, $14,785,000;

(14) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $250,000 per project, $4,600,000;

(15) Facility planning and design not otherwise provided for, $11,600,000.

(c) For "Research and program management," $705,000,000, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law of which not more than $549,020,000 and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law, shall be available for personnel and related costs.

(d) Notwithstanding the provisions of subsection 1(g), appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) Of the funds appropriated pursuant to subsections 1(a) and 1(c), not in excess of $10,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and not in excess of $25,000 for each project, including collateral equipment, may be used for rehabilitation or modification of facilities: *Provided*, That of the funds appropriated pursuant to subsection 1(a), not in excess of $250,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

(h) No part of the funds appropriated pursuant to subsection (a) of this section may be used for grants to any nonprofit institution of higher learning unless the Administrator or his designee determines at the time of the grant that recruiting personnel of any of the Armed Forces of the United States are not being barred from the premises or property of such institution except that this subsection shall not apply if the Administrator or his designee determines that the grant is a continuation or renewal of a previous grant to such institution which is likely to make a significant contribution to the aeronautical and space activities of the United States. The Secretary of Defense shall furnish to the Administrator or his designee within sixty days after the date of enactment of this Act and each January 30 and June 30 thereafter the names of any nonprofit institutions of higher learning which the Secretary of Defense determines on the date of each such report are barring such recruiting personnel from premises or property of any such institution.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (14), inclusive, of subsection 1(b) may, in the discretion of the Administrator of the National Aeronautics and Space Administration, be varied upward 5 per centum to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

SEC. 3. Not to exceed one-half of 1 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (15) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the

next Authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 4. (a) Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action: *Provided, however,* That nothing in this Act shall be deemed to be inconsistent with any provisions of law now or hereinafter enacted relating to impoundment or selective withholding of appropriated funds.

(b) Nothing in this section shall be construed to authorize the expenditure of amounts for personnel and related costs pursuant to section 1(c) to exceed amounts authorized for such costs.

SEC. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 6. Section 203(b) of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2473(b)), is amended by inserting immediately after paragraph (10) the following new paragraph:

"(11) to provide by concession, without regard to section 321 of the Act of June 30, 1932 (47 Stat. 412; 40 U.S.C. 303b), on such terms as the Administrator may deem to be appropriate and to be necessary to protect the concessioner against loss of his investment in property (but not anticipated profits) resulting from the Administration's discretionary acts and decisions, for the construction, maintenance, and operation of all manner of facilities and equipment for visitors to the several installations of the Administration and, in connection therewith, to provide services incident to the dissemination of information concerning its activities to such visitors, without charge or with a reasonable charge therefor (with this authority being in addition to any other authority which the Administration may have to provide facilities, equipment, and services for visitors to its installations). A concession agreement under this paragraph may be negotiated with any qualified proposer following due consideration of all proposals received after reasonable public notice of the intention to contract. The concessioner shall be afforded a reasonable opportunity to make a profit commensurate with the capital invested and the obligations assumed, and the consideration paid by him for the concession shall be based on the probable value of such opportunity and not on maximizing revenue to the United States. Each concession agreement shall specify the manner in which the concessioner's records are to be maintained, and shall provide for access to any such records by the Administration and the Comptroller General of the United States for a period of five years after the close of the business year to which such records relate. A concessioner may be accorded a possessory interest, consisting of all incidents of ownership except legal title (which shall vest in the United States), in any structure, fixture, or improvement he constructs or locates upon land owned by the United States; and, with the approval of the Administration, such possessory interest may be assigned, transferred, encumbered, or relinquished by him, and, unless otherwise provided by contract, shall not be extinguished by the expiration or other termination of the concession and may not be taken for public use without just compensation;".

SEC. 7. Title II of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2471 et seq.), is amended by adding at the end thereof the following new section:

"DISPOSAL OF EXCESS LAND

"SEC. 207. Notwithstanding the provisions of this or any other law, the Administration may not report to a disposal agency as excess to the needs of the Administration any land having an estimated value in excess of $50,000 which is owned by the United States and under the jurisdiction and control of the Administration, unless (A) a period of thirty days has passed after the receipt by the Speaker and the Committee on Science and Astronautics of the House of Representatives and the President and the Committee on Aeronautical and Space Sciences of the Senate of a report by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action."

SEC. 8. Section 5316, title 5, United States Code, is amended by deleting paragraphs (15), (16), and (17) and by substituting therefor a new paragraph (15) to read as follows:

"(15) Associate Administrators, National Aeronautics and Space Administration (6)."

SEC. 9. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1974".

The PRESIDING OFFICER. Time on the bill, 1½ hours is under control.

Who yields time?

Mr. MOSS. Mr. President, I ask unanimous consent that the following members of the staff of the Committee on Aeronautical and Space Sciences be permitted the privilege of the floor during the consideration of H.R. 7528, and during any votes with respect thereto: Craig Voorhees, Mary Jane Due, Glen P. Wilson, Charles F. Lombard, and Robert F. Allnutt.

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

Mr. MOSS. Mr. President, in order to correct a typographical error, I ask unanimous consent that the word "hereinafter" on line 1, page 25, be corrected to read "hereafter."

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

Mr. MOSS. Mr. President, we have before the Senate today H.R. 7528, a bill to authorize appropriations to the National Aeronautics and Space Administration for fiscal year 1974 for research and development, construction of facilities, research and program management, and for other purposes. The Committee on Aeronautical and Space Sciences unanimously ordered this bill, as amended, reported with the recommendation that it be passed.

Before discussing H.R. 7528, I would like to acknowledge the wise counsel of the committee's ranking minority member, the Senator from Arizona (Mr. GOLDWATER), during the hearings, the markup, and other deliberations on this bill. His help and cooperation have made the committee's task easier and is greatly appreciated. I also would like to acknowledge the dedication and effort of the other members of the committee who, despite heavy schedules, found the time to give to this important authorization bill. Also, I wish to acknowledge specifically the work of a devoted, knowledgeable, skillful and highly motivated staff. The members of our committee staff have worked with diligence on the authorization bill now before us.

Mr. President, the aeronautical and space activities that NASA conducts on behalf of the American people are of great merit and great value to all mankind. The bill before the Senate deals, in legislative jargon, with the authorization of appropriation of funds to continue these activities for another year. But in a broader, and more meaningful sense, this bill has to do with the quality of our lives, the productivity, safety and comfort of our society, and even with our destinies.

As Members of the Senate know, I became a member of the Aeronautical and Space Sciences Committee at the beginning of this Congress. I had been in general support of NASA programs in the past, on the basis of such time as one Senator could devote to studying the subject, and on the basis of endorsements by Senators responsible for following these matters more closely.

In the past 6 months, I have devoted a great deal of my time in close review of the many facets of NASA programs. The experience has been eye-opening.

The three volumes of hearing which each Member has before him are a verita-

ble primer on the techniques and technicalities of aeronautics and space. More importantly, they outline in some detail the vast array of benefits we are realizing every day from investments in NASA work during the past 15 years—benefits to such diverse areas as education and weather forecasting; communications and aircraft safety; the environment and surgical techniques; manufacturing methods and water resource management; land use planning and highway safety; and the list could go on.

Rather than take the time of the Senate, I will refer those who may be interested in further elaboration to our printed hearings in general, and in particular to pages 817 through 1004. And to those who would say "that's fine, but what about the next 15 years?" I refer you to pages 245 through 316 for a fascinating glimpse of the aeronautical and space world of the 1980's.

These benefits from scientific inquiry and research in high technology do not magically appear in the marketplaces of the world. Each of them results from painstaking work over the years by the scientists, engineers, and technicians engaged in NASA programs. It is through this legislative process that we provide the financial support and policy direction that lead, in time, to a better way of life.

In a moment, Mr. President, I will present a detailed summary of actions taken by your committee in considering and marking up this bill. First, I wish to give the Senate an overview of the situation as we see it.

The fiscal year 1974 appropriations which H.R. 7528 as amended would authorize total $3.046 billion, the lowest annual appropriation for NASA since fiscal year 1962, a dozen years ago, and the lowest percentage of the Federal budget—less than 1.2 percent—in as many years. This is not to say the bill merits support simply because it is severely austere. More important are the national and worldwide benefits of the programs the bill authorizes, and the importance to our economy of continuing a viable national aeronautics and space sciences effort.

Last year, the administration proposed, and Congress fully endorsed, a balanced program which could be supported by an essentially level NASA budget over the next few years. This program included continuation of active, though restricted, work in both space sciences and the direct application of space science and technology to solution of present-day problems here on earth. At the same time, it included development of the basic elements of a new space transportation system, including the space shuttle, by the end of this decade. Consciously deferred were bolder options such as the larger, expensive automated interplanetary expeditions, and manned earth orbital space stations.

After acceptance, and fiscal year 1973 funding by Congress of the first increment of this new, more stable program, the administration chose to draw back. As part of reductions in numerous Federal programs, the aeronautics and space budget plan for fiscal year 1973 was cut sharply, and a 1974 budget far short of the "constant level" just approved was put forward.

Thus the committee considered the fiscal year 1974 authorization request from NASA in light of the following facts:

First. Numerous programs, ranging from the shuttle through major science and applications projects to relatively minor technology efforts, had been deferred, reduced or cancelled;

Second. Although the overall fiscal situation would not permit restoration of all the worthwhile programs, the most shortsighted administration decisions could be remedied by additions of less than 1 percent to the total funding request;

Third. Unanticipated pressures were placed on the budget plan since its formulation, including the degradation of the first earth resources technology satellite—ERTS—the tragic loss of the unique research aircraft "Galileo," and the serious problems with the Skylab workshop;

Fourth. Continuation of a balanced national program of research and development in aeronautics and space will require larger budgets in the years ahead.

The chart on page 5 of the committee report displays the NASA budget trend from 1964 through 1978. Funds which would be available for new starts in science, applications and aeronautics at the "constant budget" level are in the shaded area.

Mr. President, I ask unanimous consent that a table of figures on which the chart is based be printed in the RECORD at this point.

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

	Fiscal year—				
	1974	1975	1976	1977	1978
Shuttle development	$475	$850	$1,100	$1,190	$1,090
Manned flight operations	482	290	177	169	169
Construction, tracking, and program management	1,069	1,111	1,061	1,041	1,024
Aeronautics, science, applications, and technology	1,081	1,149	1,062	1,000	1,117
Total	3,107	3,400	3,400	3,400	3,400

Mr. MOSS. Mr. President, the fiscal year 1974 budget plan for the National Aeronautics and Space Administration presented to the Congress totals $3.107 billion. The administraton's authorization request was for $3.016 billion, as it is planned to carry over $91 million from fiscal year 1973 to finance the fiscal year 1974 plan. This amount of fiscal year 1973 research and development obligational authority became available last January when the President ordered NASA's fiscal year 1973 outlays reduced by $179 million.

The House approved a bill with a total of $3,073,500,000, an amount $57.5 million above the administration's request and $27.5 million above the amount recommended by your committee.

The NASA authorization for fiscal year 1974 recommended by your committee totals $3.046 billion; this is $30 million—less than 1 percent—above the authorization request, and nearly $400 million—well more than 10 percent—below the amount authorized for fiscal year 1973. The NASA Administrator, Dr. James C. Fletcher, testified that to carry out the programs included in the fiscal year 1974 budget will require somewhat larger budgets during the next few years; but that those budgets will not have to be any larger than the level budget of about $3.4 billion—in fiscal year 1971 dollars—which was projected last year. The President's fiscal year 1974 budget shows preliminary planning for NASA outlays of $3.2 billion for fiscal year 1975.

The future year estimates of the funds needed to carry out the programs contained in NASA's fiscal year 1974 budget—that is, the runout costs—can be found on pages 38 and 150 of the committee hearings. The estimated runout costs in view of committee amendments appear on page 104 of the committee report. Since these are runout costs, they show the costs of some programs decreasing rather substantially by fiscal year 1978. Those that do not decrease are either programs like the space shuttle which will not be completed by fiscal year 1978 or are programs like research and program management which are assumed to continue at about the same level.

The NASA budget which the committee is recommending for fiscal year 1974 is the minimum amount of authorization required to maintain a balanced NASA effort in aeronautics and space. A further cut in this budget will require that a major program or projects be canceled or deferred indefinitely.

Of the $3.046 billion recommended by the committee, $2.231 billion is for research and development, an amount $34 million more than requested; $110 million is for the construction of facilities, $2 million less than requested; and $705 million is for research and program management, $2 million less than requested. In addition, the committee is recommending six legislative amendments to the bill and agrees with two legislative amendments adopted by the House.

The NASA budget for fiscal year 1974 recommended by the committee in H.R. 7528 represents a substantial reduction in NASA's R. & D. activity and a considerable tightening of NASA's civil service manpower complement, which will be reduced by 1,880 positions. This will bring NASA civil service employment down below 25,000 by the end of fiscal year 1974, a reduction of more than 9,000 employees from the 1967 peak.

Mr. President, I ask unanimous consent that a table summarizing the NASA funding requests for fiscal year 1974, the House action of those requests and the amounts recommended by the committee be printed in the RECORD at this point.

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

	Budget request	House action	Senate committee action
Research and development:			
Space flight operations	$555,500,000	$548,500,000	$555,500,000
Space shuttle	475,000,000	500,000,000	475,000,000
Advanced missions	1,500,000	1,500,000	1,500,000
Physics and astronomy	64,600,000	59,600,000	64,600,000
Lunar and planetary exploration	312,000,000	309,000,000	312,000,000
Launch vehicle procurement	176,400,000	177,400,000	177,400,000
Space applications	147,000,000	159,000,000	161,000,000
Aeronautical research and technology	146,000,000	180,000,000	160,000,000
Space research and technology	$65,000,000	$75,000,000	$72,000,000
Tracking and data acquisition	250,000,000	240,000,000	248,000,000
Technology utilization	4,000,000	4,500,000	4,000,000
Total	2,197,000,000	2,254,500,000	2,231,000,000
Construction of facilities	112,000,000	112,000,000	110,000,000
Research and program management	707,000,000	707,000,000	705,000,000
Grand total	3,016,000,000	3,073,500,000	3,046,000,000

RESEARCH AND DEVELOPMENT

Mr. MOSS. Mr. President, H.R. 7528 contains 11 research and development programs which total $2,231 million. These programs support manned and unmanned space flight projects, space science and technological experiments, space shuttle development, launch vehicle development, space applications, aeronautical research and technology, and necessary support activities such as spacecraft tracking and data acquisition. The recommendations of the committee for these programs result in a net total for research and development $34 million above the request by NASA and $23.5 million below the amount approved by the House. These recommendations will support a budget plan that is $91 million above the committee's recommendations; these additional funds being carried over from fiscal year 1973. The details of these programs and differences between the House and Senate will be further described as I proceed through a summary of each program.

Mr. President, the committee is recommending $555,500,000 for the space flight operations program. This is $338,700,000 below the amount authorized for fiscal year 1973 for this program. The committee recommendation is identical to the NASA request and $7 million above the amount authorized by the House. This program includes $233,800,000 for the Skylab flight project; $90 million for the joint United States-Soviet Apollo-Soyuz test project; $220,200,000 for funding a variety of technical activities necessary for common support of various flight projects; $21 million for space life sciences; and, $15,500,000 for mission systems and integration activities.

Skylab was scheduled to be completed in January of this year. The $234 million request is less than half the amount appropriated last year. The serious difficulties encountered early in the mission make funding requirements uncertain at this time. The committee decided that it would not be prudent in the present circumstances either to reduce the authorization or to provide increased authority which may be needed.

At the committee's request, NASA has appointed a Skylab investigation board. An interim oversight hearing was held on May 23, and the committee is continuing close review of the program. Successful repair efforts by the crew have greatly improved the chances for a successful mission within the budget estimates.

The Apollo-Soyuz test project is approximately half way through its development cycle and is scheduled for a launch during mid-1975. Arrangements with the Soviets have proceeded smoothly and are on schedule. All of the funds authorized and appropriated for this project are spent here in the United States, since each nation is paying for its share of the joint project.

The second R. & D. program in this bill is the space shuttle program. The committee recommends $475 million for this program, the level of the NASA budget request. The House added $25 million to the space shuttle program to speed up the development schedule. The committee has determined that this addition is unnecessary.

The space shuttle is a reusable space transportation system for taking payloads from the surface of the earth to and from low-earth orbit, substantially reduce the total cost of our space projects and providing our space operations with a great flexibility not possible with the existing stable of launch vehicles. This transportation system will open up many significant opportunities to utilize space for the benefit of man and to expand the frontiers of science.

In addition to administration support, full funding was urged by organized labor—the AFL-CIO, the UAW, and the IAM; by the chairman of the Space Science Board of the National Academy of Sciences, Nobel Laureate Charles Townes; and by many others in testimony and letters to your committee.

It is estimated that the development of the space shuttle system will cost $5.15 billion—1971 dollars—the same amount as estimated last year. The Administrator of NASA testified that the program is on schedule and within cost and that he has every reason to believe that the program can be completed on schedule within the estimated cost. In its consideration of the space shuttle program, the committee questioned witnesses from NASA, the Department of Defense, from outside the Government and from the European Space Research Organization.

John Foster, Director of Defense Research and Engineering of the DOD, endorsed the development of the shuttle and testified that the selected configuration will meet the needs of the Department of Defense. He also testified that it is appropriate for this development program and the funding to be the primary responsibility of NASA, as this approach simplifies the management process, eliminates duplication of effort, and consequently helps bring about a more efficient program. Through written agreement, NASA and the DOD have provided for full cooperation in the space shuttle development, and the DOD has had full representation on the shuttle configuration and facility selection boards.

Last year, Congress overwhelmingly approved initiation of a program to develop the space shuttle. Since that time, budget decisions by the administration have delayed the shuttle program by about 9 months. However, design refinements have reduced cost estimates by an amount commensurate with the costs of delay, so that the cost estimates are unchanged.

Mission models developed by NASA through consultation with potential users of this transportation system have also undergone continuing refinement. The most recent projections point to the likelihood of greater savings over the use of existing or improved expendable launch vehicles than was forecast last year.

The case for the space shuttle does not rest solely on the ability to postulate operational cost benefits in the period of 1980 to 1990. It rests as well on other advantages including the introduction of a totally new and vastly improved way of using space, and the importance to the Nation of high technology work.

The committee continues its strong endorsement of the space shuttle.

The next research and development program in the bill is the advanced missions program for which the committee is recommending $1.5 million for fiscal year 1974, the amount requested by NASA and the same level as authorized for 1973. The objective of this program is to provide a proper basis for establishing requirements and specifications for future space systems in which men could play a role through the study and analysis of possible new space flight missions and systems.

The committee is recommending $64.6 million for the physics and astronomy program. This is identical to NASA's request and $5 million more than approved by the House. This program supports theoretical and laboratory research, aircraft balloon and sounding rocket flights, small explorer satellites, large automated space observatories, and experiments aboard manned spacecraft. NASA's budget plan for this program for fiscal year 1974, which your committee supports, is $95 million, with $30.4 million carried over from fiscal year 1973. The budget plan is $61.6 million below the amount authorized last year, due primarily to the suspension of the high energy astronomical observatory—HEAO—project.

The suspension of HEAO was a severe blow to the scientific community. The scientists have agreed, however, that under the circumstances of the budget constraints imposed on NASA, the proposed restructured HEAO project is an acceptable compromise.

The House reduced the physics and

astronomy program by $5 million, directing the cut at the orbiting explorer satellite projects and supporting research and technology. The orbiting explorer projects are relatively small and inexpensive spacecraft, each dedicated to a specific objective and have provided the data for some of the most important results in space science. It is the view of many scientists that the explorer missions are the most cost effective missions in the space program and, therefore, the committee did not agree with the House cut; nor did the committee agree with the House cut in supporting research and technology, which had already been reduced below the level of last year. The full amount is needed to carry on the theoretical work needed to explain observed phenomena and to develop advanced experiments and concepts for future space science missions.

The committee is recommending $312 million for the lunar and planetary exploration program, the amount requested by NASA. The objective of this program is to explore the moon, the planets and satellites, asteroids, comets and interplanetary space between, using ground-based astronomy, automated spacecraft which fly by, orbit, and land on other bodies in our solar system, combined with data from the Apollo landings and prior lunar missions, and ground-based research. The principal flight projects requiring support during fiscal year 1974 are the Mariner Venus-Mercury 1973 mission; the Viking 1975 missions; the Mariner Jupiter-Saturn 1977 missions; and the ongoing Pioneer missions now headed toward Jupiter. In addition, there is the Helios flight project, a joint effort with Western Germany building the spacecraft and the United States providing the launch vehicles which will explore the region close to the Sun.

The House cut this program $3 million directing that the reduction be taken in supporting research and technology. The committee disagrees with this reduction. The supporting research and technology project has already been reduced below the level of last year by the Office of Management and Budget and these studies are necessary to define scientific objectives, develop concepts for future flight missions and design future flight experiments. Much of this effort is conducted in our universities.

The committee is recommending $177,400,000, the amount approved by the House, for the launch vehicle procurement program. Launch vehicles are procured only for approved missions and these procurements are coordinated with the Department of Defense so that launch vehicles are procured on a least-cost basis. The committee recommendation is $1 million more than the NASA request to provide launch services for the earth resources technology satellite B mission recommended under the space applications program.

The committee is recommending $161,000,000 for the space applications program. Under this program projects are undertaken to develop and demonstrate applications of space technology that are of direct benefit to man. Through this program NASA has identified and developed the technology leading to some of the most important benefits of space becoming available to the Nation. Areas in which this is being done are: Weather and climate, earth resources, pollution and environmental monitoring, earth and ocean physics, satellite communications, geodesy, and similar activities. The program is designed to improve our existing technology in these areas, as well as to experiment with new space-based platforms which can provide information to be used for the benefit of man. For many years it has been the view of your committee that these application-type projects should receive first priority attention from NASA and the committee was disappointed to see that NASA's planning for fiscal year 1974 was $54,200,000 below the authorization for fiscal year 1973. NASA's minimum recommended budget to the Office of Management and Budget for this program was $220.1 million. Because of the $67.1 million reduction in this program by the OMB, a number of flight projects were delayed, a number were deleted, one was terminated, work in communications satellites will be phased out, and planned ground-based and airborne supporting activities were reduced. The committee disagrees with many of these actions and, agreeing with the House, has added $7 million to this program to bring the second earth resources satellite into a ready status in its present configuration for launch at an early date. The committee also added $5 million to provide for a suitable aircraft and associated scientific equipment to replace the research aircraft which was destroyed in a landing accident on April 12, 1973, while returning from a scientific instrumentation checkout flight. It was planned that this aircraft would be used extensively during fiscal year 1974 for earth resources surveys. This action on the part of the committee agrees with action taken by the House on this matter.

In addition, the committee added $2 million to the space applications program for NASA to formulate a long-term energy program utilizing the many technologies developed by NASA in its aeronautical and space programs. As stated in its report on the NASA fiscal year 1973 authorization bill, the committee believes that all potential sources of energy should be fully and expeditiously explored. NASA with its broad capabilities in energy-related science and technology should do its part in finding solutions to the critical energy problem which this country faces. The committee expects NASA to cooperate closely with other agencies on energy projects. As a result of its actions on space applications program, the committee is recommending $14 million more for this program than requested by NASA and $2 million more than approved by the House in H.R. 7528.

The committee recommends $185 million for the aeronautical research and technology program. This amount is $20 million less than the amount provided in the House bill, H.R. 7528, but $14 million more than the NASA request. The objective of this program is to provide for research and engineering investigations into aeronautics to provide for technological advances in civil and military aviation. This is especially important in the face of growing international competition. In this program, NASA has maintained and continues to maintain closely coordinated efforts with other agencies, such as the Department of Defense and the Department of Transportation, responsible for other aspects of our civil and military aviation. The principal objectives of the fiscal year 1974 program will be to: First, reduce environmental pollution attributable to aircraft operations through the development of quiet, pollution-free aircraft engines and the refinement of aircraft operational procedures; second, reduce air traffic congestion and consequent delay and air traffic hazards; third, reduce noise of existing narrow-bodied jet aircraft; fourth, investigate advanced supersonic technology; fifth, investigate advanced helicopter and other vehicles and their associated technology for VSTOL aircraft; and, sixth, provide assistance to the military departments in solving technical problems associated with their current development programs. The committee was disappointed to find that a number of aeronautical projects, instituted in prior years, were terminated because of the President's efforts to reduce Federal expenditures. One of the programs terminated was the refanning of the JT3D Pratt & Whitney aircraft engine, which powers aircraft such as the Boeing 707 and the McDonald-Douglas DC-8. The purpose of this engine refanning project was to reduce the engine noise to acceptable levels. The committee considers this refanning project to be extremely important as these four engine, slim-bodied jets are the noisiest airplanes flying in the the civil aviation fleet and cause great disturbance to those who live and work around our airports. Consequently, the committee agrees with the House addition of $14 million for the JT3D engine refanning project to be reinstated.

NASA requested $65 million for the space research and technology program. The committee agreed with the House redesignation of this program as the space and nuclear research and technology program, and recommends $72 million for the program, assessing a $3 million cut against space research and technology and, agreeing with the House, providing $10 million for space nuclear propulsion to support new and continued research in this important area, which the administration proposes to drop entirely. Specifically, this is $10 million to be used for investigations of the technology for nuclear systems such as the gas-core reactor in addition to continued work on solid-core nuclear reactor rockets. The increased funding also would be used for research in thermionic reactor power systems to provide a base for the eventual development of nuclear-electric space power propulsion systems. The $3 million cut was assessed against general space research and technology on the basis that economy should be pursued in this part of the program.

None of the $3 million cut is to be applied against the nuclear activity discussed above. The House provided $75 million for this program, the reasoning being essentially the same as the committee's except that the House did not reduce the amount for space research and technology.

The committee is recommending $248 million for the tracking and data acquisition program. This program provides responsive and efficient tracking and data acquisition support for all of the NASA flight projects and, as mutually agreed, for the projects of other Government agencies and other countries and international organizations engaged in space research activities. This tracking and data acquisition support is provided by world-wide networks which control flight missions and provide for the acquisition and communication of all scientific and technical data produced by the flight vehicles. The record of this program activity in NASA is outstanding. The House cut the funds for the tracking and data acquisition program by $10 million. However, NASA has notified your committee that several unanticipated and uncontrollable events have increased the anticipated cost for this program for fiscal year 1974 by $8 million—see page 84 of the report. Thus, the $10 million reduction by the House would severely limit the support needed for existing and planned flight projects. Millions of dollars have been expended in each of these flight projects and it is only prudent to provide adequate tracking and data acquisition support. The committee, therefore, restored $8 million to the House cut, and recommends $2 million less than the NASA request. At this level, the agency will have to strive for maximum efficiency in the program; limitations, on the support provided, will have to be imposed but with hard work the program should be able to provide enough support to meet the objectives of the flight projects.

NASA requested $4 million for its technology utilization program. The objective of this program is to increase the return on the national investment in aerospace research and development by encouraging additional uses of the knowledge gained from these activities and to shorten the time gap between the discovery of the new knowledge and its effective widespread use. The House added $500,000 to increase technology transfer. While the committee strongly supports this program, it does not agree with the House increase. The committee believes that the most effective means to effect technology transfer is through the direct participation of NASA personnel in problem solving activities in disciplines outside the usual aerospace sector. The committee recommends $4 million for the technology utilization program.

CONSTRUCTION OF FACILITIES

The committee is recommending an authorization of $110 million for the NASA construction of facilities program for fiscal year 1974. This is $2 million less than the request. The House approved the full amount of the request.

The construction of facilities program consists of 23 separate items, including 9 construction projects for the space shuttle program, estimated to cost $67,200,000. Except for the Orbiter landing facilities at the John F. Kennedy Space Center, these shuttle projects represent modifications to existing facilities. Of the 14 remaining items, 10 are for the modification or rehabilitation of existing facilities at NASA installations; one is for the replacement of a transportation facility at the Goddard Space Flight Center; one is for a new systems engineering building at the Langley Research Center; one item is for small—under $250,000—miscellaneous new construction projects; and the final item is for facility planning and design activities. Each of these projects is necessary to support approved programs, and is justified.

NASA requested $13,600,000 for facility planning and design; this is an increase of $5.6 million above the amount authorized for fiscal year 1973. While the committee appreciates the need for such funds to carry out well-managed facility projects, the committee also believes that NASA can reduce the amount needed by deferring some work until the peak planning and design requirements for shuttle facilities are satisfied. Accordingly, the committee is recommending a reduction of $2 million in the facility planning and design authorization.

RESEARCH AND PROGRAM MANAGEMENT

The committee is recommending that $705 million be authorized for NASA's research and program management program. This is $2 million less than requested and approved by the House. This program includes funding for the research carried out in Government laboratories, management of programs, and other NASA activities. Of the funds requested for this program, $549,020,000—approximately 78 percent—are for salaries and related expenses of NASA civil service employees, over 60 percent of whom are scientists, engineers, and technicians. In recent years, NASA has moved aggressively to adjust its work force to its lower budget levels, resulting in a total of 24,970 civil service positions in NASA as of June 30, 1974; more than 9,000 below the peak employment of July 1967. To assure that NASA continues to critically review and assess its personnel requirements, the committee adopted language in the bill placing a ceiling on personnel and related costs equaling the amount NASA requested for this purpose.

Costs other than those related to personnel are estimated at $157,980,000, or a slight increase over fiscal year 1973. The committee believes that these costs can be reduced below the fiscal year 1973 budget and, accordingly, recommends the reduction of $2 million to be allocated by NASA among the several categories of these expenses.

LEGISLATIVE CHANGES

The committee approved and recommends eight legislative amendments to the bill recommended by the administration.

The first amendment, adopted by the House, modifies section 1(b), item (12), to specify the estimated cost for each individual Space Shuttle construction facility as recommended for authorization in lieu of a total amount for all Space Shuttle facilities. The purpose of this amendment is so that Congress can control each Space Shuttle facility as an individual project rather than to allow these projects to be lumped together as proposed in the original bill. NASA uses advance planning and design fund to conduct studies and define cost estimates; therefore, your committee believes it is reasonable that NASA should be expected to live with these estimates.

The second and third amendments, not adopted by the House, would modify sections 1(c) and 4 to establish the ceiling of $549,020,000 plus amounts appropriated for pay raises on the amount authorized and made available for personnel and related costs. This amendment is essentially identical to one added by Congress to the NASA authorization bill during past years and has the same intent.

The fourth amendment to the bill, not adopted by the House, modifies section 4(c) of the bill to preclude any inconsistency between the provisions of this bill and any other legislation which might be enacted by Congress with respect to the impoundment or selected withholding of appropriated funds. Thus the authority to reprogram funds would remain clear without suggesting a loophole to general anti-impoundment legislation.

The fifth amendment, not adopted by the House, would delete section 6 of the original bill, a provision which was included the past few years but which the committee considered to be no longer necessary. The deleted provision would deny payment by an institution of higher education of any funds provided under a NASA program to any student convicted by any court of record for involvement in disruption or other specified activities at any institution of higher education which prevented officials or students from engaging in their duties or pursuing their studies. The committee believes that the section is no longer needed, as the matter is the subject of general legislation.

The sixth amendment, adopted by the House, amends section 203(b) of the National Aeronautics and Space Act of 1958 by adding a new paragraph (11) which would authorize NASA to enter into agreements, upon terms approved by the Administrator, with concessioners to construct and operate facilities and services at its several installations to provide visitor services. This authority was requested by NASA in a message to the Senate dated March 30, 1973.

The language of the amendment parallels closely that applicable to the National Park Service and it is intended that this authority will be administered in a manner not inconsistent with National Park Service operations. The purpose of the amendment is to alleviate very congested visitor conditions being experienced at the John F. Kennedy Space Center, Fla., although the author-

ity is not limited to this center. Existing facilities at the Kennedy Space Center were provided by NASA and are operated under contract. However, these facilities, because of the large numbers of visitors, are inadequate and must be expanded to meet the needs of the public. An expansion was authorized in the fiscal year 1972 budget but was not funded.

The seventh legislative amendment, adopted by the House, adds a new section 7 to the bill modifying the National Aeronautics and Space Act of 1958 by adding a new section 207 to title II of that act to require NASA to provide Congress 30 days advance notice of any action to declare any government-owned land, valued in excess of $50,000, excess to NASA needs. The purpose of the amendment is to insure that Congress is promptly informed of such matters.

The eighth amendment, not adopted by the House, adds a section 8 of the bill and amends section 5316, title 5, United States Code, by deleting the three NASA positions in the Federal Executive Salary Schedule, level V, of Associate Administrators for Advanced Research and Technology, for Space Sciences and Applications, and for Manned Space Flight, and inserting in lieu thereof, "Associate Administrators, NASA (6)." This amendment updates section 5316 to recognize the additional levels of responsibility which have been established within NASA since the original three positions were established at level V in 1966, and would simplify any subsequent reorganization within the agency by deleting the functional designation following the title of Associate Administrator. No change in individual salaries is effected by this amendment at this time. This amendment was proposed as draft legislation by NASA and introduced in the Senate as S. 913. The Committee on Post Office and Civil Service, to which S. 913 was referred, has notified the Committee on Aeronautical and Space Sciences that it has no objection to your committee recommending this amendment to the Senate.

CONCLUDING REMARKS

Mr. President, H.R. 7528 is a sound bill. It does not contain all of the programs in aeronautics and space that I would like to see authorized, but considering the budget restrictions under which the Federal Government must operate, it offers the good, balanced program of space and aeronautical activities. I am sorry to see some longer range projects and programs deemphasized but again, considering the restraints, I believe the bill recommended by your committee offers an acceptable mix between long range and short range projects. Let me remind the Senate once again that to carry out the programs in this bill will require slightly higher budgets during the next few years. Hopefully, in future years NASA's budget will go back to the projected level budgets of $3.4 billion—in 1971 dollars—which will provide for the initiation of new undertakings in aeronautics and space. It is essential that as a nation we continue to advance our science and technology and to apply these advancements to solving our problems. The NASA program for fiscal year 1974 will contribute to such advancements.

I urge the Senate to support H.R. 7528 as amended and reported by the committee.

Mr. President, I invite attention to the fact that our committee this year held the most lengthy hearings that have ever been conducted by the Committee on Aeronautical and Space Sciences, has heard more witnesses than have ever before been called on a NASA authorization bill, and has indeed made a very diligent effort to look into all phases of the program of the National Aeronautics and Space Administration. We believe that the authorization we now recommend is one that is indeed austere. We have held it down, and we think it is the minimum that possibly could permit NASA to go forward with a meaningful program.

We all have in mind what is occurring now with respect to the Skylab as it orbits the earth in one of the most remarkable displays of the entire space program. It is almost unbelievable that the Skylab has survived the accident that occurred at launch and has been restored to usefulness. This has been accomplished by the excellent work of the astronauts in space and by the space team on the ground, so that we could talk with them and counsel them, and tell them how to operate, so that we have a successful operation, and it will continue with crews that will later go up to the Skylab.

As I indicated in my opening remarks, the ranking minority member of our committee is a Senator with great knowledge and background in this field. He has devoted many years of his senatorial service in working on the matter of aeronautics and space, as well as in broader areas, but concentrating in the field of aeronautics, in which he is so knowledgeable.

Therefore, I would like to yield at this time to the Senator from Arizona because I would like his comments on the matter before us.

The PRESIDING OFFICER. The Senator from Arizona has 45 minutes on his own time.

Mr. GOLDWATER. Mr. President, I shall use the time that I need, but it will not be that much time, I can assure the Presiding Officer.

I wish to commend the distinguished chairman of the Committee on Aeronautical and Space Sciences for his able presentation of the purposes served by H.R. 7528.

I have served on this committee since my return to the Senate and I want particularly to compliment the chairman on this occasion for his very able work. Here is a man who came to the committee this year. He had an interest in space and aeronautics for some years. To his great credit he stepped right in and he learned the substance of NASA programs thoroughly.

I assure the Senate we have one chairman in this body who is most zealous and who tries constantly to keep himself completely informed in this scientific and technological field. He and I agree, and we hope our colleagues agree, this is probably one of the most important fields we are engaged in for the future of our country.

Under his very able leadership the committee has conducted a very thorough review of NASA programs and a detailed examination of the fiscal year 1974 authorization request, which now lies before the Senate.

As our colleagues may recall Congress last year approved a constant budget of $3.4 billion for NASA. This year's authorization request is $300 million below that figure.

Dr. Fletcher, the very capable Administrator of NASA, has testified that the NASA budget will have to be restored to the $3.4 billion level in order to maintain the currently existing balanced program within NASA.

Mr. President, I might point out here that the great contribution Dr. Fletcher has brought to the NASA program has been continuity and a level. Prior to his coming to NASA we might have a $8 million budget one year, a $4 billion budget the next year, a $6 billion budget the next year; it jumped all over the place, and even within NASA there was uncertainty as to where they might be in programs and their program levels in the years ahead. But Dr. Fletcher, in bringing his scientific background and business background to NASA has established a constant level budget, so that now scientists of NASA can plan far ahead in programs.

As part of the NASA reduction, aeronautics was reduced from an authorized $275,300,000 authorization in fiscal year 1973 to a budget request in fiscal year 1974 of $240 million. The principal casualty here was a program known as QUESTOL. This program was to provide funds to research and develop a quiet, short takeoff and landing aircraft to benefit intercity commuters in congested areas. I for one deeply regret the deletion of QUESTOL and will push for its restoration at the earliest practical moment.

This is very important because one of the major problems we face today in aviation transportation within this country is getting the traveler from the city to the airports. As the airports grow farther and farther away from the major centers of population, we have to think, for example, of better ways to get the people from, for example, downtown Washington to Dulles or Friendship. The best prospect we have is in the QUESTOL aircraft which will take off and land in short distances, and it is very quiet.

It rather disturbs me that we have no program going today to meet this problem. Foreign countries are moving into the development of STOL aircraft. Here again, we find our once dominant position in aviation subject to challenge.

Another casualty of OMB cutbacks was the refan program to quiet the JT-3D engines on the Boeing 707's and the Douglas DC-8's. OMB did allow $18 million to proceed with the work on JT-8D engines powering the Boeing 727's, the Boeing 737's, and the Douglas DC-9's. Faced with a choice of having to delete one program or the other, I believe NASA correctly de-

cided to go ahead with the refan program of the JT–8D engine, because far more of these aircraft will be in use over the next 10 years or so.

I am very encouraged by the progress that is being made on reduction of the decibel level of jet engines on takeoff, cruising, and particularly landing.

In view of increased complaints from the public about commercial aircraft noise, the Committee on Aeronautical and Space Sciences increased the outlay for engine refan by $14 million to permit work on both the JT–3D and JT–8D engines. I believe this was a sound decision—a decision in the public interest. I hope OMB will review its position in the light of growing concern about aircraft engine noise.

One very timely and worthwhile addition to this year's authorization bill is a $2 million item under "Space applications devoted to energy studies." While no one can predict what technology or combination of technologies will ultimately relieve the impending energy crisis, the Committee on Aeronautical and Space Sciences was able to identify technology within NASA that might make a contribution, notably, solar cells and microwave transmission.

In this connection, it should be pointed out that the Senator from New Mexico (Mr. DOMENICI), made an important contribution in creating the energy studies program.

I mention this because there is no doubt that we are experiencing a shortage of fossil fuels. And, while we know where some deposits and sources of fuel are, we are not able to bring them into this country because of the constant opposition of people who speak in the name of ecology.

But we have made from the Earth resources satellite several discoveries that may prove to be new oilfields. We are not certain that they are oilfields. We are not certain yet that geological discoveries can be made by the Earth resources satellite. There is optimism about the use of ERTS satellites for this purpose. In the case of the Southwest, ERTS may have discovered new copper deposits.

The authorization request for the Space Shuttle amounts to $475 million for fiscal year 1974. Over its life cycle the shuttle will save the space program and its users somewhere between $5 billion and $15 billion.

Most of the savings will occur in the payloads;

Because they will need less redundancy;

Because they will use more off-the-shelf items; and

Because we will have the ability to repair them in space or bring them back to the Earth for refurbishment.

On June 7, 1973, the crew of Skylab I dramatically demonstrated the importance of repair in space when they were able to deploy a solar panel that had been jammed during lift-off. By their brave act the astronauts gave us a very good example of how a Shuttle crew will be able to repair malfunctioning satellites.

Astronauts Conrad, Kerwin, and Weitz have done an outstanding job, and, I am sure, the entire Nation is grateful.

With reference to the Space Shuttle, I know there is opposition to it. Most of the opposition comes from those who do not understand what the program really is. There are those who argue that expendable boosters should be used to launch our space payloads, and that no effort should be made to build reusable rockets. I disagree with them. The Space Shuttle will give us the ability to travel in space, leave men in the labs, and return men to earth, without the rather precarious and dangerous ocean landings that we have used otherwise.

Anyone who had the opportunity to visit this year's Paris Air Show, as I did, probably came away with one clear impression: we can expect greatly increased competition from the Europeans and the Soviet Union.

In this light, the seed money represented by the NASA budget becomes more vital to the economic well-being of the Nation. NASA's technology is the cutting edge for high technology wares in this country and for export markets. During the past few years America has exported well over $3 billion of aerospace goods, while importing about $400 million. For those of us who are concerned about the stability of the dollar; for those of us who are concerned about America's trade deficits, it is obvious that we must have a national commitment to keep America first in space and first in aeronautics.

Mr. President, I stress aeronautics because, while 5 years ago we were the world's dominant airframe and engine producer, today we have dropped about 12 percentage points in the airframe market. One of the things about the visit to the Paris airshow that impressed me was the great determination on the part of European designers and manufacturers not just to catch the United States, but to surpass us. It was my pleasure and privilege to fly the French A–300 airbus, which, in my opinion, will give the American manufacturers great competition as our airlines begin to look for larger airbuses for shorter hauls.

Mr. President, I have a table that shows the trading patterns in aerospace products, and I ask unanimous consent that it be included at this point in my remarks.

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

FOREIGN TRADE—EXPORTS OF U.S. AEROSPACE PRODUCTS CALENDAR YEARS 1968 TO DATE

[Millions of dollars]

	1968	1969	1970	1971[1]	1972
Grand total	$2,994.4	$3,138.4	$3,397.4	$4,195.9	$3,822.9
Total, military	765.6	1,111.4	887.3	1,121.3	866.6
Complete aircraft, total	470.9	601.0	467.0	633.3	405.5
Transports	100.6	37.9	81.9	80.7	126.1
General aviation	.6	.6	4.5	.5	1.4
Rotary	9.8	32.5	22.7	43.8	53.4
Fighters and bombers	278.6	483.6	330.8	477.7	206.11
Trainers	11.0	10.2	12.9	12.0	14.5
Other, including used	7.3	36.2	14.2	18.6	4.0
Engines, total	31.1	50.0	45.1	48.2	57.4
Jet and gas turbine	24.1	38.1	28.1	29.7	44.5
Missile turbine	3.0	8.0	10.0	12.6	6.0
Internal combustion	4.0	3.9	7.0	5.9	6.9
Parts, accessories and equipment, including spares, total	192.8	303.4	266.5	319.9	300.0
Engine spares and accessories	41.9	58.4	63.9	58.3	79.0
Other spares and equipment	150.9	245.0	202.6	261.6	221.0
Rockets, guided missiles, and parts, total	$133.8	$157.0	$108.7	$119.9	$103.7
Complete rockets and guided missiles	41.6	67.3	8.1	26.1	18.0
Parts and accessories for rockets and guided missiles	92.2	89.7	100.6	93.8	85.7
Total, civilian	2,228.8	2,027.0	2,501.1	3,074.6	2,956.3
Complete aircraft, total	1,405.4	1,241.0	1,528.2	1,913.8	1,622.4
Transports, new	1,200.2	946.9	1,283.1	1,566.5	1,135.0
General aviation, new	101.3	125.6	112.5	89.4	130.3
Rotary wing, new	33.0	29.1	26.9	45.7	52.3
Other, including used	70.9	139.4	105.7	212.2	304.8
Engines, total, new and used	115.7	102.4	117.6	148.5	183.9
Jet and gas turbine	92.4	82.0	98.4	128.6	158.6
Internal combustion	23.3	20.4	19.2	19.9	25.3
Parts, accessories, and equipment for aircraft and engines, including spares, total	707.7	683.6	864.3	1,012.3	1,150.0
Engine spares and accessories	191.0	177.0	201.1	226.8	268.3
Other spares and equipment	516.7	506.6	663.2	785.5	881.7

[1] Revised.

Note: For earlier years, see previous editions of "Aerospace Facts and Figures."

Source: Bureau of the Census, "U.S. Exports, Schedule B Commodity and Country." Rept. FT 410 (monthly).

AEROSPACE FACTS AND FIGURES, 1973-74—TOTAL AND AEROSPACE BALANCE OF TRADE, CALENDAR YEARS 1960 TO DATE

[Dollar figures in millions]

Year	Total U.S. trade balance [1]	Aerospace			Aerospace trade balance as percent of U.S. total
		Trade balance	Exports	Imports	
1960	$5,369	$1,665	$1,726	$61	31.0
1961	6,096	1,501	1,653	152	24.6
1962	5,178	1,795	1,923	128	34.7
1963	6,060	1,532	1,627	95	25.3
1964	7,556	1,518	1,608	90	20.1
1965	5,852	1,459	1,618	159	24.9
1966	4,524	1,370	1,673	303	30.3
1967	$4,409	$1,961	$2,248	$287	$44.4
1968	1,133	2,661	2,994	333	234.9
1969	1,289	2,831	3,138	307	219.6
1970	2,708	3,089	3,397	308	114.6
1971 [4]	[2] −2,014	3,823	4,196	373	([3])
1972	−6,439	3,258	3,823	565	([3])

[1] U.S. balance of trade is the difference between exports of domestic merchandise and imports for consumption.
[2] 1st negative U.S. balance of trade since 1888.
[3] Not applicable.
[4] Revised.

Source: Bureau of the Census, "U.S. Exports, Schedule B Commodity and Country," Report FT 410; "U.S. Imports, General and Consumption, Schedule A Commodity and Country," Report FT 135; "Highlights of U.S. Export and Import Trade," FT 990 (all are monthly publications).

Mr. GOLDWATER. Mr. President, one of the interesting features of this chart is that imports of aerospace wares has risen from $61 million in 1960 to $565 million in 1962. While the figure is small when balanced against exports, this is a trend that provides concern for the future.

Mr. President, today the Senate is acting on a NASA authorization request that is below the administration and Congress recognized last year as being a lean, bare-bones budget.

While I strongly support efforts within the administration and Congress to arrest inflation; while I support governmentwide efforts to stabilize the dollar; I, nevertheless, believe it was a mistake to cut the NASA budget by $300 million.

I believe it was a mistake because technology, research, and development programs cannot be turned on and off like a water spigot. I believe it was a mistake because the Nation should be increasing its spending for research and development, not reducing it.

If we fail to invest in the future, we shall leave a legacy of mediocrity and despair.

Mr. President, in closing, I want to emphasize something I have said time and again. I fully believe that within 5 years all of the money spent on the NASA program over the years will be turned back into the economy every year. Moreover, the investment will have a multiplier effect.

To me the whole future for the young people of this country, and the young people not even born, resides in the development of space—not what we can do in space in the exotic and interesting way we have done, but rather from spinoff and fallout from space. Already our lives have been richly enhanced by the money we have spent. I could stand here for a very long time and talk about many developments from space that have benefited our wives, our children, and every one of us living in this country.

Let me close by reciting an interesting incident that occurred in California, when a relatively young person was shot in the head by a .22 caliber bullet. The bullet, as lead pellets do, disintegrated. While surgery was able to remove most of the parts of the bullet, there remained one very small sliver of lead, which was touching upon the main part of the brain that controls all of the sensory facilities. They did not dare operate, because they were afraid he would perish.

So they put him in a NASA centrifuge nearby. A centrifuge is a machine used to simulate G forces on pilots and astronauts to determine what they can stand and what it does to a human being. This young man was placed in a centrifuge, what the doctors felt was a sufficient amount of G force was applied to his body and his brain. This force, which actually makes things heavier, made that little piece of lead in his brain, which, let us say, was of the weight of about one-one-hundredth of an ounce, heavy enough, by applying 5 G's, to start it moving. That is exactly what happened. This small piece of lead moved away from this important part of the man's brain. When the centrifuge was stopped, he climbed out of the seat, well, happy, and completely cured.

This is one example of the literally thousands we hear of every day that have resulted from the expenditure of money in the NASA program.

I urge my colleagues in this body to accept the work of the committee. It has been diligent work. It has been hard work. We are all as interested in reducing spending as anyone else, but I think it would be a grave mistake to reduce this budget any further, and I urge its passage.

Mr. DOMENICI. Mr. President, will the Senator yield me 3 minutes?

Mr. GOLDWATER. I am happy to yield 3 minutes to the Senator from New Mexico.

The PRESIDING OFFICER (Mr. ROBERT C. BYRD). The Senator from New Mexico is recognized for 3 minutes.

Mr. DOMENICI. Mr. President, first let me thank my distinguished colleague from Arizona for his kind remarks regarding the Senator from New Mexico and his participation in the bill which is before the Senate.

Mr. President, in order to put the discussion of the NASA fiscal year 1974 budget into proper perspective, it is necessary to look briefly at the history of NASA's expenditures over the last several years.

During the agency's first year—fiscal year 1959—Congress appropriated less than $.5 billion. Over the next several years Congress increased funding each year until NASA's appropriations reached a peak in 1965 of slightly over $5 billion. This crest in the NASA budget under the very competent leadership of our former Senator from New Mexico, Senator Anderson, led the way for the successful development and completion of the Apollo program. After 1965 NASA's funding steadily declined until it reached approximately $3.5 billion at the completion of the Apollo flights last year. Last year's budget gave the Nation a fiscally responsible level of funding which permitted NASA to continue the basic programs of aeronautics and space.

It is apparent that NASA has done an outstanding job in fulfilling their main objectives while experiencing severe cuts over the last 7 years. There is simply no room left for delays in projects or level-of-effort reductions. Let me briefly review the major program areas that are included in the fiscal year 1974 budget.

Aeronautics and advanced research, the fundamental legislated function of the NACA/NASA since 1915.

Space physics, astronomy, and Earth-oriented applications, the key to the understanding of the Earth and means by which we may more accurately monitor its actions.

Planetary exploration, the search for understanding of the solar system in which Earth evolved and for the sources of life in the universe.

Skylab, the mission now underway to accomplish over 200 investigations in astronomy, space physics, medicine, biology, engineering, materials development, and Earth and environmental surveys.

The Apollo Soyuz test project, the only high-technology cooperative U.S.-U.S.S.R. engineering effort and U.S. international commitment.

Space Shuttle, the only foreseeable sound means of exploiting the full capabilities, practical applications, and values of space systems at a reasonable cost.

These program areas are all vital to a well-balanced national set of goals in aeronautics and space.

The technology, both direct and indirect that was derived from NASA research and experimentation has made this world a better place to live. These accomplishments are only the beginning in that increased technology under the

proper direction means a healthy environment, clean water, and a realistic management of our natural resources.

If this Congress were to reduce the funding levels of these programs, we would be depriving our future society of scientific benefits that we today received from past technology.

In summary, I feel it is imperative that we understand that this Nation's space program has only just begun to convert its space research and technology into today's society. For every dollar spent today on research and technology, we will benefit twofold by its future practical application.

Mr. President, it seems to me that many Americans have an erroneous idea about science and technology and America. It seems to me that we want very much to remain competitive in this world, we want very much to reach a point where we can really compete in the international marketplace, when our balance of payments can reach a better posture, and yet we do not understand what has made America the competitive genius it is, what is its scientific genius, and then taking the scientific knowledge and applying it to technology and productivity. It is productivity through technology which comes from science that made America great. It is that same system that will keep us great.

So I say to those who think the program we are considering today is not too much of a stimulant for science and technology, that certainly it is a significant part of America's continual effort to get young people into the sciences, to put our best young talent into our scientific field, with the hope that they would take a science and turn it into technology and take technology and turn it into production.

It is that cycle that makes this country what it is. Among the reasons that I support the bill is that very reason.

Mr. President, I hope that Americans understand the need for productivity and the need for America to stand at the top in production and productivity. Productivity among all the other countries of the world is behind our strength. It is behind our dollar. It is behind the international balance of payments. The only way that we can remain at the top of this situation is if we remain at the top of the pile.

I am pleased to congratulate the chairman of the committee and the ranking minority member for bringing before the Senate a good bill.

I compliment the chairman of the committee in particular. I understand that he came to this committee this year.

And I say, as did the Senator from Arizona, that the Senator from Utah has done an excellent job.

The PRESIDING OFFICER. Who yields time?

Mr. MOSS. Mr. President, I yield to the Senator from Massachusetts.

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

On page 28, line 13, strike out Sec. 9 "This Act may be cited as the National Aeronautics and Space Administration Authorization Act, 1974" and insert the following new section:

"No new contract may be entered into after the date of enactment of this Act, by the Administrator of the National Aeronautics and Space Administration for tracking and data acquisition in any country in which the employees employed in a tracking or data acquisition facility located in that country are, because of government policy or law, separated by race, or discriminated against because of race."

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 15 minutes.

Mr. KENNEDY. Mr. President, my amendment to H.R. 7528 is designed to limit U.S. support for the tracking station in South Africa.

The purpose of my amendment is not intended to affect those decisions involving the very technical requirements to adequately maintain tracking facilities in our space program. But rather, this amendment is designed to uphold this country's commitment to those principles that seek the guarantees of human and social justice.

Our Government has maintained a space tracking station in South Africa since 1960. During those years, U.S. taxpayers have spent nearly $33 million to support a facility that completely violates all U.S. laws regarding fair and equal treatment of employees. South Africa is the last country in the world that continues to legally permit segregation based on race. These policies pervade not only the domestic activities in that country, but also the activities of foreign nations who are functioning in that land. Thus, the U.S. Government is openly encouraging the South African government to maintain racist policies with U.S. dollars in a U.S. operated facility. This is a totally unjustifiable position for our Government to continue.

My amendment, therefore, would require the NASA to withdraw all of its support from those facilities in countries like South Africa, where the official government policy, and laws are designed to maintain discriminatory employee conditions based upon race. And I am confident that this is a notion that can be supported by the Members of this Senate and of the Congress.

As a result of criticism in Congress of the employment record at the South African station, NASA has pressed CSIR—Council for Scientific and Industrial Research—to make some substantial improvements. The changes that have been made, however, have merely emphasized the South African station's dependence on an apartheid employment structure, and the impossibility of applying basic standards of civil rights as recognized by the U.S. Government.

A NASA spokesman—Mr. Shapley before the Africa Subcommittee, April 6, 1973—has himself admitted that "the situation will never be satisfactory to us as long as South Africa's apartheid practices continue." He added that NASA is "dependent in our operations on service that we get from this station." Talking of the CSIR, he said:

The station is, in fact, under their control and it is in the interest of the functions that we perform to have the service continue to be available to us.

In other words, this operation of the CSIR, carrying out a service of management, staffing, and operation on an apartheid basis, is an essential aspect of the location of the station in South Africa. The other aspect is the geographical location, which could be provided equally well by Botswana, Lesotho, or Swaziland.

Under the contract, CSIR actually operates the station and determines the number of personnel at different activities. Discrimination is, therefore, applied at their discretion, and NASA has no power to interfere. Although the U.S. taxpayer is financing the service, NASA as the agency responsible is not able to control the extent of discrimination involved in the spending of these funds, and certainly cannot maintain the standards of social justice which have been established by the U.S. Congress for U.S. Government agencies as well as private employers. An EEOC—Equal Employment Opportunity Commission—spokesman, at the same hearing, stated unequivocably that the "improvements" at the station, if set beside equal employment policies of the United States, would certainly not meet the necessary standards. NASA commented:

It certainly would not meet any of NASA's guidelines for its own operations.

The facts of the case, after all the "improvements" agreed on formally between NASA and CSIR in special consultations, show discrimination in hiring, training, wages and fringe benefits, promotion and even work facilities. Under the technical training schemes provided by NASA for CSIR personnel, 28 whites have received special courses, and no blacks at all. Even though NASA is paying for this training scheme, the CSIR is deliberately excluding all blacks from participation, NASA has explained that "Until steps are taken by CSIR to recruit black employees in the technician category, NASA is not in a position to assist in their training."

There is no provision for primary schooling for children of black employees, and none for them to go on to secondary school; the planned programs took so long to be cleared by South African Government agencies that the primary school has not even been started. There are gross disparities in the sick leave and annual vacation given to white and black employees. There is no hospital provision for blacks or their families. Out of 203 technical staff, none are black. The top black salary at the station for a skilled laboratory assistant, $2,005 per annum, barely overlaps with the lowest white salary, $1,930 for a raw trainee. On March 1, 1973, the 50 black CSIR employees who made up 23 percent of the total labor force received only 5 percent of the salaries, under 3 percent

of the pensions, and no medical benefits at all. The details are as follows:

Salaries:	
Whites	$1,431,047
Blacks	78,116
Pensions:	
Whites	105,325
Blacks	3,117
Unemployment insurance:	
Whites	512
Blacks	184
Medical:	
Whites	26,474
Blacks	

Most of the salaries for black employees, starting at $801 per annum, are below the minimum effective level of $1,932 per annum, the amount set by South African experts as the absolute minimum which keeps the average-sized family from malnutrition and starvation, and the minimum recommended by the U.S. State Department for U.S. private investors in South Africa. The "improvements," which comprise wage raises—the levels were even lower before than they are now—houses for black employees, the construction of a black primary school for their children, assistance with secondary education away from home, provision of lunch canteen facilities, and medical assistance, do not begin to provide even a subsistence income to the black employees, let alone equality with the whites. Even these improvements were announced by NASA as major concessions by CSIR, so that the implication is that there will not be any further progresss. They were made only after the station was questioned in Congress, and there is no evidence of any sense of social responsibility on the part of the station management, or any commitment to self-sustaining program. There does not even seem to be provision for regular cost-of-living raises for black employees, so that the small real gains made so far are likely to be eroded within a year or two—since the cost of living for the poorest people in South Africa is rising very steeply, and in fact accelerating—the current rate is well over 10 percent per annum.

It is impossible to justify the operation of a station through CSIR, a South African Government agency which imposes apartheid labor structures on the NASA station, not only in the context of South African legislation, but as an element of South African Government policy. The use of U.S. taxpayers' funds is, therefore, subject to apartheid policies. Even if NASA proposes to spend money on such things as a primary school, the CSIR has a veto on this expenditure. In the case of training programs, the CSIR can impose a strict racist pattern of whites only, even for those trainees studying in the United States, by merely refusing to recruit black high-school graduates.

CSIR, and the whole economic environment and labor market in South Africa, allows NASA to make savings on its operational costs, for the South African station. Apartheid is a strong element in its attractiveness for NASA. It would be far more expensive to operate on a basis of equal opportunity employment policies, in an independent African country. The poverty wages, and gross racial discrimination in employment at the station, represent a direct subsidy by the oppressed black people of South Africa for an agency of the richest country in the world. So the U.S. Government is directly benefitting from apartheid, in the way that it discourages private companies from doing. As long as it stays in South Africa, it is locked into apartheid. This is seen by such companies as a token of hypocrisy; they use the tracking station as an excuse for their own refusal to apply equal employment standards to their operations in South Africa.

NASA has another African tracking station, in Madagascar, where the achievements in training local Africans make the so-called "improvements" at the South African facility seem pitiful. The station in Madagascar is operated directly by NASA, through a U.S. contractor, and it includes a vigorous program for training local personnel, covering all job requirements without any job restrictions. The result of this is apparent in that since 1969 U.S. personnel fell from 110 to 60; Malagasy personnel increased from 125 to 148, and of these technical and administrative positions were occupied by 45 in 1969, rising to 73 now. In South Africa, there are no blacks in technical or managerial positions.

The conclusion to be drawn from this is that the sooner NASA transfers the functions of its South African facility to other African stations, both existing and new ones, the quicker it will reach a stage where the facility can be supported largely by local personnel and supporting facilities. Insofar as the cost of new facilities in Botswana, Lesotho, or Swaziland—which are technically feasible alternatives to South Africa—is increased by the need to provide roads, buildings, communications, and other services, this would be an invaluable contribution to the development of these desperately poor counties. It is already U.S. Government policy to encourage private investment in these three countries as an alternative to South Africa. NASA should be asking the lead in this, as a U.S. Government agency, perhaps with special allocations from the foreign aid budget to supply the necessary infrastructure. Every year that goes by with NASA training only white South Africans is a loss to the development of free Africa, which desperately needs massive inputs of scientific and technical training of the kind that NASA can help provide. The operation of the facility through U.S. contractors, which would be necessary in Botswana, Lesotho, or Swaziland, is a standard practice for NASA—for example, on Ascension. A facility in Botswana could draw on the high school graduates of many neighboring African countries with advanced educational systems, such as Zambia.

Mr. President, it is my hope that this amendment will be adopted by the Senate, because it extends one of the most fundamental principles of our Government's concern for decency and justice. There is clearly no justification for the United States to continue paying the South African Government to operate a U.S.-owned facility, where all employees are treated solely upon the color of their skin rather than on the basis of their ability to perform on the job.

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

Mr. President, I am happy to respond to the Senator from Massachusetts. First, we are aware of his concern with the policies of segregation and apartheid that apply in the Republic of South Africa. This has given us great concern for some period of time. I personally—and I am sure that the other members of the committee feel the same way—am anxious to find some way to deal with this problem and not to be a party to perpetuating this practice at all.

Mr. President, I also reiterate for the record that we plan in the committee to hold hearings later this year on all of our foreign commitments emanating from NASA and international agreements by NASA. And one of the foreign agreements we are going to look into with care is the one that has to do with the tracking station in South Africa. It is a very important tracking station and has great value.

A preliminary inquiry indicates that it would take about $35 million to replace it and that it might take as long as 3 years to complete an alternate tracking station. There are, however, in the southern part of the continent of Africa other areas that might be suitable. This is another thing that we might need to inquire into. It has been suggested that perhaps Botswana or perhaps Swaziland might be used or perhaps the existing tracking station in the Madagascar Republic might be enlarged.

I would hope that the Senator would not press for his amendment at this time because of the current needs we have for the tracking station there.

It is essential to our Venus and Mercury spacecraft to be launched this fall and controlled out of this tracking station. Currently, the space vehicles on their way to Jupiter are being controlled from this space station. This is not only for Earth orbital craft, but is also for deep space missions. It is of importance to us.

At the same time we recognize the social problem involved. It was the same thing that we have been vexed with so often. I therefore assure the Senator that when the hearings are held later this year, we will welcome very much any information he could present to our committee to help us in evaluating this matter, and I reiterate my personal desire to see if we can get out of a situation that is so contrary to the philosophy that we adhere to in this country. I would be interested in trying to find an alternative.

Mr. KENNEDY. I appreciate those assurances from the distinguished Senator from Utah. I know the Senator has served on an Anglo-American parliamentary group that has concerned itself with African affairs, and is particularly well briefed on these particular policies, which I think so many Americans find objectionable.

I hope that during the course of the hearings we will be able to hear from some of the NASA officials who, as I have understood, have indicated that the actual practices of the station in South Africa fail to meet the NASA guidelines for ther own employees in this country, and as I understand it, they have also failed to comply with the equal employment policies of this administration, let alone other administrations.

So, with the assurances that we will have such an opportunity, and the committee will have a chance to review this situation and consider it in detail, and with the very obvious concern of the floor manager of the bill—and I want to say how much I appreciate that—I wish to indicate my willingness to work with the floor manager, the Senator from Utah (Mr. Moss) on this matter, and hopefully we will be able to resolve this inequity. Therefore, I withdraw the amendment.

The PRESIDING OFFICER (Mr. Domenici). The amendment is withdrawn. Who yields time?

Mr. MOSS. From the time on the bill, I yield 3 minutes to the Senator from Nevada, a very valued member of the committee.

Mr. CANNON. Mr. President, I should like to address very briefly one of the few additions that the committee made to the NASA fiscal year 1974 budget request. This was the addition of $10 million to the Space Research and Technology program to maintain a technology base for nuclear power and propulsion which the committee believes is necessary to support our space activities in the future.

My colleagues may recall that the Congress has always supported a strong space nuclear propulsion program and yet, in spite of this support and positive testimony as to the comparative worth of a nuclear propulsion system, the executive branch has gradually curtailed and finally, with the fiscal year 1974 budget submission, terminated all of this effort—I might add after the expenditure of in excess of $1.4 billion. Therefore, the net result of many years of work and a large dollar investment in a highly successful technology program to provide an advanced space propulsion capability for the Nation was a complete abandonment of the program without a reasonable attempt to protect the options for the future by maintaining even a small ongoing technology effort. This action is simply incomprehensive in view of the consistent testimony over the years from the most knowledgeable experts in the space propulsion field that nuclear propulsion offers a unique capability far beyond that offered by chemical systems. Further, the testimony has indicated that this is the only system within reasonable technological attainment which can offer an advanced space propulsion capability in the immediate future.

Mr. President, a similar situation exists in the program to develop nuclear power sources and conversion systems for spacecraft power which would support those future missions having larger electrical power requirements. This program also has been whittled away until there is very little left beyond that necessary to support presently identified missions. Again, I view this action as permitting vital technology to lapse.

Mr. President, the nuclear power and propulsion developments involve long lead times and, therefore, there is a need to continue to do our homework today to have the capability to exercise options in a variety of space programs in the future. We cannot ignore advanced propulsion and electrical power systems and expect to have flexibility to do the things that we may want to do. It is for these reasons that the committee has added $10 million for continuing nuclear power and propulsion technology efforts. In so doing, the committee has increased the funding for the Space Research and Technology program which supports other advanced space research and technology tasks. A general cut of $3 million was assessed against these other activities so, in effect, the net addition by the committee to this program is only $7 million.

In closing, Mr. President, I would like to advise that the House is in full agreement with the need for continuing these vital activities as evidenced by the addition of $10 million also to H.R. 7528 in its action on this bill.

Mr. MOSS. Mr. President, I am happy to yield to the Senator from Delaware (Mr. Biden) 2 or 3 minutes, or whatever he may require.

Mr. BIDEN. Two minutes is plenty.

Mr. President, I rise to comment on this bill that although there are a number of things that I think make a "yea" vote necessary, to continue the space program under this $3 billion authorization, I would like to point out for the record that as far as I am concerned, the $0.5 billion, which is roughly one-sixth of the total of this bill, for the Space Shuttle, I am not at all convinced is worth the expenditure.

There are a number of very tangible benefits to be derived from our space program, ranging from communications to medical advances to man learning more about his environment. But the Space Shuttle that we are talking about and for which $0.5 billion is included in this bill, is something we will be making a long-range commitment to, which will range into the billions of dollars if we decide that is the road to go.

I just want to make it clear for the record that although I shall vote "yea" on the bill today, that vote should not be construed as supporting the Space Shuttle. I hope that when the matter gets to the Appropriations Committee, those who have been opponents of the Shuttle and the SST will do what they can to pare down this $3 billion-plus authorization so that it is more realistic, in the sense that there are other priorities in this Nation, in my opinion, which would be much more deserving of a half-billion-dollar appropriation than the Space Shuttle.

I thank the chairman for granting me this time. I shall vote "yea" on the bill.

SOLAR ENERGY

Mr. WEICKER. Mr. President, at a time when there are pressing domestic needs, it is all too easy to go for the short term and question large Federal expenditures for space.

Nevertheless, even a cursory look at results from the space program would argue against such a course. This program, albeit directed toward the starts, has already yielded valuable advances here on Earth—in medicine, communications, nutrition, weather forecasting, pollution monitoring, and other facets of those very domestic needs that concern us all.

In particular, NASA's continuing investigation into alternative energy systems for its space missions has direct relevance at a time when America is anguishing over a threatened shortage of conventional energy production. The space program and long-range answers to the "energy crisis" go hand-in-hand.

If the Congress, or the Nation, think of NASA's job as completed with the landing of a man on the Moon, we are ignoring the vast potential of the space program to improve our human environment. NASA unquestionably has developed the capabilities to reach "for the stars," to continue to carry out large scale technology programs with its in-house capabilities, research facilities, expertise, and management experience.

To cut back drastically now, to dismiss this competency and experience as irrelevant to the problems of the Nation, this indeed would be to sell the space program and America short. Therefore, let us not fail to plant the seeds for technology development programs that may be futuristic, but hold the key to a quality of life for generations yet unborn.

The achievements engineered by NASA were not isolated successes, without application to their Earth and our lives. In a January 1973 speech before the American Institute of Aeronautics and Astronautics, I stated that the real benefits from the space program emerged as "offshoots" of our effort to land a man on the Moon. As I concluded then, I believe these benefits can come only from reaching for the stars, and certainly not from grubbing around in the ledgerbooks.

Clearly the emphasis of the space program has shifted from an outer space exploration orientation toward programs of specific Earth applications. NASA's years of experience in the near bounds of Earth's space can now be utilized to the fullest extent possible for solving Earth-based problems, such as environmental protection, food production and planning, and energy resource development.

One of the most promising of these areas—energy resource development—involves harnessing man's true source of life, the Sun. To quote from a front-page article on solar energy in the Wall Street Journal of April 16, 1973:

> The attraction of harnessing an inexhaustible power supply becomes apparent when it's realized that over the next 30 years the United States is expected to consume more energy than it has since the arrival of the Mayflower.
>
> Yet many of its present energy sources are either, like natural gas, in short supply or, like coal, a major cause of pollution. Even nuclear power no longer has the assured growth that was once predicted. Solar en-

ergy proponents, on the other hand, say that power from the sun is not only environmentally safe but also will be shown to be economically competitive with other power sources.

The Senate Aeronautical and Space Sciences Committee has realized that although the greater part of Federal funds for solar energy research has gone to National Science Foundation, NASA has been an equally important pioneer in the development and application of solar energy systems, such as the power supply for much of the Skylab mission now orbiting the Earth.

In light of the present energy crisis, the committee has stated in its report on the NASA authorization bill for fiscal year 1974, that:

It is convinced that all potential sources of energy should be fully and expeditiously explored and that NASA has broad capabilities that can and should be studied fully for their potential application to solving the energy shortage facing the Nations. It is a question of utilizing fully all our resources in the face of crisis.

To this end, the committee has increased the space applications budget for NASA by $2 million, for purposes of formulating a long-term energy program. This program is to incorporate development of all the many technologies and power systems that the space agency has utilized or investigated.

I applaud the committee's farsighted action in this regard. It represents well-founded recognition of NASA's particular accomplishments in advanced energy components for space missions. I am hopeful that these technologies will be used to harness solar energy, since NASA already has a demonstrated expertise in such areas as photovoltaics, solar energy collection, thermodynamics and heat transfer, power conversion, and energy absorbing coatings.

We can see how private industry has taken advantage of NASA's contributions in solar energy research, as the following article from Business Week magazine of May 19, 1973, illustrates:

THE SUN BREAKS THROUGH AS AN ENERGY SOURCE

Freeman A. Ford gets impatient when people talk wistfuly about harnessing the bountiful energy of the sun. "There's been a great deal said about solar energy, but very little action," he says. So, last year, Ford set up Fafco, Inc., in Atherton, Calif., to sell sunpowered heating systems for swimming pools. Since then, some 40 pool owners in California and Florida have shelled out anywhere from $200 to $2,000 for his black plastic panels that take the chill out of pools for nothing but the cost of pumping the water through them. Beams Ford: "We've identified a need, and we've filled it."

Experts have long predicted wide use of solar energy as a source of electric power in the 21st Century. But the looming energy crisis has prompted researchers and businessmen alike to take a closer look at the sun's potential. Their startling conclusion: Solar energy may blossom into a significant commercial market in as little as three years.

Although systems that convert sunlight to electricity are not likely to reach the commercial stage for some time, the experts expect solar energy to start assuming a substantial share of the nation's heating and cooling load, which accounts for about 20% of total energy consumption. "What's going on right now is rather skimpy," says James A. Eibling, Battelle Memorial Institute's director of solar energy work, "but you'll be overwhelmed with how much will be going on a year from now."

A NEW INDUSTRY

As if to underscore this prediction, Arthur D. Little, Inc., the Cambridge (Mass.) research and consulting company, last week announced a major program to cultivate "a solar climate-control industry." ADL has signed up 18 companies already, including such giants as Corning Glass, Du Pont, Ashland Oil, and Honeywell, who are paying $15,000 each to support a study of short-range markets. "This is no research project," insists ADL Vice-President Peter E. Glaser, "but a program to develop a new industry." Glaser hopes for a total of 40 clients before he begins a hardware-evaluation phase next year.

Several years ago, Glaser attracted worldwide attention when he came up with an intriguing Space Age approach to solar power. Instead of depending on sprawling "solar farms" that could be blanketed by rain and haze, he proposed huge power-generating satellites that would convert sunlight to electricity in orbit and relay the power to earth over microwave beams. However, like other schemes for central power stations fueled by the sun, Glaser's satellite system is decades away, at best. Today, even earth-bound solar stations are prohibitively expensive, mainly because solar cells or other devices needed for the conversion step are so inefficient.

Using solar heat directly is another matter. For years, the Japanese have warmed their bath water with solar heaters. Rooftop solar water heaters are also common in Latin America, India, and the Middle East. In Australia, they are found on schools, hospitals, and banks as well as private homes.

A few companies make solar water heaters even in the U.S. Before natural gas became widely available in Florida, for instance, Solar Water Heater Co. in Miami sold more than 60,000 units. "There's still a good market," says President Walter Morrow. "I get a dozen or so requests each day. If the people want to make their own, I sell them plans and materials." Across the continent, California Institute of Technology, under contract to Southern California Gas Co., is developing advanced solar water heaters that could supplement conventional gas and electric units.

PRESSING NEED

Why, then, has it taken so long for Americans to take solar energy seriously? One reason is that the benefits have always seemed to be marginal. "Energy has been so inexpensive to us," Battelle's Eibling points out. Arthur D. Little's Glaser notes, too, the problem of breaking into the fragmented and tradition-bound housing industry. Erich Farber, director of the University of Florida's solar energy laboratory, puts it more bluntly: "Ignorance is the major reason solar heating systems aren't on the market. Most manufacturers don't know it can be done."

But now, says Farber, the squeeze on oil and natural gas will force manufacturers, builders, and homebuyers to consider solar water heaters. Rising fuel costs are also beginning to make solar energy feasible for space heating. Already it is cheaper than electric heating in many areas (map). Farber admits that installation cost may run eight times as high as for electric systems and about twice as much as for gas. But, he says, "it pays for itself in seven or eight years."

A joint panel of solar energy experts, formed by the National Science Foundation and the National Aeronautics & Space Administration, recently concluded that solar climate-control systems might be included in 10% of all new buildings by 1985. Arthur D. Little says that by then the solar equipment market should reach $1-billion a year.

ALREADY WORKING

Today, a score of homes in the U.S. get at least part of their heat from do-it-yourself solar systems. George Lof, a civil engineering professor at Colorado State University, says that the sun has supplied at least 25% of the heat for his Denver home during the past 15 years. On the roof of his house are two rows of solar panels propped up to catch the sun. The panels are nothing more than shallow glass boxes, with several layers of transparent glass covering a black-coated one. As in a greenhouse, the clear glass traps most of the sun's heat-bearing waves; the black surface absorbs them, raising its own temperature to well over 200 F.

All day long, air flows through the panels to pick up this heat. If the heat is needed immediately, the air travels through conventional forced-air ducts and returns to the panels. Otherwise it circulates around the base of two gravel-filled cylinders that rise like miniature silos from the basement to the roof of the two-story house. The gravel stores enough heat to warm the house during the evening hours. After that, Lof depends on his gas furnace, as he also must do during extended periods of cloudiness. Still, Lof figures that his jury-rigged solar "furnace" shaves $150 a year from his heating bill.

Lof has worked with Richard A. Tybout, an economics professor at Ohio State University, on an extensive cost analysis of solar climate control in eight U.S. cities. His conclusion: "Heating *and* cooling is the way to get an early solar payoff." That is because the same equipment could be used all year long at very little extra cost. In the summer, solar heat could power an absorption cooling system like the kind found in gas refrigerators. Lof hopes to land an NSF grant to build a house at Colorado State with both solar heating and cooling. He plans to use a hot water system instead of a hot air system such as the one in his home. Hot water tanks, rather than gravel-filled cylinders, will store the heat.

Lof stresses that solar systems would only complement, not replace, conventional heating and cooling units. A backup system is needed anyway for bad weather, so it makes little economic sense to design a solar system big enough to handle the entire load if it is to be used for only a few days of the year.

COMMERCIAL BUILDINGS

Office buildings are especially suited for solar heating and cooling, because peak occupancy is usually during daylight hours. Gershon Meckler, a Washington (D.C.) engineering consultant, has developed and patented several solar energy systems and is working on 10 different designs for apartment and office buildings. One of his projects, a small office building in Denver designed for Financial Programs, Inc., is in its fifth year of operation.

This building has banks of skylights that let in sunshine to reduce the need for electric lighting. The skylights are also equipped with heat-exchanger louvers containing circulating water that carries away the heat generated by the sun's rays. Photocells control the movement of the louvers, keeping them pointed toward the sun. In winter, the hot water collected by the louvers circulates through the building's radiators. In summer, Meckler says, the heat exchanger also cuts the building's air-conditioning needs in half.

More advanced systems are on the way. Frederick Dubin, a New York architect, is designing solar heating systems for two office buildings that the federal government will put up in Saginaw, Mich., and Manchester,

N.H. One private demonstration project is already at the construction stage: the three-story Massachusetts Audubon Society building in Lincoln, Mass., which is scheduled for occupancy by 1976. Solar collectors on its roof will produce hot water for heating and cooling, and the system may handle as much as 75% of the total load. "This building will be a demonstration of solar energy technology here and now," says Alan H. Morgan, executive vice-president of the society.

SOLAR CELLS NEXT

Eventually, if the price of photovoltaic cells drops far enough, thermal systems based on solar energy may have to make way for electric systems. Central power stations based on solar cells may be a long way off, but researchers are hopeful that solar-cell-powered buildings will be appearing in the 1980s.

The first house with solar cels on its roof will soon be ready for experiments at the University of Delaware. Next month, Karl Boer, director of the school's Institute of Energy Conversion, will throw a switch to activate lights and appliances, all powered by the sun. For a year or so, a computer will turn equipment on and off to simulate family use.

Boer says that none of the solar equipment is based on new technology. The cadmium sulfide solar cells, for example, were first developed by the government for the space program. The two-bedroom house will have three power systems: the rooftop solar cells, an array of thermal collectors mounted beneath the cells to trap the sun's heat for climate control, and a conventional hookup to a power grid. Batteries will store excess power from the solar cells, and special salts that are formulated to retain large amounts of heat in a small space will store the thermal energy from the collectors.

THE ECONOMICS

While the technology may not be innovative, the financing arrangements definitely are. If the electric utilities get a piece of the action, Boer seriously believes that every new dwelling could be equipped with solar cells by the end of this decade. So he brought in Delmarva Power & Light Co., which is paying for 30% of the $125,000 project. Every Friday, Boer's architects, sociologists, and engineers report to a Delmarva official. The utility is studying the feasibility of supplying solar panels to customers just as phone companies supply telephones to their subscribers. Delmarva would then sell electricity for peak demand and for backup systems.

Pettinaro Construction Co. of Wilmington, Del., is building the house. Project manager Richard Butler asserts that a four-bedroom solar house of similar design could be built right now for $50,000 to $70,000, roughly 40% more than comparable homes cost in the area. Boer is even more optimistic. Solar power would add no more than 15% to cost, he says, and mass production would cut that amount in half. The amortized cost, he insists, would be about $1.50 per million Btu and 2.7¢ per kilowatt-hour. "It compares favorably with the average price of energy in Delaware," he says.

Not all experts agree with Boer's sunny outlook for solar cells. But just about everyone working in the field is pleased that his sort of experimentation is finally here. "The sun is an energy source that we are just beginning to think about in the right terms," says ADL's Glaser. "Anyone can tap it. We will no longer be competing for limited resources. And it will mean dollars to those who are the most clever in gadgeteering."

It is important to remember that NASA does not have the charter to apply its resources toward Earth-based solutions for harnessing solar energy. Actually the National Science Foundation has that authority, with a budget of $12 million for research and development in fiscal year 1974. Since NASA has proven its capabilities in solar energy research, I would hope that NASA would work closely with NSF in the promotion of commercially feasible consumption of solar power for the 1970's.

It is time for NASA to take up the vital role it should and could play in making solar energy a viable alternative. It is encouraging to note that the Solar Energy Panel, a joint council composed of experts from NASA and NSF, has concluded:

There are no technical barriers to wide application of solar energy to meet U.S. needs . . . For most applications, the cost of converting solar energy to useful forms of energy is now higher than conventional sources, but with increasing constraints on their use, it will become competitive in the near future.

Within the constraints of this $2 million authorization for energy studies, NASA should reconsider its role in the field of solar energy and begin to formulate a program for the development and application of solar energy for terrestrial use. Of course, NASA must coordinate with the National Science Foundation, but NASA's unique experience and capabilities warrant its own solar energy plan for the future. In the CBS radio broadcast of "Your Earth" of March 17, 1973, commentator Michael Krauss looked into the future and noted:

NASA also believes that solar energy could produce a major portion of our electrical needs within ten to twenty years. But in order to reach that level, the House Science Committee projects federal funding for research on the order of some 100 million dollars a year for the first three years. After that, the cost estimates are being put at about a 150 million dollars annually. In all—over a fifteen year span—the total bill could come to something like three billion dollars. Most of the experts are quick to concede that the initial outlays of cash may seem steep to the taxpayers. But over the long haul the investment may well be worth it. And in the view of many lawmakers, the U.S. may well have no choice but to spend the money—or have more Alaska pipeline quandries.

An impact of this magnitude cannot be achieved without a large scale commitment and a coordination program—with vision, practical planning, and expert management. I believe that NASA has much to offer in the initial stages of project formulation and technology development for the harnessing of abundant and clean energy from the Sun.

I am therefore requesting that the distinguished chairman of the committee direct NASA to submit a full and detailed report of its energy studies, which are being funded with the additional $2 million authorization. This report should be submitted no later than March 1, 1974, and include an assessment of current technologies, a proposed program for developing solar energy for widespread Earth application within the century, together with a schedule of projected funding necessary to achieve this goal.

At this point in time we are facing difficult choices. But we have never benefited by playing to our immediate desires. Instead, even in the worst of times we have decided to take the high road, toward our greatest future potential. In spite of the time it has taken to make significant advances in medicine, in education, in space itself, we seem unaware of, or indifferent to, the reality of "lead time" required to accomplish important new landmarks for mankind. We must now invest not only our dollars but our future, in reaching for the stars so that we might live a better life on Earth.

Mr. CRANSTON. Mr. President, as we are debating the NASA authorization bill, two men out in space are working calmly and competently to make the Skylab mission a success. I make this point not only to honor Astronauts Conrad and Kerwin, but to comment that as a nation we are beginning to take space feats in stride. I submit that we have compiled an impressive record as a leader in space technology, and that we must continue this effort by voting full funding for NASA.

H.R. 7528 contains authorization for $3.046 billion for NASA in fiscal year 1974. Contained in that bill is $475 million for the Space Shuttle, an amount equal to the administration request. The Senate committee decided not to add the $25 million added by the House to reverse the slowdown of the Shuttle and to support an earlier buildup of personnel. The committee heard from NASA witnesses that the stretchout would not add to total program cost and decided against adding funds at this time. I concur, somewhat reluctantly, with the committee's judgment.

The effect of the Shuttle on employment is well known: It will provide jobs representing more than 750,000 man-years—a man-year is one man working 1 year—in this decade alone. During the peak employment year, 1976, there will be 50,400 aerospace jobs and 75,600 jobs in supporting businesses, totalling 126,000 jobs nationwide.

Opponents of the Shuttle readily agree that the program will provide badly needed jobs, but they seem to feel that these jobs are a wasteful luxury so long as there is hunger and want in America. My distinguished colleague from Maryland, Senator MATHIAS, answered this point very well when he said, on May 30, that—

To use this argument as the basis for opposition to the Space Shuttle . . . misses an essential point. For it appears to be based on the false logic that implies that we can never pursue a second or third priority goal as long as our top priority is not completely achieved. And that is hardly a prescription for a balance of priorities.

I agree completely with this clear-headed statement, as I so often agree with Senator MATHIAS.

Mr. President, it is hard to prove that the Shuttle program puts food into the mouth of a hungry child. But the products of Space Shuttle employment will affect the general well-being of all of us.

Take, for example, an outstanding task confronting the world today—the search for peace. Arms control and disarmament are areas in which the contributions of satellites have been particularly dramat-

ic. Thanks to satellite observations, we can identify objects the size of a manhole cover. There is no doubt that the reassurance that this capability provides continues to be a sine qua non of the SALT agreements. And looking farther ahead, both the United States and the Soviet Union have proposed the establishment of an International Disarmament Organization—IDO—to be operated by the United Nations to insure that the terms of a treaty are being observed. IDO would be in charge of all inspection operations, including inspection from space. Satellites would be particularly useful in monitoring arrangements for regional nuclear-free zones, port deliveries, and cease-fire lines.

Or just consider the so-called energy crisis. Not long ago schools and factories were temporarily closed in order to conserve our dwindling supplies of gas and oil. Yet every day the Sun produces 1,000 times as much energy as all the energy sources on Earth. Harnessing the energy of the Sun could well liberate us from "dirty" sources of energy and dissolve the blanket of air pollution that threatens to choke our cities. We have already launched seven orbiting solar observatories in order to gather vital data about the Sun. Theoretically, a solar energy station orbiting in space could tap the Sun's energy and transmit it back to Earth for our use.

The space program has already had an important spinoff effect in still another area—medicine. Let me mention just a few of the many examples.

Sensors developed for use in space are already being used for infants with breathing problems. A space helmet developed for astronauts and test pilots under stress is being adapted to detect hearing defects in children. An electronic pacer, perfected by miniaturization techniques developed in the space program, can be implanted in the chest to keep the heart beating normally. An instrument measuring muscular tremors originally developed to record the impact of micrometeorites on space vehicles, aids the early diagnosis of neurological diseases. Supersensitive infrared detectors developed for space research is proving useful in the early detection of cancer. The list is dazzling.

Space technology helps to clean up our environment and our oceans as well. Data gathered by sensors which were originally developed by aerospace engineers will be used by the Bureau of Commercial Fisheries to determine the effect of pollutants on certain types of crabs. Waste and sewage disposal systems are beginning to use collection, processing, and disposal techniques developed by space technology. Life support systems developed for space are already being applied to manned underwater research programs. Earth resources satellites help farmers to time their harvest and to detect crop diseases. In Imperial Valley, Calif., for example, the Earth resources technology satellite program will include sequential satellite pictures to monitor pest control efforts against the pink boll worm, a hazard to the cotton crop.

Other socially beneficial uses of satellites spread over many fields. Fishing fleets can be served through the detection of large schools of fish as well as the pattern of currents and tides. Weather satellites will soon be able to make accurate weather predictions as much as 2 weeks in advance. Sports programs are beamed to our living rooms live via satellite. And all this is in addition to the opportunities for peaceful cooperation with the Soviet Union, as symbolized by the planned Apollo-Soyuz dockup. The enthusiasm with which Russian and American scientists and technicians are learning each other's language and sharing ideas is contagious. It's small wonder that Dr. James Fletcher, the Administrator of NASA, calls the Apollo-Soyuz program "a very major milestone."

Satellites are here to stay. And I think they can improve our lives tremendously. So let us not take a "penny-wise pound-foolish" approach to spending. The Space program has had an outstanding record of meeting schedule and cost requirements. The Space Shuttle in particular is designed to save money in the long run. So let us not chip away a little here and nibble away a little there. Let us give the shuttle program the funding it deserves.

There is another important area in which the benefits of the Shuttle program are particularly helpful: high-technology exports.

Mr. President, it goes without saying that a nation whose trade position is weak ought to look for ways of promoting the export of goods and services in which it can compete effectively.

Clearly, space capability is one area in which we are not merely competitive—we are the leader.

Last year, Mr. President, we sold $3.92 billion worth of aerospace products abroad, and the estimated figure for calendar year 1973 is no less than $4.07 billion.

On October 9, 1972, President Nixon outlined a specific policy for space launchings whereby the United States will provide launch assistance to other countries and to international organizations for peaceful satellite projects. This policy stresses that launches will be offered on a nondiscriminatory, cost-reimbursable basis. Since the Shuttle will provide launch services at lower costs and offer orbital maintenance services never before available, the participation of foreign countries—already large—should markedly increase. Revenues derived from these launch services and orbital maintenance services will become positive factors in our balance of payments position.

In January, for example, NASA was informed that the European Space Research Organization voted to authorize the development of a "sortie laboratory" to fly with America's Space Shuttle in the 1980's. This laboratory will be carried into orbit in the payload bay of the Shuttle orbiter and will carry on research operations lasting 7 to 30 days. A preliminary estimate is that the project will cost between $250 and $300 million, to be funded by the nations of Europe.

Significantly, the Sortie Lab—or Space Lab as it is called in Europe—in conjunction with the Shuttle, provides another opportunity for international participation. At a time when we are asking Europe to share our international expenses, the Sortie Lab is a fine example of the financial and technological contribution that the European community could realistically make to the Shuttle program during the next several years.

A Shuttle-borne Sortie Lab will provide a new and exciting opportunity for scientists who are not astronauts to perform their experiments in the space environment.

For the first time, scientists of many nations will join each other and carry out their own experiments in space. The technical, cultural, and scientific advantages of this type of joint endeavor will enrich the lives of the people of many lands.

The Sortie Lab is only one example of the ways in which the benefits of the Shuttle program quickly spill over from dollars and cents to new forms of international cooperation. This cooperation has already been one of the most successful—if little publicized—facets of our Space program. A rich harvest has already been gathered and shared.

First of all, there has been the advancement of scientific and technical progress. In a very real way our space program has helped to stimulate interest in scientific applications and direct technical solutions to the often unrelated problems of individual nations. Some of our own space experiment programs have been enhanced by activities in other countries. Nations have become less sensitive to access to information about sovereign land areas in resource programs requiring regional or global measurements. We have also witnessed the extension and strengthening of ties among scientific and national communities.

NASA's international programs include ground-based programs with 84 countries, personnel exchanges with 40 countries, cooperative project agreements with 28 nations, and tracking and data acquisition agreements with 22 nations.

Of particular significance is the agreement between the United States and the Soviet Union, signed by President Nixon and Chairman Kosygin of the U.S.S.R. in May 1972. In 1971, NASA and the Soviet Academy of Sciences had agreed to cooperate and exchange data relating to space meteorology, the environment, space science, biology, and space medicine. The best known and clearly the most dramatic commitment was to develop compatible rendezvous and docking systems for future generations of spacecraft and to conduct a joint experimental flight during 1975 to test those systems. The Apollo-Soyuz Test project must certainly rank as one of the key steps in the long-range objective of reducing tensions between ourselves and the Soviet Union. As a strong first step, it represents a complex technical

venture aimed at developing a mutually constructive relationship. The expected success of this program may serve as a model for productive cooperative efforts in other fields.

Mr. President, I ask the Members of this Chamber of consider the thoughts expressed by President Nixon in his message of January 5, 1972:

Views of the earth from space have shown us how small and fragile our home planet truly is. We are learning the imperative of universal brotherhood and global ecology—learning to think and act as guardians of one, tiny blue and green island in the trackless oceans of the universe. This new program will give more people more access to the liberating perspectives of space, even as it extends our ability to cope with the physical challenges of earth and broadens our opportunities for international cooperation in low-cost, multi-purpose space missions.

I strongly urge you to support our Nation's Space program and to vote for H.R. 7528.

UNANIMOUS-CONSENT AGREEMENT ON S. 1125

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as S. 1125, a bill to amend the comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act, is called up and made the pending business before the Senate, there be a time limitation of 1½ hours to be equally divided between and controlled by the distinguished Senator from Iowa (Mr. HUGHES) and the distinguished Senator from New York (Mr. JAVITS) or his designee; that time on any amendment thereto in the first degree be limited to 40 minutes; and that time on any amendment to an amendment, debatable motion or appeal be limited to 20 minutes; and that the agreement be in the usual form.

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

The text of the unanimous-consent agreement is as follows:

Ordered, That, during the consideration of S. 1125, a bill to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act and other related acts to concentrate the resources of the Nation against the problem of alcohol abuse and alcoholism, debate on any amendment shall be limited to 40 minutes, to be equally divided and controlled by the mover of such and the manager of the bill, and debate on amendments in the second degree, debatable motions or appeals shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: Provided, That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee: Provided further, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 1½ hours, to be equally divided and controlled, respectively, by the Senator from Iowa (Mr. HUGHES) and the Senator from New York (Mr. JAVITS), or his designee: Provided, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion or appeal.

LEAVE OF ABSENCE

Mr. CLARK. Mr. President, in accordance with rule V of the standing rules of the Senate, I ask unanimous consent to be absent from the Senate on official business from June 21 to June 30.

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

Mr. BIDEN. Mr. President, in accordance with rule V of the Standing Rules of the Senate, I ask unanimous consent to be absent from the Senate on official business from June 21 through June 30.

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

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATIONS

The Senate continued with the consideration of the bill (H.R. 7528) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

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

Mr. MOSS. Mr. President, I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

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

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with no time taken out of the time on the bill.

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

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. ROBERT C. BYRD). Without objection, it is so ordered.

Who yields time?

Mr. MOSS. I yield myself 1 minute.

Mr. President, we are in a dilemma. We understood that Senator FULBRIGHT was coming to the floor, but he is not here as yet. The ranking minority member of the committee and the committee are ready to proceed with the vote.

I will suggest the absence of a quorum, but I ask that a phone call be made to see whether the Senator is coming to the floor. We are anxious to proceed with the bill.

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

Mr. GOLDWATER. Mr. President, I suggest that the time for the quorum call be taken out of my time.

The PRESIDING OFFICER. Without objection, the time for the quorum call will be taken from the time allotted to the distinguished Senator from Arizona (Mr. GOLDWATER).

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. FULBRIGHT. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 28, between lines 12 and 13, insert the following new section:

SEC. 9. (a) Notwithstanding the foregoing provisions of this Act, not more than $2,924,160,000 may be expended in the fiscal year ending June 30, 1974, for all programs authorized by this Act. The Administrator of the National Aeronautics and Space Administration in his discretion may determine the extent to which sums authorized by this Act for particular programs are reduced in compliance with the limitation contained in this section. Nothing contained in this section shall be deemed to authorize any increase in the amount of any such authorization.

On page 28, line 13, strike out "Sec. 9" and insert in lieu thereof "Sec. 10".

Mr. FULBRIGHT. Mr. President, I am submitting this amendment to the NASA authorization for fiscal year 1974 (H.R. 7528) which would reduce the appropriations authorized in the bill by 4 percent.

The bill, as reported by the Committee on Aeronautical and Space Sciences, authorizes appropriations totaling $3.046 billion for the National Aeronautics and Space Administration. The committee's recommendation is $30 million larger than the administration's budget request of $3.016 billion, although it is somewhat smaller than the House authorization.

My amendment would have the effect of reducing the authorization by $121,840,000—$121.8 million. The authorization would therefore be $2,924,160,000.

I understood earlier in the day that this matter would not come up this soon and that possibly other amendments would be introduced.

Because of our total obligations, the deplorable condition of our budget, and the criticism this body receives from the executive branch and others with respect to being irresponsible in the field of spending, I believe that as a matter of principle this amendment should be offered.

Some may consider this a futile gesture, but I hope it is not. One reason I am offering this amendment is because of the change in the mood in this body with respect to the war in Vietnam, with regard to the Joint Committee on the Budget, and the desire to hold down spending. Individual Senators in party caucuses have made statements to the effect that the Senate must become responsible in the field of economics and not be known as a spendthrift body.

The reason for this amendment is pure, simple economics. We have very serious inflation, which everyone must be aware of. I agree with the President that it is the most serious domestic problem we face.

In view of the cuts in important health and educational programs I think that it is necessary to cut back on all these programs. The space program, in particular, should be cut back because it has no re-

lation to our needs at the moment. This is a long-term program at best.

Those of us who have insisted that Congress is responsible as the executive branch have the opportunity to prove it. The Constitution gives the power of appropriations and power of the purse to the leigslative branch. It is our duty to act responsibly and to take present conditions into account.

I thought, for example, that the Senate acted wisely in deleting some $31 million from the administration's request of $224 million for the U.S. Informatoin Agency. Cuts have also been made in other programs, including the recent action to limit farm subsidies.

I firmly believe that every agency, including NASA, can take a cut of these proportions without in any way seriously hampering that agency's operations. The state of our economy demands that it be done.

It is claimed that the NASA budget has already been reduced significantly from the levels of recent years. I would certainly hope so, because, after all, we were told that the Apollo program and the race to the moon were crash programs that demanded high-level funding for short periods.

Already, from 1959 through fiscal 1973, we have spent more than $72 billion for Government space activities. This includes funds expended both by NASA and the Department of Defense as well as other agencies. This colossal amount will be greatly increased in years ahead, particularly if the Space Shuttle proceeds as scheduled.

I see no reason that we should continue racing in space. We proved our point to the Russians, and now, I am pleased to note that there is cooperation between the two countries in space efforts.

Mr. President, it should be emphasized that one of the major justifications for the Space Shuttle is its military potential. The predominant portion of our Federal budget is already going to the military, yet here is one more significant expenditure which should be at least partially charged to the military budget.

The recent GAO report raised strong questions about the economic justification of the Space Shuttle.

At a time when we have serious problems of inflation, when many of our important health and education programs are lacking funds, and when there is a strong need to hold down spending, I think we must cut back on the space program, which, whatever its merits may be, cannot justifiably be given top priority.

Many of us in Congress have said that we are every bit as responsible and concerned about limiting spending as is the Executive. Indeed, I believe Congress should lead the way. This amendment presents an opportunity to do so. It will force NASA to tighten its belt somewhat, but I am sure it can be done. After all, when the Office of Management and Budget demands a cutback in funding, the various agencies, including NASA, manage to accommodate themselves to such cuts.

This amendment would represent a minimal reduction in the overall NASA budget, yet the amount of money involved—$121.8 million—is quite significant when contrasted with funds available for a number of important Government programs in the fields of health and education.

It is particularly regrettable that the committee's bill would increase the authorization over the amount requested by the administration.

If anything we should be reducing the administration's requests rather than increasing them—that is if Congress is serious about exercising authority and responsibility in budgetary matters.

Mr. President, the cumulative effect will be significant if we do this across the board on all these measures. It is very difficult to see the effect when there is only one measure before us. This is $121 million, or 4 percent of this very large authorization. It is a relatively small amount. However, as I have stated, I think the cumulative effect is important.

I would like to have a yea and nay vote on the amendment. I wish to go on record as doing my best to cut these programs, especially those that have no real relation to our immediate needs. I would exempt a program such as disaster relief which we recently considered. That is a different type program, dealing with our own people who have suffered from a disaster. There are some domestic programs that serve the immediate needs of the people of this country that should not be cut. But this is not one. The only immediate impact would be on some jobs. That is unfortunate, but there are so many needs in other areas that the job problem should be taken care of with reasonably astute management in the transfer of these people to more productive efforts.

I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. FULBRIGHT. I do not think there is any need for me to elaborate on this amendment. We have been over it for many years and it is basically a question of priorities.

Mr. MOSS. Mr. President, I shall be brief. I agree with the Senator from Arkansas that there is no point in belaboring the subject. I would, however, like to point out that a 4-percent cut is not negligible; it is a sizable cut in the authorization we are talking about. As I tried to point out in my opening statement, the committee has spent long hours and heard many witnesses and compiled a record that runs through three volumes, inquiring very carefully into this program. We trimmed everything we thought could be trimmed and still have a program that would be somewhat successful. Some things we had to terminate.

The Senator said it is a question of keeping jobs. The authorization we propose is cutting out 1,880 jobs in NASA alone, and NASA employment is down ever since the high point in 1967.

But I would point out NASA programs do have an immediate impact. It is not only long-range things we are talking about. The Senator said it is purely economics and there is a change in mood since Vietnam. Neither of those reasons is applicable. What we are talking about today is the launching of the second Earth resources satellite, and the results from the first one have been detailed with respect to the economic impact it has had on the people of this country. We are already reaping the benefits of the aeronautics and space program. The amendment would knock out the money for restarting the DC–8 and 707 engine refan program which was eliminated by OMB because of the cost.

That has an immediate impact. The amendment would also knock NASA out of its contribution to meeting the energy crisis.

I say it is not a small and insignificant cut. It is a very significant cut and it would have a very adverse effect on the program if it were to prevail.

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

Mr. MOSS. I yield.

Mr. COOK. Has not the committee already done what the Senator from Arkansas is requesting by this amendment? I understand that last year for fiscal year 1973 this body approved appropriations of $3.407 billion.

Mr. MOSS. That is correct.

Mr. COOK. This year the committee is approving a budget of $3.107 billion. It seems to me that the committee has really already exercised that degree of prudence that the Senator from Arkansas is asking by reason of his amendment. As a matter of fact, it would be cutting it—this would be $121 million, but the committee cut is almost $300 million from last year. So it seems to me that the import of the economy that the Senator really wants has already been accomplished by the committee in relation to its budget last year and the submission this year. Is that correct?

Mr. MOSS. The Senator is correct. The committee rather regretfully had to cut the matter back to where it is now, and we had to exercise the greatest care in trying to tailor our budget so that programs of greatest importance could continue.

Some of them have had to be suspended and have been dropped because of the cutbacks that have already been made.

Mr. COOK. So, therefore, in essence, what the chairman is saying is that more than a 4-percent reduction has already been made from the funds that were appropriated last year, in the funds the committee is asking the Senate to concur in this year. Is that correct?

Mr. MOSS. Yes, over 10 percent.

Mr. President, I am ready to yield back my time.

Mr. FULBRIGHT. Mr. President, just one comment. The Senator talks about vast programs which may have an immediate impact. For example, the Space Shuttle has military significance. It has been justified, to a large extent, on that basis.

I only wish to point out again that between 1959 and 1973 we have spent some

$72 billion on space activities. One may be able to pick out ERTS or one or two other projects which could have immediate effect, but I submit most of them have no immediate effect on the welfare of the people of this country.

With respect to the Space Shuttle, the GAO raised serious questions about the economic justification of the Space Shuttle. It is a very large part of the space program and one which commits us far into the future. I simply do not believe this program deserves a high priority.

I am sure that every committee which considers legislation thinks it has done all that can be done. I sympathize with that. We usually feel the same way in the committees on which I serve. Unfortunately, sometimes this body has increased the amounts far beyond what the committee felt was right. But I submit that economic conditions today are far more serious than in the past. Nobody realized a year ago that the dollar was going to be devalued to this extent. Nobody realized that the markets, which are an indication of the judgment of the world as well as that of our own people of confidence in the economy of this country, would be in their current condition.

We are confronted with serious conditions. The President just announced plans for what is called the phase 4 program, recognizing the condition of our economy and the serious effect of inflation. Look upon the whole gamut of Government activities and consider which ones are more or less important in meeting our immediate needs—reducing inflation and in providing for the health and welfare of our people. I do not believe the space program will rank as one of the more important. All I am saying is that the space program ought to take a fair share of the reduction in spending, and yet this bill contains an increase over the request of the administration. I do not see any justification for that.

The Democratic caucus voted for a spending ceiling. As a matter of fact, we voted for a ceiling below the administration's request. This administration has charged the Congress with being irresponsible are not able to control the budget, and regrettably we are now running the risk of justifying that charge.

Each committee feels its particular jurisdiction is somewhat sacred and that it has the most important activity in the Government. I sympathize with that feeling. However, it is the responsibility of the entire Senate to vote on it and to consider the overall picure. I believe we must do all we can in trying to control expenditures. That is what this is all about.

The exorbitant size of the program is quite well known. An enormous amount of money—more than $72 billion—has been spent on space. I do not see why we should not begin to pare it down a little at a time, as we can, in order to cause as little disruption as possible during the transitional period.

Mr. MOSS. Mr. President, may I make one comment? My colleague has talked about great spending. We are talking about 1 percent of the total budget that we will vote on this year in the Congress. So we are talking about 1 percent of what the budget is, and then we are talking about cutting it still lower than that.

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

Mr. WEICKER. Mr. President, I thank the Senator for his generosity.

First, I want to commend the ranking Republican member of the committee (Mr. GOLDWATER) for the superb job he has done on this legislation.

You know, Mr. President, I am just not going to sit back any longer and have one of the favorite whipping boys of the Senate set up as a target again for cutbacks without responding to it rather directly. Mr. President, there is no constituency out in space, no constituency on the Moon, so it is very easy to demagog against the space program, but to me it also shows a lack of leadership to do so. I say a lack of leadership because, clearly, the very complex problems that confront the country today are not going to be resolved by some ward politician going ahead and offering demogagic answers to these complex problems.

The chairman had a very hard time, as I am sure he will admit, with the Senator from Connecticut, because I felt there ought to be additional moneys added to this program. Specifically, I felt that there should be additional moneys added for a second Skylab. I felt additional moneys should be coming in many areas of the space program.

This is the greatest and most positive scientific effort undertaken by the United States of America. When we talk about no benefits, we must understand that the main thrust of the program is to explore. The main thrust of the program is to conduct a search for knowledge in the areas of science and in space, but the fallout in benefits to the Nation has been tremendous.

When we talk about an energy crisis, assuming we have no answer to that with our known sources of energy, it seems to me we have to explore other possibilities such as solar energy.

We talk about communication. Just think what the space program has done in this area alone. Unless we want to have telephone poles all over the United States of America, I suggest to you the solutions provided by the space program have come just in time.

We talk about medicine. Walk into the emergency care unit of any hospital. Where do my colleagues think the monitoring equipment came from? I am talking about the heart monitoring equipment and the brain monitoring equipment. I certainly know about that in a very personal sense. No one knows how many lives have been saved by the technology advances made under the auspices of the space program.

Talk about our lead in computers. No question about that. The space program allowed private enterprise in conjunction with the national government the opportunity to put into practical application the science of computers. That is why we lead the world in that area.

I could go on and on and just talk about the advances made in weather forecasting alone, which has helped along with our resources on earth to make great advances in this field and many others including to help us identify the sources of pollution from space.

This is the country I know and hope for, reaching for the stars, not setting out, for example, to build a better toaster, but to conquer space, and because of that, make its applications usable on earth.

This program has been continually cut back. I am making this speech now because I am afraid that next year it will be cut back again. I think we are past the point where we can subtract further unless we want to throw everything overboard. Then we will forfeit our scientific leadership in the world—not our military leadership, but our scientific leadership on behalf of men and women everywhere.

As I said, no amount of speaking here in the Senate Chamber or on the street corners by politicians is going to bring about a better life. We are going to have to achieve that through science. That is exactly what we are doing in this bill.

So I commend the committee and again the ranking minority member for a job well done. I would have liked more, but I realize that everything is a matter of compromise. I assure you, Mr. President, I am not going to sit here and see an across-the-board cut take place. If we want to establish leadership in this Congress, may I suggest that we not do across-the-board cutting, but be a little more specific and a little more positive in the approaches we take, either plus or minus.

I certainly advocate the rejection of this amendment.

Mr. MOSS. Mr. President, I thank the Senator from Connecticut.

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

Mr. COOK. Mr. President, may I have 1 minute?

Mr. MOSS. Mr. President, I yield the Senator from Kentucky 1 minute.

Mr. COOK. Mr. President, I would suggest that on occasion we should reflect on some of the testimony we have had before the committees of the Congress. And I think that some of the best testimony we had last year before our Subcommittee on Oceanography was by Dr. Jacques Cousteau. Dr. Cousteau said at that time that the only way we can look forward to clean water in the ocean and a resolution of our problems in the ocean is going to be through the Skylab and the types of photography that have been developed as a result of this program, we will have a way by which we can solve the problem and find the culprits that are destroying the ocean.

He gave some very stark and real comparisons of what the oceans were like years ago and what they are like today.

I would rather that the Senator from Arkansas some day go after a whale rather than after a minnow.

Mr. MOSS. Mr. President, I thank the Senator. I am prepared to yield back the remainder of my time.

Mr. FULBRIGHT. Mr. President, I

could not hear what the Senator from Kentucky had to say about me.

Mr. MOSS. He said he hoped that the Senator from Arkansas would some day go after a whale rather than a minnow.

Mr. FULBRIGHT. This is a whale. I am just trying to cut off one little fin.

Mr. President, I will end with one further comment. This program was originally inspired by our efforts to outdo the Russians after they sent up Sputnik. We panicked and this has been the result. It adds up to an enormous sum, $72 billion. I think it is about time that we begin to bring it back within reason. The Russians have acknowledged our leadership. They are no onger competing with us. They are not in the same league.

There is no point in continuing to spend these large amounts on activities that may be interesting but are not very utilitarian.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time on the rollcall votes which are about to be had back to back be 10 minutes with the warning bell to sound at the end of 2½ minutes.

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

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

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

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas. 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 North Carolina (Mr. ERVIN), the Senator from Minnesota (Mr. MONDALE), and the Senator from Illinois (Mr. STEVENSON) 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 Illinois (Mr. STEVENSON) would vote "yea."

The result was announced—yeas 27, nays 69, as follows:

[No. 202 Leg.]

YEAS—27

Abourezk	Hollings	Pearson
Biden	Huddleston	Pell
Burdick	Hughes	Proxmire
Byrd, Harry F., Jr.	Javits	Randolph
Byrd, Robert C.	Mansfield	Roth
Church	McClellan	Schweiker
Clark	McClure	Scott, Va.
Dole	McGovern	Talmadge
Fulbright	Muskie	
	Nelson	

NAYS—69

Aiken	Chiles	Hansen
Allen	Cook	Hart
Baker	Cotton	Hartke
Bartlett	Cranston	Haskell
Bayh	Curtis	Hatfield
Beall	Domenici	Hathaway
Bellmon	Dominick	Helms
Bennett	Eagleton	Hruska
Bentsen	Eastland	Humphrey
Bible	Fannin	Inouye
Brock	Fong	Jackson
Brooke	Goldwater	Johnston
Buckley	Gravel	Kennedy
Cannon	Griffin	Long
Case	Gurney	Magnuson
Mathias	Pastore	Symington
McGee	Percy	Taft
McIntyre	Ribicoff	Thurmond
Metcalf	Saxbe	Tower
Montoya	Scott, Pa.	Tunney
Moss	Sparkman	Weicker
Nunn	Stafford	Williams
Packwood	Stevens	Young

NOT VOTING—4

Ervin	Stennis	Stevenson
Mondale		

So Mr. FULBRIGHT's amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute as amended.

The committee amendment in the nature of a substitute was agreed to.

Mr. MOSS. Mr. President, I ask for third reading.

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. GURNEY. Mr. President, I support the proposed fiscal year 1974 authorization for NASA. Any attempt to delete money from the NASA authorization, already at an austere level, would be disastrous to the space program.

It is my view that the space program is a tremendous national resource which we must continue to use to full advantage. The committee recommendation of $3,046,000,000 is the absolute minimum amount necessary to retain the technical team and facilities we must have for an admittedly low key, but viable space program in the next decade. Any further reduction in this already lean budget would put a crippling stranglehold on the space program for the future.

The new proposed authorization is the lowest level of funding for NASA since fiscal year 1962, and the lowest portion of the Federal budget—1½ percent—in many years.

One item which I consider particularly valuable to the space program is the Space Shuttle. The proposed funding level for the shuttle is $475,000,000. The continuing refinement of the Space Shuttle design has increased the cost savings of this program.

Besides being fully reusable, the Space Shuttle opens up an improved way of using current technology in space and the possibility of new technological advancements.

Safety is one aspect that must be considered in evaluating the authorization for the Space Shuttle. With more and more manned exploration of space and our increasing utilization of space satellites to provide us with vital information about the Earth's weather, our need for flexible access to these space vehicles is increasing dramatically. The Space Shuttle will be able to provide rescue capabilities for our men in space. It will be able to repair, maintain, refuel, and refurbish automated satellites and probes or retrieve them for return to the Earth. The shuttle will provide a crucial link between the manned and the unmanned parts of the space program.

The Space Shuttle will build on the past for the future. The technological advances that make the Space Shuttle possible will be added to by the shuttle itself. Since the Shuttle mates the rocket and the airplane technologies, advances in both areas may be possible from new experiences and knowledge gained from this program.

I believe there is one point that every Member of Congress will agree on. The development and operational costs of space transportation must be minimized. After carefully reviewing all the facts available, I believe this shuttle program will do just that. The fully reusable Space Shuttle is the system that will significantly reduce the cost of each payload we put in space.

It is important to realize that more than just the exploration of space is involved here. There are real down-to-earth problems that are being solved as a direct result of our exploration of space.

As we approach the end of the current stage of space exploration we must realize that the spin-offs from this era have greatly affected our daily lives. We not only have had a revolution in communication and computerization, but development of countless products used in the home by all of us. It is calculated that there have been at least 3,000 usable spin-off products resulting from space exploration—corningware, teflon, fetal heart monitors, new commercial battery systems, flame retardants, high temperature heavy load bearings used in the transportation industry, advances in medical technology, especially in cancer research, new technologies in energy exploration—just to name a few. The Space Shuttle has the potential for many more advances.

Technological advances offer some hope for delivering mankind from the dilemmas it faces today. We must vote for these technological advances and in doing so vote for our own future. This authorization deserves the support of all of us.

Mr. HELMS. Mr. President, speaking as a member of the Aeronautical and Space Sciences Committee, I unhesitatingly support this bill, H.R. 7528. It provides authorizations for the National Aeronautics and Space Administration during fiscal year 1974.

The committee held extensive hearings on the NASA budget at which expert testimony was received from witnesses both within NASA and from the public. It is my conclusion that the hearings and other information provided for the committee have made a strong case for the continued development of the space program, both manned and unmanned, to the fullest extent possible, considering our present budget constraints. I do not see how the Congress can authorize much less than the amounts contained in this bill and still expect to have a viable civilian space program.

In my judgment the committee has improved the bill as originally submitted by the administration and as passed by the House. I note with particular approval the restoration of the $10 million cut made by the House in the Skylab

program. The unfortunate events occurring shortly after the launch of the Skylab workshop dictated this restoration, and I feel certain the House conferees will go along with it. I urge them to do so.

I also approve of the priorities the committee has assigned to the Earth resources survey program and aeronautical research and development, particularly noise reduction. One must agree with the committee's conclusion that the Earth Resources Technology Satellite—ERTS—is a remarkably productive spacecraft whose global coverage must quickly be replaced by a second satellite should the first one, which is already crippled, fail completely. An additional $7 million is authorized to proceed at once to bring the second ERTS into a state of readiness. And in the field of aeronautics, the committee will certainly find little argument that "aircraft noise reduction ranks as one of the highest priority areas in terms of public concern." Fourteen million dollars is added to modify additional aircraft engines in the noise abatement effort. In both these actions I have described, the committee agreed with the House. I believe the committee properly rejected an increase the House made in the aeronautics area—an addition of $20 million to reinstate the quiet short-haul experimental aircraft program. This program was terminated by NASA and NASA will now work closely with the Air Force in its ongoing STOL program, the results of which will eventually be shared by civilian as well as military aircraft.

Mr. President, I will not attempt to go into any more of the details of this bill; it has already been adequately explained by the chairman and ranking minority member. I would simply point out to the Senate that the amount authorized for NASA in this bill represents the lowest authorization for the space agency in the last 12 years. This amount, $3.016 billion, also represents the lowest percentage of the Federal budget in 12 years. The percentage is 1.2. The total amount authorized over $300 million below last year's authorization and well over $300 million below last year's appropriation.

Some Senators may argue that even this is too much money, that aeronautical and space research is not worth even 1.2 cents of the taxpayer's dollar. This, in my view, is extremely shortsighted and negative. I personally believe that in some areas of its overall program NASA should be getting even larger funding, because of the demonstrated worth of these programs. But given the state of the economy today, and the primary responsibility facing the Congress to balance the Federal budget, I believe this authorization represents a reasonable effort to keep our Nation's space program moving forward.

I urge passage of the bill.

Mr. CURTIS. Mr. President, I wholeheartedly support H.R. 7528. It is a good bill that will enable the productive work of NASA to go forward.

I wish to commend the chairman and the ranking minority member for the excellent work done by the Committee on Aeronautical and Space Sciences this year.

In these days of inflation and rising prices the American people are looking to us to control Federal spending. And, at a time when our Nation is facing inflation and uncertainty about the dollar, I believe it is the duty of the Senate to lend every effort to control Federal spending.

I would point out to my colleagues in the Senate that the total funding of slightly more than $3 billion recommended by the Committee on Aeronautical and Space Sciences represents a decrease of over 10 percent when compared to the authorization of $3.4 billion passed by the Senate last year. NASA's proposed programs for fiscal year 1974 have been reviewed in depth by the committee, which reached the conclusion—supported in depth by the record—that H.R. 7428 represents the minimum amount of funding necessary to carry on a prudent, balanced space program.

Over a year ago, the Space Agency in an extensive projection, estimated that annual funding in the amount of $3.4 billion per year—based on 1971 dollars—would be necessary to execute a prudent program in aeronautical and space technology in the decade of the seventies. Based on this estimate, NASA last fall presented to OMB a fiscal year 1974 program plan totalling $3.54 million.

Since that time, through a sequence of program terminations, cutbacks, and cost outlay ceilings, the administration has pared NASA's request down to $3.016 billion, a decrease of approximately 15 percent.

The Committee on Aeronautical and Space Sciences examined the administration's fiscal year 1974 program in depth in hearings held earlier this year. It was concluded that an additional $30 million should be added to this request, primary to augment vital efforts in earth resources, energy, aircraft noise abatement, and nuclear research.

However, it should be emphasized that these moneys represent only an additional 1 percent over the administration's request.

The NASA authorization bill before us today is more than 10 percent below that passed by the Senate last year. Coupled with the effects of inflation over the preceeding year, this represents a significant reduction in the country's space program. I believe the program has been cut back as much as reasonably possible, and perhaps more.

I agree with the distinguished gentleman from Arizona that H.R. 7528 is less than a "bare bones" budget.

NASA's budget represents the cutting edge of future technology for the well-being of all Americans.

I know the Senate will support H.R. 7528 because it is a sound investment in the future.

Mr. ALLEN. Mr. President, 3 years ago Americans were shocked and apprehensive when we learned that three of our astronauts were in grave peril thousands of miles from earth on their journey to the Moon during the Apollo 13 mission. It was only because of their high degree of training, skill, and courage that these three brave men were brought back home safely. Today, NASA has done it again.

The expertise and selfless dedication of the NASA-industry team at the Marshall Space Flight Center in Huntsville, Ala., and the Johnson Space Center in Texas coupled with the cool, professional performance of the outstanding Skylab crew, Conrad, Kerwin, and Weitz, have enabled NASA to recover from what appeared to be a total failure of the $2½ billion Skylab program.

Among the items in the NASA legislation pending before us today is an authorization of $475 million for continued development of the Space Shuttle. During the last 3 years we have heard of the many mission objectives that this new space transportation system will provide. I believe that the activity during the past few days of the Skylab crew points out more vividly than anything I could say as to the versatility which is gained by having men in the space system to repair, refurbish, and reuse a satellite in orbit.

Mr. President, the Space Shuttle is the logical follow-on to the Skylab program and is part and parcel of long-range planning. To change our space plans now would be much like changing horses in the middle of a stream. I purposely juxtapose spacecraft and horses because failure to carry through in an orderly manner our space program, which has been so successful and which holds so much promise for mankind, would have us retrogress, not progress.

History will record that the United States won the technological preeminence of space exploration. Let us not have history also record that America abrogated its position in this vital endeavor by unrealistic funding limitations just as the program was about to mature.

The United States cannot afford to quit now. We cannot afford to continue using throwaway launch systems and spacecraft by ignoring the potential of a reusable shuttle transportation system that will, in the year to come, not only pay for its development costs—but will enhance our space-faring missions many fold.

For the sake of our Nation's future in this competitive world, I am opposed to any reduction in NASA's budget request. I do support, as I have said many times in the past, stability in funding for our space program so it may continue in an orderly step-by-step fashion.

Mr. HATFIELD. Mr. President, all too commonly our perceptions of America's space program tend to encompass only manned lunar and interplanetary expeditions. Yet it is becoming increasingly apparent that space technology is also applicable to problems of land and resource development we face here on Earth.

I refer specifically to the remarkable data now being obtained from the Earth Resources Technology Satellite, launched by NASA late last summer. In my own State of Oregon, Dr. Charles Poulton, of Oregon State University, has been making use of ERTS data to study forest infestation and to assist one of Oregon's counties in developing a comprehensive land use plan. The aerial photographs obtained from the ERTS satellite are invaluable for this purpose and

indeed are of enormous potential benefit not simply to governments in the United States but to foreign nations as well.

I am inserting for the information of my colleagues a report, "Natural Resources Inventory and Monitoring in Oregon with ERTS Imagery," which was prepared by Dr. Poulton and his colleagues. In view of the very critical land use bill we are debating today, this report should be of special interest. Furthermore, I would like to express my gratitude to Drs. Stanley Freden and Paul Lowman, of the Goddard Space Flight Center, who have taken the time to brief me on this outstanding NASA program.

Mr. President, I ask unanimous consent that Dr. Poulton's report be printed at this point in the RECORD.

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

NATURAL RESOURCES INVENTORY AND MONITORING IN OREGON WITH ERTS IMAGERY

(By G. H. Simonson, D. P. Paine, C. E. Poulton, R. D. Lawrence, J. H. Herzog, and R. J. Murray)

ABSTRACT

Multidiscipline team interpretation of ERTS satellite and highflight imagery is providing resource and land use information needed for land use planning in Oregon. A coordinated inventory of geology, soil-landscapes, forest and range vegetation, and land use for Crook County, illustrates the value of this approach for broad area and state planning. Other applications include mapping fault zones, inventory of forest clearcut areas, location of forest insect damage, and monitoring irrigation development. Computer classification is being developed for use in conjunction with visual interpretation.

1. INTRODUCTION

Land use planning is receiving high priority attention at state and local levels in Oregon. ERTS imagery has the potential to provide much resource data urgently needed in the planning process throughout the state.

Rapid population growth and accelerating urban, industrial and recreational development are placing unprecedented demands on the fixed amount of land resources available. Conflicting land uses and speculative land conversions are leading to an increased recognition of potential problems and the need for long range planning.

Problems of growth and attendant pressures on the fixed land resource are common to some degree in most states. The situation in Oregon is similar to that of other Western states. Mountainous terrain, wide variations in climate, intermingled public and private land ownership, varied land use and highly variable population densities characterize much of the Western region. Inadequate planning for land use and urban expansion has contributed to the problems apparent in rapidly urbanizing regions such as the Los Angeles Basin, and could lead to similar problems for the Willamette Valley in Oregon. Extensive and largely uncontrolled speculative growth of recreation subdivisions in remote areas is adversely affecting open space attributes over wide areas of the West.

Oregon exemplifies much of the West in its stage of development and is an excellent test area. The very fact that much open space remains, often in attractive surroundings, is creating demands on land that threaten to diminish quality of environment and liveability in the state. Oregon citizens are becoming aware that direction and control of land development is needed to achieve a balance between economic growth and environmental quality. Land use planning in all counties is required by recent legislation and will be further strengthened through current legislative proposals for state wide standards.

2. PURPOSE OF THE STUDY

The Oregon ERTS project is directed toward applications in land use planning. Present planning efforts in the state although commendable, are often based on inadequate, incomplete and sometimes outdated land resource information. Our primary objective is to demonstrate the usefulness of ERTS imagery in compiling and presenting a coordinated resource and land use information base for land use planning. We are utilizing multiple-discipline team interpretation of ERTS satellite and high flight imagery, and ground truth to provide planners with a current, comprehensive inventory of range and forest vegetation, soils, geology, water areas and land use. The resource information is compiled on ERTS imagery for working with local planners to analyze and assesss applications and methods of presentation for land use planning.

3. APPROACH

ERTS imagery for all of Oregon is given a quick-look analysis for information content and usefulness. However, we are doing a comprehensive pilot study of land use planning applications in only one county at present. Crook County in Central Oregon was selected for an in-depth study because land use planning there is just beginning, the county has an active interest in obtaining resource information; county boundaries largely coincide with a major watershed, and the area is representative of much of Oregon east of the Cascade Mountains. The county has a varied terrain of rangeland, forested mountains and irrigated valleys. The population is relatively low and Prineville is the major town. Ranching, forest products, farming and recreation are the major enterprises.

Most of our work to date has been in generalized mapping of the resources and land use through ERTS image interpretation, on-the-ground observations, and existing resource information. Black and white prints of MSS, band 5 imagery at 1:1,000,000 scale were initially used. Recently we have been able to start work with color-reconstituted transparencies of bands 4–5–6 and 4–5–7, and enlargements of band 5 at a scale 1: 250,000. NASA highflight photography at 1:120,000 and larger scales is being used in conjunction with ground truth observations, and will be used later in multistage sampling experiments of forest inventory and larger scale analysis of resources.

4. RESULTS

Generalized maps of Crook County showing geology, soil-landscapes, vegetation and land use, and timber density are illustrated in Figure 1 to 4. Abbreviated explanatory legends for the map symbols are appended. Figure 5 shows the geographic distribution of several land resource units defined by a high degree of similarity in resource and land use characteristics as determined from the individual resource maps. These maps are drawn on ERTS color-reconstituted, 1:1,000,000 scale imagery and constitute a broad, synoptic picture of the terrain, land uses, and resources of the country.

The individual resource maps of Crook County (Figures 1 to 4) show 12 soil-landscape units, 8 geologic divisions, 17 vegetation and land use units, and 5 classes of timber density. Surface water areas show on several of the maps. Overlaying these maps provide an ideal mechanism for informed, rational solution of specific land use problems.

The five combined land resource units delineated as examples in Figure 5 have the following general charactertistics:

1. Nearly level to gently sloping alluvial flood plains and terraces with deep, well-drained medium textured soils. Minor poorly drained soils may be alkaline. Soils on terraces may be moderately deep to indurated hardpans. This land is used for irrigated cropland, meadowland, and homesites.

2. Nearly level to gently rolling, lightly dissected volcanic plains with vegetation types including low sagebrush, big sagebrush and sagebrush-juniper on shallow and very shallow, stony and very stony soils, mostly with clayey subsoils. This land is used for grazing and wildlife habitat.

3. Hilly, mixed volcanic, juniper-sagebrush uplands with moderately deep, clayey soils. This land is used for grazing, wildlife habitat and recreation.

4. Steeply sloping mountainous, mixed volcanic terrain with open Ponderosa pine and scattered occurence of other conifers, on moderately deep, medium and fine textured soils. This land is used for commercial timber, summer grazing, wildlife habitat and recreation.

5. Strongly dissected lava plateaus with low sagebrush on scablands and open Ponderosa pine in the draws. The soils are very shallow and very stony in scabland areas, with moderately deep, medium textured soils on north slopes. This land is used for grazing, wildlife habitat and recreation.

About 12 to 15 of these land resource units are needed to adequately characterize Crook County at this level of generalization. Many of the same units would have wide extent on a state map.

Information shown at this scale and level of generalization is helpful in developing an overview and general understanding of the resources, potentials and problem areas of a county. Information presented on ERTS imagery at this small scale appears to be most appropriate for general planning at state or regional levels. County level and local area planning generally requires more detailed information but the support highflight imagery is ideal for determining and presenting these higher levels of detail in selected problem areas. ERTS imagery enlarged to a scale of 1:250,000 is well suited for mapping resource and land use information with a degree of generalization useful for broad planning at the county level. Assessment of ERTS imagery in consultation with county planners has supported these preliminary judgments.

5. OTHER APPLICATIONS

Several significant uses of ERTS imagery in land use and resource inventory and monitoring have been demonstrated in other parts of Oregon. The alignment and distribution of faults in much of south-central Oregon has been mapped at 1:1,000,000 on ERTS, band 5 and color reconstituted bands 4,5, and 6. These are shown for the Deschutes Basin on Figure 6. Similar mapping on high flight imagery shows a slight increase in detail, but with very serious geometric fidelity loss. The area is dominated by the west end of the Brothers Fault Zone which crosses the figure just above the Newberry scarp. The juvenile character of this zone is shown by the lack of a single integrated break and by the crossing of the Green Ridge Fault by extensions of this zone. Green Ridge faulting is dated at 2 to 4 million years ago. This relation is not clear on high flight imagery.

Different MSS band combinations and a variation in intensity level in color reconstitutions of ERTS imagery show advantages in identifying delineating, and seasonal monitoring of various vegetation types. For example, bands 4,5,7 seem best for identifying juniper woodland. Bands 4,5,6 appear to be most sensitive for picking up the initial flush of green growth of annual grasses and winter grains. The contrast between dry grasslands and shrub-steppe vegetation is apparently very strongly enhanced by the combination of bands 4,5 and half power 7.

Forest clearcut areas are easily seen and

mapped on 1: 1,000,000 scale ERTS imagery. Examination of color reconstituted frames indicates that clear-cut areas can be visually stratified by age to some degree from the ERTS imagery. Computer classification has been successful for delineating clear-cut areas from digital data and will greatly increase capability to discriminate age differences. Tussock moth damage is spreading rapidly in forests of Eastern Oregon. Algorithms are in an intermediate stage of development for detecting forest areas experiencing this insect infestation from digital data.

Irrigation development is rapidly expanding along the Eastern Oregon-Washington border near the Columbia River. ERTS imagery has provided the first up to date and accurate record of this development. Satellite imagery is an excellent means of measuring the extent and rate of increase of this important change in land use.

THE SPACE SHUTTLE

Mr. TUNNEY. Mr. President, our space program has been a success in harvesting the heavens for new scientific information and for testing our technology against the challenge of the Moon and beyond. Now, that program is on the threshold of developments that will turn much of its exploring genius away from the vastness of our planetary system and toward the everyday problems we face here on Earth.

We are about to use space as a vantage point from which to observe and learn more about the Earth. Actually, that is what the Space Shuttle program is all about. It is intended to utilize space science in the solution of man's ageless efforts to protect himself against natural havoc and against hunger and want.

The marvels of science are about to be brought into our communities and into our homes. That is why I strongly advocate the Space Shuttle program, for to deny mankind this commonsense voyage would be much like foreclosing on Columbus' explorations three centuries ago.

Space is about to pay-off in our daily lives, and the Space Shuttle is the vehicle that will assure that the dividends continue far into the future.

The shuttle will permit orbiter vehicles to cruise above the Earth and study climate, land forms, ocean currents, and other global manifestations that directly affect our daily lives. The pay-off for mankind will be as hard and practical as the Space Shuttle is sleek and sophisticated.

The cost of the program may seem high, but it will be a sensible investment toward knowledge that will make our planet more livable and our lives more secure. The program will open unimagined opportunities to improve our environment and to reduce problems that annually cost us billions of dollars.

With the Shuttle, scientists will be able to commute to orbiting space labs and observe the Earth with such scrutiny and precision as to affect agricultural shortages, environmental pollution, and a host of other global concerns.

Here are but some of the areas where space science has sensible application here on Earth:

First, weather forecasting and observation. Improved weather forecasting and observation would save builders, farmers, and property owners $2.5 billion annually, the National Academy of Sciences estimates. We have come a long way in our ability to predict weather conditions accurately and quickly. However, the newest satellites are limited in size and power output which in turn limits sharpness and resolution of photographs and related information which are relayed back to Earth. The Shuttle will permit us to place satellites in orbit, or construct, maintain, and repair larger satellites or possibly orbiting, manned weather laboratories. The Shuttle could also perform specialized weather assignments such as tracking storm fronts, hurricanes, or tornadoes.

Second, forestry. Our forests are a storehouse of raw materials; the wood products industry is a major segment of our economy. With space-borne sensors, we can learn much about the type and vigor of timber in an area, the identity of damaging agents or organisms and the potential yield of timber or forage per acre. In the United States, losses from diseased timber alone are estimated at $82.6 million, while pest-caused losses were recorded at $579 million in 1965.

Photographs from space could provide foresters with an abundance of information necessary to prepare forest cover-type maps, for watershed and wildlife habitat management, recreation surveys, and to make timber counts and to calculate numbers of cut and standing trees—all of which are important for the continual task of forestry management.

Third, agriculture. Similar techniques can be used in enhancing farm production. One of the major causes of low agricultural production is the inability of farmers to detect and correct in time plant diseases and insect infestation. In the United States alone, losses caused by plant disease are estimated at $3.7 billion annually, and losses caused by pests are estimated at an additional $3.8 billion.

Fourth, hydrology. Californians are all too familiar with the limiting factors of an inadequate fresh water supply. The Gemini and Apollo programs have illustrated how photos from space can aid in managing water resources, providing information on surface and subsurface flows of water and in determining site suitability for construction of dams and for holding and collecting of water. From the Shuttle, repeated visual, infrared, and microwave device observations can be made of snowpacks, glaciers, and ice accumulations to predict annual runoffs. And this can be done on a scale much larger than allowed by conventional means. This information can be of vital importance to flood control, irrigation, and power production programs.

Fifth, geology and mineral resources. One picture from space can be used to determine the applicable features of a region of the globe in the geologist's search to discover and map the Earth's resources. Photos from Gemini flights have proven the value of this method of map production over the traditional method which required years of surface exploration. Through continual access to space which the Shuttle provides, we will have continual access to such tools.

Sixth, geothermal energy. We have heard extensive discussions lately regarding the energy crisis. One possible solution, geothermal energy, has been little explored but may prove to be most important in areas where geologic conditions are suitable.

Remote sensors adaptable to space platforms can detect discrete sources of heat in bedrock formations. When these sensors are used in conjunction with photogeological mapping, an efficient tool can be developed to form geothermal maps which will aid in utilization of natural steam as an energy source.

Seventh, cartography and land-use management. Civil engineers, geographers, geologists and all those associated with earth sciences are in constant need of current and accurate maps. Urban and regional planners need them to control urban sprawl and plan for continual urban development as populations increase. In addition to being accurate, photographs from space provide more information than any map available and are ready for use by the specialists in a very short period of time.

Eighth, environmental quality. Space-borne sensors can detect air and water pollution, track movements of bodies of polluted air or water and aid in detecting the source. Such sensors can be used day or night and hopefully, as we drag our heels in the development of alternatives to such widespread polluters as the internal combustion engine, such sensors can also provide clues to pollution control.

The scientific data that will flow to earth with the Space Shuttle will enable our Nation to deal effectively with many human and social problems and will mean even more effective use of our natural resources.

Today, we are not debating whether we should have a space program, but rather the direction and level of support it should have in the future. Again this year, as last year, the Space Shuttle is the pivotal question.

The Shuttle's critics have argued that its price is too high. Yet, no other major technological program has undergone the extensive cost accounting that NASA has imposed on the Shuttle program. NASA has a good record in adhering to its budget as demonstrated by the Apollo program, which was concluded on schedule and within original estimates.

The long-range social and scientific implications of Space Shuttle are enormous, and so are the shorter range features of providing new incentives to our aerospace industry, still the most sophisticated in the world. Since 1969, funding for the space program has been cut 25 percent, and further cutbacks to eliminate Space Shuttle will, I fear, deplete initiative in the industry and reduce its capacity to contribute to our national well-being.

California as the center of much of our Nation's space and defense production, has, of course, a great deal at stake with the Space Shuttle. Here are some dollars and cents:

First, by mid-1974, the projected em-

ployment in the program should approach 18,000 for aerospace workers and exceed 25,000 for nonaerospace workers.

Two thousand jobs will be added in the Edwards AFB/Palmdale area, the western test range at Vandenberg AFB will see an increase of 2,400 by 1983. Employment at the Downey plant, which dropped to 6,200 as the Apollo program ended, will climb to between 15,000 to 16,000 by 1976. Canoga Park area will witness an increased employment of 2,000 workers.

Second, of the $2.5 billion contract awarded Rockwell International last fall, it is estimated $1.4 billion will flow into the California economy and will increase the gross State product by an estimated $2.8 billion and will increase personal income by $2.2 billion for the State. These figures do not include an additional $10 million which California will receive for space facilities construction.

The men and women put to work on the Space Shuttle in California will be forerunners of countless others who will be employed throughout our country as the space discoveries about our Earth are applied to our fields and forests and on the production lines in our factories.

Clearly, the current space program must provide for the future as well as the present, generating long range benefits as well as meeting current needs.

The fiscal year 1974 NASA budget of $3.046 billion provides for long-term balance in the Space Agency's program by continued development of the Space Shuttle which benefits space science and applications as well as manned space flight. The important High Energy Astronomical Observatory—HEAO—project has been restructured into a two-block project with the first set of missions using centaur vehicles, and the second using the Space Shuttle. Other important programs to be continued are the Mariner Venus/Mercury program, the viking mission, the outer planets mission and the internationally significant Helios project.

Important space applications programs such as the Nimbus weather monitoring series, the Tiros series, the Earth Resources Survey Technology Satellites—ERTS—and the GEOS series will be continued at their requested funding levels until such time as the Shuttle can provide the needed transportation into space.

I would like to commend the Senate Aeronautical and Space Sciences Committee for adding $14 million, in concurrence with the House action, to restore the JT-3D refan program. The JT-3D aircraft, which are the DC-8 and 707 versions, represent large portions of the airline fleet and will persist in large numbers well into the 1980's.

A strong space program, including the Space Shuttle, is essential to our national well-being. Any progress we make against poverty, pollution, maldistribution of resources and other progress depends on an abundant and expanding economy. To achieve this, we must increase our technological and scientific capabilities and the aerospace industry in the essential reservoir of such progress. Already, as a nation, we have derived great benefits from the know-how developed by areospace. For example, in the field of medicine, we are applying space instrumentation in the cardiovascular and neurological areas. Sensors are being used in the diagnosis of infant breathing problems and advance infrared detectors are showing promise in early cancer detection. The benefits from Space Shuttle will be even more prodigious and directly applicable in all our lives.

Sometimes, the space program is viewed as a competitor with our social programs. Actually, they are complementary, for we cannot stifle one without harm to the other. Advanced technology will provide tools to deal with many of our social ills and, significantly, will fuel the economic incentives to increase productivity and to put Americans to work.

Mr. MOSS. Mr. President, this year the Committee on Aeronautical and Space Sciences held its most extensive authorization hearings in its entire history. We held 12 days of testimony, heard 50 witnesses and the printed proceedings come to 1,811 pages. For the first time we heard witnesses from interested outside groups such as labor, industry associations, and professional organizations.

One factor that was particularly impressive was the broad strong support for a vigorous space program and specifically, for the Space Shuttle. The decision by Congress last year to support the shuttle was sound.

Mr. President, those who oppose the the Space Shuttle conjure up so many reasons for the Congress to change its mind that I hesitate to take the time of the Senate to answer them all. I would like to take a few moments to address myself to some of the major points that are made in opposition, and to demonstrate as briefly as I can that none of these arguments have substantive merit.

The Space Shuttle is the next logical step in the space age. I might remind my colleagues that we have been living in that age for 15 years. It is not something that may happen 10 or 15 years from now—it is and has been a reality. No one seriously argues that man will stop launching communication satellites, weather satellites, Earth resources satellites, scientific probes, or, in the foreseeable future, the various satellites supporting our defense programs.

The Space Shuttle will be the key to these activities. Replacing the plethora of launch systems we use today, the shuttle will provide a single, flexible, broadly capable transportation system for taking our payloads to low earth orbit. Fifteen years ago we viewed what was then called "outer space" as a mysterious, hostile, far-distant environment. Today, we have come to realize that it is a region holding vast benefits for man that begins only about 100 miles away. Viewed in this light, it is entirely logical and reasonable that we should have a relatively simple, reliable, economical way of taking our instruments there. That is what the Shuttle will give us by the end of this decade.

Lest it be thought that the Shuttle is simply some manned spaceflight boondoggle supported only by NASA and its colleagues in the aerospace industry, let me refer my colleagues to a few examples of broader ranging support from our hearing record.

Dr. Charles H. Townes is a Nobel laureate and the inventor of the maser and the laser. A man of long experience in both industry and the academic world, he is currently Chairman of the Space Science Board of the National Academy of Sciences and a past Vice Chairman of the President's Science Advisory Committee. In his appearance before our committee, Dr. Townes pointed out that contrary to what the Senate has been told from time to time, the Space Science Board has not taken a position on the Space Shuttle and that, as might be expected among eminent scientists, there are different opinions on that Board. He then gave, in a few short paragraphs, as eloquent a statement of the issues involved in his personal opinion as I have heard.

Mr. President, I ask unanimous consent that this statement, from page 1565 of our hearing record, be printed in the RECORD at this point.

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

SPACE SHUTTLE

I believe there are two general considerations which are crucial in any decision about the Shuttle. One is a judgment of the general importance of space in the future. Is space work going to be pursued by the Nation actively and substantially? Is it going to be an important part of human activity, or is it a field from which we now retract? Certainly, the future of manned activities in space will depend very heavily on the Shuttle, but so will almost any other extensive use, I believe. If we expect that space will be important, expanding, a more everyday affair for mankind, then we should be moving forward with the Shuttle. If we believe that space work has had its day, or at least that it will continue only in a smaller way, then there is more of an argument for no further major development of transportation systems at this time.

The other broad question one must consider, and which I think very much affects people's judgment of the Space Shuttle, is how space operations and technology are expected to develop as a result of the Shuttle—to what extent will there be substantial changes in the modes of space operation and the types of apparatus built? If we continue our present route, with space equipment built in its present style, space operations are terribly expensive. The Space Shuttle does give us the hope that there can be a substantial change in the nature of space operations and reduction of costs. To what extent such a hope will materialize is, of course, a matter of technological judgment.

As for myself, I have seen technologies change and develop since my professional career began in 1939, and I am quite hopeful that there will be a substantial change and reorientation of the style in which we do space work which will reduce costs. This is not simply because transportation is less expensive, but rather because the Space Shuttle has an excellent chance, in my judgment, of reducing the cost of scientific and technological uses of space, and increasing their effectiveness.

I believe it is these two broad issues which must be primarily considered, and where one finds differences of views: The first, how important is space going to be to mankind in the long run, and how extensive will be our

explorations? Second, to what extent is the Space Shuttle going to really change space technology and operations to make space a more everyday affairs and one which we can afford? Personally, I am hopeful on both scores.

One can also make useful semiquantitative economic arguments about the Shuttle. I think the economic studies which have been made are generally adequate, and I do not think that a great deal more can be said about them. The eventual decision boils down, as I see it, to considerations which are not quantifiable, but are matters of both human and technological judgment.

Mr. MOSS. Mr. President, asked if, supposing the United States were a proprietary company, he would advise for or against going ahead with the Shuttle, Dr. Townes said simply, "I would advise for it." He likened the decision to "an overall business judgment as to whether one moves ahead or retracts" and concluded that his "own inclination is toward the positive, future-looking approach which is characteristic of American business."

American labor supports Space Shuttle development. The executive council of the AFL–CIO adopted a resolution last year supporting the Shuttle—see page 1485 of the hearings—and Mr. Andrew J. Biemiller reiterated that position this year. Mr. Floyd E. Smith, international president of the International Association of Machinists and Aerospace Workers, entered testimony in our record. Let me quote briefly from his statement, which appears on page 1484 of the hearings:

Many sincere and well-meaning people oppose the continuation of the spaceshuttle project because they believe it will soak up funds needed for such other priorities closer to home as housing, education, health, recreation, pollution control and mass transit.

Mr. Chairman, no one is more aware than we are of the critical deficiencies in these and other areas. No organization has taken a stronger stand in support of programs needed to correct these deficiencies. But we recognize that the foundation of needed improvements in our social environment is a stronger, more technologically advanced and thus a more competitive economy.

Mr. Leonard Woodcock, president of United Automobile Workers, also testified during our hearings. I asked him for the position of the Automobile Workers on slowing down or stopping the Shuttle. He said that such a step would be "the height of folly," and that we should not "turn our backs on all we have done."

Rather than go on reviewing the RECORD of support for the Space Shuttle, let me turn to some other issues.

Mr. President, one might get the impression from listening to the Shuttle opponents that scientists are against the development of this new space transportation system.

Certainly, there have been a few prominent scientists, such as Dr. James Van Allen, who have expressed doubts over many years about manned spaceflight in general and in recent years about the Shuttle. But if one looks closely at the list, he will discover that it is the same small group of scientists whose names appear over and over again.

I am not trying to imply that these are the only scientists who oppose the Shuttle, because scientists are a notoriously independent group and have diverse opinions—as do lawyers or even legislators—but we do keep seeing the same names over and over again. I might add parenthetically that even Dr. Van Allen's opposition is not as hard as it was last year, for he told our committee on April 10, 1973, that his opposition would disappear if he could be assured that other areas of NASA's research would not suffer.

Mr. President, I would like to call attention today to the fact that many scientists not only support our manned spaceflight efforts, but are positively excited about it.

Just last week, NASA announced that 36 scientists, including four from England, France, and Canada, have been selected to define the experiments to be undertaken by the large space telescope. This telescope, which must be launched by the Space Shuttle, has been identified by astronomers as one of the highest priority scientific projects.

Mr. President, I ask unanimous consent that the NASA press release describing this project be placed in the RECORD at this point. I doubt if one could find anti-Shuttle sentiment among this group of distinguished scientists.

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

TEAMS NAMED FOR LARGE SPACE TELESCOPE

Thirty-six scientists representing 27 organizations and four countries have been selected by NASA to define the experiments to be carried aboard its Large Space Telescope.

Scheduled to be launched by the Space Shuttle in the 1980's, the Large Space Telescope (LST) will be able to look at galaxies 100 times fainter than those seen by the most powerful Earth-based optical telescopes. Within the solar system, it will be able to provide long-term monitoring of atmospheric phenomena on Venus, Mars, Jupiter and Saturn, leading to a better understanding of our own atmosphere.

Selection of the instrument definition teams represents several months' evaluation of 118 proposals submitted to an ad hoc subcommittee of NASA's Space Science and Applications Steering Committee, headed by Dr. Nancy G. Roman.

The guidance system will be capable of holding onto a target for extended periods within 0.005 seconds of arc. (This is equivalent to locking onto a single strand of hair at a distance of two miles).

Solar panels will provide electrical power to the LST, and its images will be transmitted to Earth by television.

The spacecraft will orbit Earth at an altitude of 648 to 778 kilometers (350 to 420 nautical miles) at an inclination of 28.5 degrees.

The manned Space Shuttle, which NASA is developing for operations beginning in the late 1970s, will be used to launch, test and retrieve the LST from orbit as required for repair, refurbishment, and updating of its instruments.

Project management of the LST has been assigned by NASA's Office of Space Science to the Marshall Space Flight Center, Huntsville, Ala., with participation in the project by the Goddard Space Flight Center, Greenbelt, Md., and other NASA centers.

Twenty-eight team members will define scientific experiments in five areas: high resolution spectrography, low resolution spectrography, imaging optics, infrared devices and astrometry. A sixth team, comprised of three members, will study the data handling and operations problems for all experiments.

In addition, five scientists will serve as at-large members of a scientific working group which will oversee the work of the team members. It includes Lyman Spitzer, Princeton University; Arthur D. Code, University of Wisconsin; E. Margaret Burbridge, University of California, San Diego and Royal Greenwich Observatory, England; John Bahcall, Institute for Advanced Study; and George B. Field, Smithsonian Astrophysical Observatory.

Scientists expect the LST to contribute significantly to the study of energy processes that occur in the center of galaxies; the study of early stages in the formation of stars and planets; observation of such highly-evolved stellar objects as supernova remnants and white dwarfs, and other studies related to the origin of the universe.

Weighing between 9,000 and 11,000 kilograms (20,000 and 25,000 pounds), and LST will be 12 to 16 meters (40 to 52 feet) long and 3.6 to 4 meters (12 to 13 feet) wide. Its most important optical element will be a diffraction-limited mirror approximately three meters (ten feet) in diameter.

PLANNING GROUPS FOR LARGE SPACE TELESCOPE

At-large members, scientific working group

Lyman Spitzer, Princeton University.
Arthur D. Code, University of Wisconsin.
E. Margaret Burbridge, University of California, San Diego., and Royal Greenwich Observatory, England.
John Bahcall, Institute for Advanced Study.
George B. Field, Smithsonian Astrophysical Observatory.

LST instrument definition teams

High Resolution Spectrograph

Albert Boggess, Goddard Space Flight Center.
Charles F. Lillie, University of Colorado.
Robert G. Tull, University of Texas.
Donald C. Morton, Princeton University.
William Fastie, Johns Hopkins University.
F. Roesler, University of Wisconsin.

Imaging Optics

Robert E. Danielson, Princeton.*
Antoine Labeyrie, Observatory of Paris, France.
Eric H. Richardson, Dominion Astrophysical Observatory, Canada.
Krzysztof Serkowski, University of Arizona.
Frederick L. Schaff, Westinghouse Corporation.
J. R. P. Angel, University of Texas.
Thomas B. McCord, Massachusetts Institute of Technology.
Gerald M. Smith, Jet Propulsion Laboratory.
Daniel J. Schroeder, Beloit College.

Low Resolution Spectrograph

Robert W. Noyes, Smithsonian Astrophysical Observatory.*
J. B. Oke, Hale Observatories.
W. M. Burton, Culham Laboratories, England.
George R. Carruthers, Naval Research Laboratory.
Edward A. Beaver, University of California, San Diego.
R. Edward Nather, University of Texas.
A. D. Boksenberg, University College, London.

Infrared Devices

Gary Neugebauer, California Institute of Technology.*
D. E. Kleinmann, Smithsonian.
Richard T. Hall, Aerospace.

Astrometry

William R. van Altena, University of Chicago.*
L. W. Fredrick, University of Virginia.
Otto G. Franz, Lowell Observatory.

*Team leader.

Data Handling Operations

R. C. Bless, University of Wisconsin.
David Fischel, Goddard Space Flight Center.
R. A. Parker, Johnson Space Center.

Mr. MOSS. Mr. President, as the gallant Skylab crew prepares to return to Earth with the people of the world thrilled by their extraordinary feats of skill and courage, I wonder how many realize what a cornucopia of scientific data is coming back with them? When the Skylab program is finished, a total of 9 astronauts will have spent about 140 days in space. They will have conducted the following experiments: 44 in solar astronomy; 146 in earth observations; 24 in astrophysics; 26 in life sciences; 9 in man systems; 17 in materials science; and 4 others for a total of 270. These 270 experiments involve, on the ground, 202 principal investigators, 424 convestigators, 113 associated professionals, 253 foreign professionals, and 19 student investigators, for a total of over a thousand directly involved investigators plus many thousands more scientists and students who will be studying and interpreting this mass data for years. I do not think you will find many of these scientists hostile to the manned space program.

Mr. President, there is one other group of scientists that I would like to mention and that is the scientists who worked and are still working on the mass of data from our six successful Apollo missions to the Moon. At the fourth annual Lunar Science Conference held in March of this year in Houston, the renowned geologist, Dr. Gerald J. Wassenburg, of the California Institute of Technology, presented a most unusual testimonial to NASA on behalf of the Apollo lunar science community. This testimonial was an open message of thanks and appreciation by the scientists to NASA for the almost unbelievable accomplishments of the Apollo program. Let me read just two sentences from this tribute:

As a result of the Apollo expeditions, there are now a set of lunar observatories and a harvest of instrumented data and lunar samples which are of incalculable value. The preliminary evaluation of these observations has already revolutionized our models of planetary character and our theories of solar system evolution.

Mr. President, I ask unanimous consent that this remarkable tribute to NASA by the scientists be printed in the RECORD at this point.

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

TRIBUTE TO NASA

On behalf of the scientific community, we wish to congratulate the National Aeronautics and Space Administration upon the completion of the Apollo flight program. The conception, design and implementation of lunar exploration represents an extraordinary human and technological achievement—the first exploration of another planet by man. To attain this goal it was necessary to achieve many successive levels of technological capability and to surpass formidable barriers. This was accomplished brilliantly by the dedicated engineers and astronauts of NASA in conjunction with skilled management. On this technical base a new branch of science has been built.

The scientific aspects of the Apollo program also have evolved by stages, and not without some awkward moments. There was little precedent for interweaving the development of technical capabilities and the planning and execution of complex scientific experiments in the unfamiliar lunar environment. To interface the difficult flight problems and the growing scientific objectives, the NASA utilized the external scientific community in conjunction with their own administrative and engineering structure. This provided healthy and critical evaluations in which both parties learned to appreciate the common problems. A vital scientific enterprise grew and completed a wide variety of unique experiments on behalf of a worldwide scientific community.

As a result of the Apollo expeditions, there now exist a set of lunar observatories and a harvest of instrumental data and lunar samples which are of incalculable value. The preliminary evaluation of these observations has already revolutionized our models of planetary character and our theories of solar system evolution. The scientific information which is now being developed and the potential for understanding which still remains in the Apollo collections will constitute an ongoing testimonial to the success of the Apollo missions.

Our participation in the Apollo program has offered to each of us great scientific opportunities. We feel privileged to have been a part of these historic endeavors.

Sincerely,

THE APOLLO LUNAR SCIENCE COMMUNITY,
Council for the Fourth Lunar Science Conference.

Mr. MOSS. Mr. President, in summary, let me say that there are literally thousands of scientists who enthusiastically support all phases of our space program and who are aware of the important role that man can play. And, as time goes on, I think that more and more, everyone, not just scientists, will come to agree with Skylab Program Director William C. Schneider who said, after the astronauts fixed the Skylab solar panel:

We went a long way today towards proving that space is a place where man is a useful animal to have around. Man, with the great computer he has between his ears, was able to figure a way to fix it.

THE SHUTTLE SQUEEZE

Opponents of the Shuttle argue that it would squeeze all other programs out of the NASA budget for years to come. It is indeed encouraging to see for the first time some of those who make this argument lend support to any NASA program.

But again, the facts bear little relation to this argument. The overall fiscal situation led the OMB to reduce the NASA budget this year by more than $400 million—and the biggest victim of that reduction was the Space Shuttle, cut $85 million and slipped 9 months. Many other programs were cut or delayed, and the bill before the Senate restores the most important of these.

It is simply wrong to argue that the Shuttle will squeeze other programs out of the NASA budget. The fact is that space sciences, space applications, and aeronautics currently enjoy their largest percentage of the NASA budget in the history of NASA. For example, those programs were allotted only 14 percent of the fiscal year 1964 budget; only 16 percent of the fiscal year 1970 NASA budget; they total 29 percent of the fiscal year 1974 authorization request, and if the NASA budget returns to the constant level approved by Congress last year, they will total 30 percent of the fiscal year 1978 budget. Thus, space sciences, applications, and aeronautics which are said to be squeezed from the NASA budget have doubled the share they had 5 or 10 years ago. By distinction, manned spaceflight programs, which took over half the NASA budget in 1964 and 1970, take only one-fifth in 1974 and less than one-tenth in 1978.

TOTAL PROGRAM COSTS

Mr. President, one of the more spurious arguments made against the Space Shuttle program is that the Shuttle is not going to cost just the $8 billion research, development, and production costs, but that it is going to be a $40 billion or $42 billion or $50 billion program. Thus, by adding the cost of payloads to the cost of the Shuttle, it is alleged that the Shuttle is just the tip of the iceberg.

Well, Mr. President, this is like saying that if I bought a truck for $8,000 this would be only a fraction of the cost of all of the cargo that I might carry in it over a period of 12 years. This might be true—in fact, I might haul a load of diamonds in it every day worth millions of dollars but I would not charge the cost of the cargo against the cost of buying and operating the truck.

I do not know what the United States may be spending on a total space program in the 1980's or 1990's. It may well be $40 billion or $50 billion or $60 billion, but this would be for the entire program and it would not seem to me to be unusually high. In the past 12 years, we have spent nearly $70 billion on our total space program, or an average of about $5.8 billion per year.

It is true that in the last several years this average has dropped to about $4.6 billion per year, but even that would add to $55 billion over a 12-year period and excludes the cost of commercial and foreign spacecraft the Shuttle would carry. It certainly does not seem unreasonable to me to assume that we will be spending this magnitude of money for our total program in the period starting 7 years from now. I believe it is likely to be more.

But the real point is that, for that kind of money, we will be accomplishing a lot more in space and we will be doing it for less money than if we continue to try to operate with the outmoded systems that we are now using.

So, Mr. President, let us be very sure what we are talking about here. In 1971 dollars, the Space Shuttle will cost about $8.1 billion to research, develop, and buy. Any additional figures you may hear are operational costs for a total space program—for NASA, for defense, for the Commerce, Interior, Agriculture Departments, for Comsat and other communications companies, and for other nations. And the costs will, in fact, be far cheaper with the Shuttle than without.

SHUTTLE AND MANNED SPACECRAFT

Mr. President, in the course of Shuttle debate, we have often heard somewhat amorphous reference to the parochial justification of keeping men in space, ap-

parently NASA's most glamorous activity. It is argued that the shuttle may not be so much an economical and versatile transportation system as it is an excuse to extend "NASA's manned spaceflight extravaganzas."

Let us step back and ask the right questions about the shuttle before we entertain these arguments.

NASA has a job to do in placing scientific and applications payloads into space. Now, what is the most effective and cheapest way to do these missions? The way we have done it up to now is to send them on their way as an all or nothing proposition. The payloads have been cast into space to either work right or, if they do not, to be written off.

This entails tremendous expense in the design and construction of payloads: to buy every ounce of reliability; to build in redundant backup systems; and to build whole duplicate spacecraft as backups in the event the first one fails.

With this situation, it is quite natural for future planning to ask how we might be relieved of these cost burdens, to ask whether a new transportation system could be devised that could repair, return, and refurbish satellites and, therefore, allow them to be built far more cheaply to begin with. This is exactly what the Space Shuttle will do with its large weight and volume capacity and flexibility to launch and retrieve unmanned payloads.

What is all this worth to us? A savings of billions in payload costs to perform the same missions through 1990. This figure is based on actual redesign studies of spacecraft for the Shuttle era. Far from being an excuse to send man into space instead of cheaper unmanned vehicles, the Space Shuttle will in fact make unmanned payloads far more cost-effective.

Let us keep in mind that a basic purpose of the Space Shuttle is to provide transportation for unmanned spacecraft and to make them pay even higher dividends than in the past. The fact that men will pilot the Shuttle is only an essential means to this end.

DOD AND THE SHUTTLE

The argument is frequently heard that the Department of Defense should pay some or all of the costs of the Shuttle. This argument, of course, has nothing to do with whether the Shuttle should be built, but is simply a quibble over what part of the Federal budget should support it. However, in the usual bootstrap fashion, having argued that funds should be placed in the defense budget rather than the NASA budget, the critics then argue that the funds would not survive in the DOD budget and thus somehow the Shuttle should not be built.

Here are the facts. NASA will pay for Shuttle research and development leading up to production. NASA and DOD will each then buy Shuttle vehicles from the production runs. Each agency will then, of course, pay for its own payloads and other users will pay for their payloads.

Mission model projections indicate that about one-third of the Shuttle flights will be Department of Defense flights. The other two-thirds will be NASA flights carrying either NASA payloads or payloads of commercial and foreign users. The National Aeronautics and Space Act of 1958 clearly places responsibility on NASA for development of space technology like the Shuttle. To place responsibility and funding for the Shuttle development in DOD would be a questionable management decision and a questionable budgetary decision. And if a program which was only one-third for national defense would survive in the defense budget which is laden with programs 100 percent for national defense, then serious questions should be raised about the priorities within the defense budget.

Those who suggest mixed NASA and DOD funding for the Shuttle have little understanding of the practical reasons for placing large-scale development within a single department. Programs funded and managed jointly by two or more agencies almost inevitably lead to waste and higher cost. This has proven true even within the Department of Defense, when two military agencies are involved, and it would almost certainly be true in a program as complex as the Shuttle if two separate agencies were in charge.

Perhaps those who urge joint funding and management are seeking to fulfill one or their prophesies: that the Shuttle will experience large overruns. NASA is the logical and proper agency to fund and manage development of the Space Shuttle.

GAO AND THE SHUTTLE

I know of no large Federal program which has been so thoroughly reviewed from both economic and technical standpoints so early in its history as has been the Space Shuttle. In fact, there have been so many reviews and so many reports that it must at times become confusing to decisionmakers simply trying to keep the various reports in perspective.

The Shuttle was proposed by the administration and overwhelmingly approved by the Congress only after a 1-year cost benefit study by the Mathematica Corp., based on data supplied by NASA and by detailed contracted studies by the Aerospace Corp., and the Lockheed Corp. The General Accounting Office has now devoted nearly a year of review to these economic aspects of Space Shuttle justifications prepared by the administration, and has issued two reports. GAO acknowledges that it is "plowing new ground" in these efforts, the first of their kind by GAO.

Last year, after review of the Mathematica report, the GAO stated that the Shuttle was "economically justified in terms of the 10-percent investment criteria."

The new GAO report focuses on a NASA fact sheet last revised on March 15, 1972, in which NASA attempted to summarize in nine pages the several thousands of pages of economic and technical studies of the Space Shuttle.

The important part of the GAO report is, of course, its recommendations. I will discuss these in a minute. The main conclusion of the report is that "GAO is not convinced that the choice of a launch system should be based principally on cost comparisons." In recognizing the importance of considerations other than cost, the GAO conclusion is in accord with the position the Committee on Aeronautical and Space Sciences has taken in recommending to the Senate continuation of the Space Shuttle program; that is, that the fundamental reason for developing the Space Shuttle is the routine access to space and other new capabilities the Shuttle will provide and that "the case for the Space Shuttle does not rest solely on the ability to postulate operational cost benefits in the period of 1980 to 1990"—Senate Report 93–179, May 30, 1973, page 27.

With respect to the question of costs, the GAO report states that—

> GAO is not certain that the Space Shuttle is economically justified . . . even though NASA's calculations show that it is.

The report identifies nine areas as examples of uncertainty of cost estimates with respect to which NASA was unable to remove GAO's "reservations" regarding cost savings. Clearly, no one can remove all uncertainty about estimates of cost projected 15 or 20 years into the future, and it is appropriate for GAO and the Committees of the Congress to retain a healthy skepticism about such estimates. Our review in the area of cost-and-benefit analysis shows that NASA's estimates, conservative to begin with, are holding up quite well under further study as design and development of the Shuttle proceed.

The GAO report also presents the preliminary results of the most recent NASA analysis. These evolving studies point to considerable increases in potential cost benefits for the Shuttle.

The GAO report expresses a general feeling of uncertainty as to the cost of future space payloads and points out that it is not known precisely what space missions are to be flown in the 1980's and 1990's. Obviously, one could never lay out and freeze a decade or two in advance all the scientific, military, applications and other missions that will turn out to be desired in the 1980's and 1990's. NASA has been proceeding through a detailed, continuing process of describing and analyzing alternate sets of space missions representing the kinds of programs which might be undertaken over the next 15 to 20 years. Those missions financed by Federal funds are subject to annual authorization and appropriation, and it is obvious that the administration would not propose and the Congress would not approve flight plans so far into the future.

The GAO recommendations for consideration by the Congress are:

> To enable the Congress to reach the most prudent decision on the funding of the Space Shuttle or the alternative expendables system, GAO recommends that the Congress consider the future space missions used in NASA's economic analysis of the Space Shuttle to determine whether these missions are a reasonable basis for space program planning at this time. In addition, GAO recommends that, as part of the NASA authorization and appropriation process, the Congress review the estimates for the Space Shuttle annually, giving due consideration to the appropriateness of the mission used in making those estimates.

If the Congress chooses to accept our recommendation that it review the proposed

space missions and if significant revisions are made, it may be appropriate to direct NASA to reestimate and expendable systems to see whether the relative merits of the alternatives might be significantly affected.

And that is all. GAO does not say "stop the Shuttle" or even "slow it down."

The Committee on Aeronautical and Space Sciences as part of its annual review of NASA programs, does consider Space Shuttle mission models as they evolve. The March 1973 revision of the 1971 NASA mission model appears on pages 81 through 140 of part 1 of the committee's hearings on S. 880. And the committee held a hearing on March 6 of this year specifically for the purpose of reviewing potential space activities in the mid-1980's. As pointed out in Senate Report 93–179, the committee intends to continue close review of all NASA programs including the Space Shuttle.

In summary, Mr. President, cost-benefit analyses continue to support the decision made last year to develop the Space Shuttle. The latest GAO report has not found any substantial reason for questioning the correctness of that decision. In my view, the fact that many months of detailed GAO study fail to find any real weakness in the NASA position is one of the strongest endorsements the Shuttle could have.

In conclusion, Mr. President, no single argument or combination of arguments presented by the opponents of the Shuttle gives any reason to believe that the decision made by the Congress last year to support the Shuttle was wrong. That decision was right.

Mr. President, I am prepared to yield back the remainder of the time for the proponents.

THE GAO REPORT

Mr. GOLDWATER. Mr. President, before yielding back my time I have certain comments to make concerning the GAO, which has initiated some very unusual practices in the last several years.

The report to Congress issued by the General Accounting Office entitled, "Analysis of Cost Estimates for the Space Shuttle and Two Alternate Programs," dated June 1, 1973, is a hodgepodge of indecision, innuendo, and irrelevancy.

On page 13 of the report, there is a section entitled: "Issue 1—Are five orbiters enough?" In general, this section of the report challenges NASA's estimate that five orbiters will be sufficient to support 581 shuttle flights over a 12-year period. But the challenge is unsupported by any GAO estimates. In fact, the GAO admits it has no good basis for comparison, and is unable to come up with firm conclusions."

The following is a quote from this section of the report that appears on page 14:

. . . Since the Space Shuttle will be a new development, no good basis for comparison exists. Three indicators we considered which admittedly are not closely comparable to the Shuttle are the experiences of the X–15 test vehicle and the F–111 aircraft and insurance rates of commercial airlines. These would indicate that Shuttle losses might be expected to be as shown below:

Commercial airlines—1 to 2 vehicles.

X–15 test vehicle—1 to 2 vehicles.

F–111 (based on the first 40,000 flying hours, about the same amount of flying hours as would be required for 581 Shuttle flights)—about 12 vehicles.

Although we do not accept any of these as being comparable enough to draw firm conclusions, we believe they suggest that NASA may be optimistic in its estimate and that it is conceivable that the NASA estimate does not adequately provide for cost that ultimately may be required for acquisition of the orbiters. . . .

The GAO insinuates that NASA will lose one or two Shuttles. It does this by citing experience of commercial airlines and the X–15 test vehicle. Yet to protect itself the GAO states that, and I quote:

We do not accept any of these as being comparable enough to draw firm conclusions . . .

On page 15 of the report the GAO takes up the question of dropped tank costs. Here is a partial quote:

If, as has happened for other major U.S. systems, the tank design changes, and if NASA's planned cost reduction techniques are not as successful as planned, experienced cost-weight relationships indicate that costs could be as much as 100 percent more than NASA's estimate. . . . .

I submit there are two very big "ifs" in this conclusion, if in fact, it can be called a "conclusion." Moreover, GAO gives no substantiating figures as to why the cost could be as large as a 100 percent more than NASA's estimate.

In fact, this section is so iffy and hedged in counter-statements, as to be largely useless.

And, finally, on page 35 we find the following paragraph:

. . . As we have indicated in chapter 2, we believe NASA has been optimistic about the Space Shuttle estimates and that it did not refine the expendable estimates to the same degree that it did the Shuttle estimates. Although NASA believes its estimates are conservative, our experience with estimates for large systems involving significant uncertainties has taught us to view such estimates with a healthy skepticism. If the Shuttle is fully approved and NASA is able to keep it within the current cost estimates, we will be among the first to applaud its achievement.

The last sentence of this paragraph deserves some examination. It states, and I quote:

If the Shuttle is fully approved and NASA is able to keep it within the current cost estimates, we will be among the first to applaud its achievement.

From the construction of this sentence, it is difficult to determine what exactly the GAO intends to applaud. Is it the full approval of the Shuttle? Or is it that happy state of affairs where NASA keeps within its current cost estimates?

And it may come as a surprise to some of the Senators that GAO, which used to be concerned with accounting has now somehow or other gotten into the applause business.

Now, here is the GAO trying to pass on the results of a high technology program—a program that will not be operational until the 1980's. I submit the GAO does not have the capability to make that kind of a judgment.

How many rockets has the GAO built?

How many air-frame engineers does the GAO have?

How many satellites has the GAO built?

How many boosters has the GAO launched?

To ask the GAO to pass on the space shuttle is a little bit like asking a nurse's aide to perform open-heart surgery.

When the accountancy profession and the engineering profession have had a chance to study the GAO report, I believe there will be one thing lacking, and that is applause.

Finally, the GAO on page 40 makes its conclusions and recommendations. Five issues of a general nature are raised by the GAO. These do not concern accountancy or economic problems, but such things as how the space program stands in relation to other national needs and whether or not the value of new technology might justify the space shuttle program.

And, on page 43, the GAO condescendingly advised the Congress of the following:

We recommend that, as a part of the NASA authorization and appropriation process, the Congress review the estimates for the Space Shuttle annually, giving due consideration to the appropriateness of the missions used in making those estimates. . . .

It may come as something of a surprise to the GAO that the Aeronautical and Space Sciences Committee of the Senate and the Science and Astronautics Committee of the House have been doing that for the past few years. In fact, it is part of the responsibility of these committees to make just this kind of review.

While I have doubts that the Members of Congress who sit on these two committees will appreciate being reminded of their duties by the GAO, I have no doubt that both of these committees have given the shuttle careful and thorough scrutiny.

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

The PRESIDING OFFICER (Mr. CLARK). All remaining time having been yielded back, the question is, Shall the bill pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from North Carolina (Mr. ERVIN), the Senator from Minnesota (Mr. MONDALE), the Senator from Illinois (Mr. STEVENSON), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

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

The result was announced—yeas 90, nays 5, as follows:

[No. 203 Leg.]

YEAS—90

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

NAYS—5

Fulbright	Nelson	Proxmire
Mansfield	Pell	

NOT VOTING—5

Ervin	Stennis	Symington
Mondale	Stevenson	

So the bill (H.R. 7528) was passed.

Mr. MOSS. Mr. President, I move that the vote by which the bill was passed be reconsidered

Mr. INOUYE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LAND USE POLICY AND PLANNING ASSISTANCE ACT

The PRESIDING OFFICER. The Senate will now resume consideration of the unfinished business, which the clerk will state.

The second assistant legislative clerk read as follows:

S. 268, to establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands, and to establish an Office of Land Use Policy Administration in the Department of the Interior, and for other purposes.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, by authorization of the distinguished majority leader and having cleared the request with the distinguished minority leader, as well as with Senators HANSEN, FANNIN, JOHNSTON, and JACKSON, that time on the amendment to be proposed by the Senator from Washington (Mr. JACKSON) to the land use policy bill (S. 268) be limited to 2 hours to be equally divided between and controlled by the Senator from Washington (Mr. JACKSON) and the Senator from Wyoming (Mr. HANSEN); that time on the amendment by the Senator from Louisiana (Mr. JOHNSTON) be limited to 30 minutes, to be equally divided between and controlled by the Senator from Louisiana (Mr. JOHNSTON) and the Senator from Washington (Mr. JACKSON).

Mr. MUSKIE. Mr. President, I ask the Senator from West Virginia, there is provision there for other amendments?

Mr. ROBERT C. BYRD. Yes.

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

ORDER FOR RECESS TO 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until 10 a.m. tomorrow.

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

ORDER FOR CONSIDERATION OF UNFINISHED BUSINESS TOMORROW AND UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, after the two leaders or their designees have been recognized under the standing order, the Senate resume the consideration of the unfinished business, S. 268.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate resumes the consideration of the unfinished business, S. 268, tomorrow, the amendment by the Senator from Washington (Mr. JACKSON) become the pending amendment and that consideration of the amendment by the Senator from Louisiana (Mr. JOHNSTON), which is presently pending, immediately follow the disposition of the amendment to be proposed by the Senator from Washington (Mr. JACKSON).

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

Mr. ROBERT C. BYRD. Mr. President I ask unanimous consent that it be in order to order the yeas and nays on both the Jackson and the Johnston amendments at this time, with one show of seconds.

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

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on both amendments.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on any amendments to either of the two amendments be limited to 30 minutes, to be equally divided in accordance with the usual form.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and 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 second assistant legislative clerk proceeded to call the roll.

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

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at 10 o'clock tomorrow morning, following a recess.

After the two leaders or their designees have been recognized under the standing order, the Senate will resume the consideration of the unfinished business, the land use policy bill, S. 268.

The question at that time will be on the adoption of the amendment by Mr. JACKSON, having to do with sanctions. On that amendment there is a time limitation of 2 hours. The yeas and nays already have been ordered thereon. Hence, there will be a rollcall vote on the Jackson amendment at no later than about 12:15 p.m. tomorrow, if all the time is taken thereon. The yea-and-nay vote could come earlier, of course, if time is yielded back.

Following the disposition of the Jackson amendment, the Senate will resume consideration of amendment No. 231, by Mr. JOHNSTON, on which there is a time limitation of 30 minutes and on which the yeas and nays have already been ordered.

Further action on amendments to the land use policy bill undoubtedly will occur tomorrow. So all Senators are alerted to the fact that there will be at least two yea-and-nay votes tomorrow, presumably more.

Whether or not the Senate will complete action on the land use policy bill tomorrow cannot be foreseen as of now. It may very well be that during the afternoon, if it becomes clear that final action cannot be achieved on the land use policy bill tomorrow, the leadership would want to resort to a second track. On the calendar are various measures which could be called up in the event the second track is resorted to on tomorrow.

I might mention one in particular as being S. 1112, a bill to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act. Although I mention that bill, there are others which could be called up. As the distinguished majority leader has stated, it is planned to move to the multiple track system whenever such appears to be advisable.

Perhaps I should also mention the fact that, as all Senators are aware, conference reports can be called up at any time, and yea-and-nay votes can occur thereon.

The Senate has a heavy calendar on which to complete action before the holiday recess. For example, the continuing resolution must be adopted, and the debt extension bill must be acted upon.

Senators should keep in mind that following the July 4 holiday recess, there will be only 4 weeks in which to transact legislative business prior to the August recess. Senators should be prepared, I think, for possible Saturday session.

The following calendar measures will

be called up as the situation permits, but not necessarily in the order listed:

S. 1443, to authorize the furnishing of defense articles and services to foreign countries and international organizations;

S. 440, the war powers bill;

S. 1435, the District of Columbia home rule bill;

S. 1081, to authorize the Secretary of the Interior to grant rights-of-way across Federal lands;

S. 343, to designate the Treasury after the first Monday in October as the day for Federal elections.

Other measures, as they become cleared on the calendar, may be called up at any time.

RECESS UNTIL 10 A.M. TOMORROW

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 recess until 10 o'clock tomorrow morning.

The motion was agreed to; and at 6:17 p.m., the Senate recessed, in accordance with the previous order, until tomorrow, June 20, 1973, at 10 a.m.

NOMINATION

Executive nomination received by the Senate June 19 (legislative day of June 18), 1973:

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be general

Lt. Gen. Richard Giles Stilwell, [redacted] Army of the United States (major general, U.S. Army).

EXTENSIONS OF REMARKS

LAWLESSNESS—A THREAT TO OUR WAY OF LIFE

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 19, 1973

Mr. SCOTT of Virginia. Mr. President, certainly, all Members of this body would agree that reducing the Nation's crime rate is one of the most pressing problems facing all levels of government. Lawlessness is a threat to our very way of life. It threatens the ideals upon which a free and democratic society functions.

As the ranking Republican member of the Senate Judiciary Committee, our friend and colleague, ROMAN L. HRUSKA, has long been a leader in the fight against crime. His untiring service in committee and on the floor of the Senate has resulted in the passage of a vast number of major pieces of legislation to combat the forces of crime.

Recently, my State was honored to have the annual meeting of the National Sheriff's Association in Richmond and to have Senator HRUSKA to speak before the association.

I believe Senator HRUSKA's speech is valuable reading for all of us. I, therefore, request unanimous consent that the text of his speech be printed in the RECORD.

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

ADDRESS BY THE HONORABLE ROMAN L. HRUSKA, U.S. SENATOR, BEFORE THE NATIONAL SHERIFFS' ASSOCIATION, RICHMOND, VA., JUNE 18, 1973

My first statement this morning is a hearty greeting with congratulations and commendations to you—the National Sheriffs' Association—as you gentlemen met for your 33rd annual convention here in Richmond.

It is the sheriff of every county courthouse in America who forges a vital link in the chain of law enforcement which protects the people of our nation.

It is you at the local level, closest to both the fears and the aspirations of the citizens, who can best insure safety and security to the individual American.

Your labors and concerns are noted. There is appreciation for them. And as time goes on, both the notation and appreciation will rightly broaden and intensify.

I would like to take this oportunity to discuss with you rather briefly two items of legislation which are currently pending in the Congress and which should be of great import to those of you on the cutting edge of law enforcement.

PROPOSED NEW FEDERAL CRIMINAL CODE

The first item which I would draw to your attention is the proposed new Federal Criminal Code.

In 1966 Congress created the National Commission on Reform of Federal Criminal Laws for the purpose of recodifying our current federal criminal laws.

The product of nearly three years of deliberation by the commission was submitted to the Congress and the President two years ago.

In 1971 and 1972, the Senate Subcommittee on Criminal Laws and Procedures conducted an ambitious program of hearings on the Final Report of the Commission, and in January of this year Senator McClellan, Senator Ervin and I introduced a bill—S. 1—the massive Criminal Justice Codification, Revision and Reform Act of 1973, which represents one alternative in search of a rationalized penal code on the federal level.

During this same period of time, the Department of Justice labored diligently in a related effort which culminated in S. 1400, the Criminal Code Reform Act of 1973, which I introduced on March 27th. These two bills—S. 1 and S. 1400—now provide the Congress with two major legislative items upon which to build a new Federal Criminal Code.

To be sure, there are a number of differences between S. 1 and S. 1400—some minor, others more substantial—but even a cursory comparison demonstrates their essential similarity of conception and execution.

Regardless of differences, it must be emphasized that neither bill is partisan in nature.

The reform, revision, and codification of the federal criminal law is universally conceded to be mandatory.

For far too long, our efforts to protect life, property, human rights, and domestic tranquility have been crippled by the most basic element of the criminal justice system—the law itself.

We need a rational, integrated code that is at the same time workable and responsive to the demands of a complex contemporary society.

There are those who say that this legislation drastically encroaches on areas of state sovereignty. But I submit to you that, although the bill does reflect a modest extension of federal jurisdiction in certain instances, extreme caution has been taken to limit expansion to areas of compelling federal interest not adequately dealt with now.

Moreover, as they have in the past, federal prosecutors, under guidelines issued by the Justice Department, can be expected to continue to exercise discretion by deferring to local authorities in cases of primarily state concern.

It is my hope that by the end of 1974 the Congress and the President will have approved a bill which will modernize and standardize all aspects of federal criminal law.

This is an essential effort addressing all of the tough questions that confront criminal law today—capital punishment, gun control, narcotics abuse, obscenity—and beyond these controversial items, such major improvements as the standardized grading of offenses, systematized approaches to jurisdictional questions, and appellate review.

I would hope that you will recognize this effort for what it is—not a federal grab for more authority in the area of law enforcement, but a reaffirmation of one of the fundamental precepts of a federal system.

Crime control is now, and must continue to be, primarily the function of state, county and local governments.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

The second legislative item to which I would address your attention is the matter of the authorizing legislation for the Law Enforcement Assistance Administration and the prospects for law enforcement special revenue sharing.

Having recognized the primary responsibility of you and your state and municipal associates in the effort to maintain order and justice in America, the federal government must at the same time recognize the fiscal crunch which the several states are experiencing in attempting to meet their responsibilities.

Crime control dollars are now being made available to state and local groups by the Law Enforcement Assistance Administration through a bloc grant program.

The value of this program to date must be recognized—but at the same time we must not fear to develop the program further—to increase your resources and options and thereby allow *you* to develop your efficiency even beyond current bounds.

This past year was a rewarding one for law enforcement personnel. For the first time in decades, the country experienced a net reduction in crime.

Now this was not the triumph of those of us who serve on the banks of the Potomac. It was yours and I congratulate you.

The federal government plays only a supportive role in our various criminal justice systems—you—ladies and gentlemen—are the troops.

Although this tremendous progress has been made however, there is still no greater need in America today than that of safe streets.

If we cannot feel secure in our own homes, then all other pleasures are lessened and government has failed in a basic obligation to the electorate.

In 1968, Congress enacted the Omnibus